Technical Appendix

Drugs, Crime, and the Justice System
Drugs & Crime Data

Do you know . . .

• what percentage of persons arrested for felony drug offenses are released on bail?
• what proportion of felons convicted in State courts were convicted of drug offenses?
• what proportion of felony drug trafficking convictions result from a guilty plea?

The Drugs & Crime Data Center & Clearinghouse has the answers to these questions and many more.

The Data Center & Clearinghouse—
• operates a toll-free 800 number staffed by drugs and crime information specialists
• answers requests for specific drug-related data
• maintains a data base of more than 2,000 drugs and crime citations
• performs bibliographic searches on specific topics
• disseminates Bureau of Justice Statistics and other Department of Justice publications relating to drugs and crime
• maintains a library and reading room
• publishes reports on current topics of interest.

Do you ever . . .

• need statistics on drug defendants and their sentences?
• seek information on innovative methods to expedite drug cases through the court process?
• have any questions about drug testing programs?

Are you . . .

• ever at a loss for a statistic?
• pressed for time?
• in a rush for information?

Call today . . .

Drugs & Crime Data Center & Clearinghouse
1–800–666–3332

The resource for drugs-and-crime data.

The Drugs & Crime Data Center & Clearinghouse is a free service managed by the Bureau of Justice Statistics (BJS) and partially funded by the Bureau of Justice Assistance (BJA).
Technical Appendix

Drugs, Crime, and the Justice System

June 1993, NCJ-139578
The Bureau of Justice Statistics, an agency of the U.S. Department of Justice, is located within the Office of Justice Programs, which also includes the Bureau of Justice Assistance, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, and the Office for Victims of Crime.
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Using this Technical Appendix

**Finding Information in this appendix**

This technical appendix contains the detailed references, supporting data, and methodology used in the BJS report, *Drugs, Crime, and the Justice System*. Most of the sources listed here are also listed in the Basic Source listings at the end of each chapter or section.

The sources of the information in the report are presented here under the bold headlines contained in the report. Where more than one source is listed, they are either identifiable from information in the report, in order of the paragraphs under the headline, or preceded by underlined text from the report to reflect exactly what section is being referred to.

**Interpreting agency abbreviations**

Many of the sources cited in this technical appendix are products of Federal agencies. To keep the size of this technical appendix to a minimum, the following agency names have been abbreviated:

- **ADAMHA** Alcohol, Drug Abuse, and Mental Health Administration
- **BJA** Bureau of Justice Assistance
- **BJS** Bureau of Justice Statistics
- **BLS** Bureau of Labor Statistics
- **BOP** Bureau of Prisons
- **DEA** Drug Enforcement Administration
- **DOJ** Department of Justice
- **FBI** Federal Bureau of Investigation
- **GAO** General Accounting Office
- **HHS** Department of Health and Human Services
- **HUD** Department of Housing and Urban Development
- **NCHS** National Center for Health Statistics
- **NIDA** National Institute on Drug Abuse
- **NIJ** National Institute of Justice
- **OJJDP** Office of Juvenile Justice and Delinquency Prevention
- **OJP** Office of Justice Programs
- **ONDCP** Office of National Drug Control Policy
- **OSAP** Office for Substance Abuse Prevention

If you are interested in contacting these agencies about the publications listed here, please note that several of the agencies listed above have the following new names:

- **ADAMHA** Substance Abuse and Mental Health Services Administration (SAMHSA)
- **OSAP** Center for Substance Abuse Prevention (CSAP)

**Getting more information**

Many of the sources cited here as well as more information on the subjects covered in this report are available from several Federally sponsored clearinghouses.

Drugs and crime data are available through:

**Drugs & Crime Data Center & Clearinghouse (DCDCC)**

1600 Research Boulevard
Rockville, MD 20850
800/666-3332

Drug-related information from other clearinghouses is available through:

**Federal Drug, Alcohol, and Crime Network**

800/788-2800

Crime and justice data and copies of *Drugs, Crime, and the Justice System* are available through:

**Bureau of Justice Statistics Clearinghouse**

Box 6000
Rockville, MD 20850
800/732-3277
Chapter 1

Section 1. Consequences of illegal drug use

What relationships exist between drug use and crime?

The link between drug use and crime is complex


There is extensive evidence of the strong relationship between drug use and crime


How strong is the drug use and crime relationship?

What proportion of arrestees recently used drugs?


Inmates report very high rates of drug use

More than 3 out of 4 jail inmates...

The 1989 survey of convicted jail inmates —

About 2 out of 3 State prison inmates...
BJS, Drug use and crime, Special report, NCJ-111940, July 1988 and

In 1987, more than 60% of juveniles and young adults...

Most people in drug treatment report involvement in serious crimes

The Drug Abuse Reporting Program (DARP) —

The Treatment Outcome Prospective Study (TOPS) —

Crime commission rates for individuals rise and fall with involvement in drug use

A 1986 National Research Council panel report —

A study of a national sample of youth —

Studies of the number of crimes committed by heroin addicts during periods of addiction and nonaddiction in Baltimore —
John C. Ball, John W. Shaffer, and David N. Nurco, "The day to day criminality of heroin addicts in Baltimore — A study in the continuity of offense rates," Drug and Alcohol Dependence (1983), 12:119-142.

...and in Southern California —

People in drug treatment report frequent commission of crime when they are using drugs

DARP —

TOPS —
Interviews with 279 male heroin addicts admitted to methadone treatment in Southern California...


The chronology of initial drug use and other criminal behavior varies

Several studies...

One recent study of drug use —

A review of the research on the drug-crime relationship —

How are drug use and the illegal drug business linked to violent crime?

page 5

Drugs and violence are linked in multiple ways


The pharmacological effects of some drugs may lead to violence

Many studies have found a link between alcohol use and violence —
and
and
and

Many experts conclude...

In 1990, victims perceived that the offender was under the influence of drugs in more than 39,000 crimes of violence


At the time of the offense most imprisoned violent offenders were drinking or using drugs


Whether drug use is a direct factor in family violence is unclear

Alcohol use...

A study of 1,243 female subjects from a prenatal clinic in Boston —

Another study in Marion County Indiana —

Violence in illegal drug networks is often called systemic

Systemic violence —

Some observers...

Technical Appendix 3
Violence is common in illegal drug distribution


Many homicides are related to drug trafficking

A study of 414 homicides in New York City in 1988 —

24% of New York City homicides —
NIJ, Paul J. Goldstein and Henry H. Brownstein, Drug related crime analysis — Homicide, A report to the NIJ Drugs, Alcohol, and Crime Program, July 1987, 45.

In Washington, D.C. from 1987 to 1991...

A study of homicide in Miami —

347 drug-related homicides reported in New York City in 1984...

Similarly, in the District of Columbia...

One analysis suggests...

A study in Philadelphia —

Victims and assailants
In drug-related homicides are often Hispanic or black males in their 20s or 30s


In drug-related homicides, assailants are likely to know their victims and to use a handgun

Assailants in drug-related homicides in New York City in 1984...

An analysis of homicides in Dade County (Miami) —

A Fulton County, Georgia, study —

A 15-year followup of 78 New York heroin addicts —
How is drug use linked to income-generating crime?

Is drug use prevalent among arrestees charged with drug sales or possession, burglary, robbery, and theft?

NIJ, 1990 Drug use forecasting program, unpublished data.

Jail Inmates convicted of property offenses were often influenced by drugs

BJS, Profile of jail inmates, 1989, Special report, NCJ-129097, April 1991, table 14, 8

and


Property offenders are more likely than violent offenders to be drug users

BJS, Profile of State prison inmates, 1996, Special report, NCJ-109926, January 1998, tables 11 and 12, 6

and

BJS, Drug use and crime, Special report, NCJ-111940, July 1988, table 1, 2; table 3, 3.

Prostitution is sometimes used to support drug use

One study of the relationship between drug use and prostitution —

A study of two samples of women in drug abuse treatment —

1990 DUF data —
NIJ, 1990 Drug use forecasting program, unpublished data.

A review of the drug-consensual crime relationship —

Drug users sometimes barter sex for drugs...

Sex for crack exchanges...

Daily use of heroin or cocaine is highly associated with income-generating crimes

TOPS —

A study in New York City's Harlem —

Drug users support themselves and their drug use in various ways

A study in Florida —

A RAND study in Washington, D.C. —

Many frequent drug users...

How do drug using and drug selling generate crime?

Drug use can attract other serious crime to a neighborhood

Drug users nodding in doorways...

and


and

Richard P. Taub, D. Garth Taylor, and Jan D. Dunham, Paths of neighborhood change: Race and crime in urban America (Chicago: The University of Chicago Press, 1984), 1-17

and


Technical Appendix 5

Researchers summarizing results of their and others’ work describe...

Participants in the drug market are often attacked or robbed

Drug users are often victimized


Open drug marketing can devastate neighborhood life
Around the country deaths and injuries of innocent bystanders...
and

Resident of a Washington, D.C., apartment complex...

Other parents described...

People whose homes are not in the immediate vicinity...

How does drug use harm families and schools?

Drug use adversely affects family relationships and finances

Drug use is associated with difficulty in forming families
Studies over the past 20 years —
and

Drug use has negative effects on families in all racial and ethnic groups...
Elijah Anderson, Streetwise: Race, class, and change in an urban community (Chicago: The University of Chicago Press, 1990), 134-137.

Drug-using students disrupt school discipline and interfere with other students’ learning

Gallup polls —

In some schools...

Such fear is associated with difficulty in learning...

Students report that some drugs are easy to get at school

Availability of drugs in school is linked with victimization and fear

How do illegal drugs threaten the health of users?

Illegal drugs can harm the health of users
NIDA, Drug abuse and drug abuse research: The third triennial report to Congress from the Secretary, Department of Health and Human Services, DHHS Publication No. (ADM)91-1704, 1991, 5-6, 14-17, 20-22, 24-25, 33, 93-102
and

The effects of some drugs are toxic and life threatening


Deaths directly attributable to drug use increased 58% between 1980 and 1989

<table>
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<td>1988</td>
<td>10,917</td>
</tr>
<tr>
<td>1989</td>
<td>10,710</td>
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Long-term drug use can lead to illness or debilitation


NIDA, Drug Abuse and Drug Abuse Research: The third triennial report to Congress from the Secretary, Department of Health and Human Services, DHHS Publication No. (ADM)91-1704, 1991, 5-6, 93-102.

Drug use causes many deaths

NIDA, Annual medical examiner data, 1990, Data from the Drug Abuse Warning Network, series I, number 10-B, 1991, table 2.01, 11, table 2.03, 13, and table 2.06a, 16.

Adolescents who use drugs regularly tend to have a variety of problems


NIDA, Drug abuse and drug abuse research: The third triennial report to Congress from the Secretary, Department of Health and Human Services, DHHS Publication No. (ADM)91-1704, 1991, 131-144.

Intravenous drug use spreads AIDS among drug users and their sex partners

Needle-sharing is the most rapidly growing means of transmission...

HHS, Centers for Disease Control, Center for Infectious Diseases, Division of HIV/AIDS, HIV/AIDS surveillance report, November 1990, table 10, 15.

Cocaine has become the drug most frequently involved in emergency room mentions

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<th>Year</th>
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<th>Cocaine</th>
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<td>85,159</td>
<td>34,089</td>
<td>19,539</td>
<td>13,328</td>
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<tr>
<td>1988</td>
<td>8,642</td>
<td>137,663</td>
<td>42,685</td>
<td>24,229</td>
<td>13,455</td>
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<tr>
<td>1989</td>
<td>9,829</td>
<td>167,904</td>
<td>46,816</td>
<td>25,437</td>
<td>9,285</td>
</tr>
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<td>1990</td>
<td>10,046</td>
<td>121,881</td>
<td>46,019</td>
<td>15,003</td>
<td>4,921</td>
</tr>
</tbody>
</table>

In New York City between June 1988 and April 1989...

Crack users often develop mouth and lip lesions...

Sexual activity in crackhouses ...
Peter Kerr, "Syphilis surge with crack use raises fears on spread of HIV/AIDS surveillanoe..." Times, June 1, 1989, 8.

What are the health consequences of drug use for nonusers?

page 12

Intravenous drug users can expose others to AIDS

Many heterosexual and pediatric AIDS cases...
HHS, Centers for Disease Control, Center for Infectious Diseases, Division of HIV/AIDS, HIV/AIDS surveillance report, November 1990, table 4, 9; and table 10, 15.

The rise in popularity of heroin...

About 12,000 of the 43,000 persons...

The infants of drug-using women may have serious health problems

Drug use can affect development...

and


and


and


and


and


and


and


and


The General Accounting Office (GAO) reported —


A later study of cocaine-exposed infants at an inner-city hospital in New York City —

Some drug-exposed children will suffer long-term effects


and


and


How many drug-exposed infants are there?


Higher estimates —

Drugs are directly and indirectly implicated in many accidental deaths each year.

Andrew Skolnick, "Illicit drugs take still another toll: Death or injury from vehicle-associated trauma," *Journal of the American Medical Association* (June 1990), 263(23):3122, 3125.


How is the Nation's productivity affected by drug use?

Drug use harms business, industry, and workplaces

Drugs and alcohol are often used... Markku Linnola, "Psychomotor effects of drugs and alcohol on healthy volunteers and psychiatric patients," in *Advances in pharmacology and therapeutics*, vol. 8. Drug action modification — comparative pharmacology, G. Olive, ed. (New York: Pergamon Press, 1979), 235-249.

However, the effects of either illegal drugs or alcohol...


Workplace-related drug use raises concerns about safety, productivity, and health

## Why do people use illicit drugs?

**page 20**

### What are some of the effects of illegal drugs?

<table>
<thead>
<tr>
<th>Drug type</th>
<th>Desired</th>
<th>Other</th>
<th>Duration of acute effects</th>
<th>DEA view of risk of dependence</th>
</tr>
</thead>
<tbody>
<tr>
<td>Heroin</td>
<td>• euphoria</td>
<td>• respiratory depression</td>
<td>• physical - high</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• pain reduction</td>
<td>• nausea</td>
<td>• psychological - high</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• drowsiness</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cocaine</td>
<td>• excitement</td>
<td>• increased blood pressure</td>
<td>• physical - high</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• euphoria</td>
<td>• increased respiratory rate</td>
<td>• psychological - high</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• increased alertness,</td>
<td>• nausea</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>wakefulness</td>
<td>• cold sweats</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>• twitching</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>• headache</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Crack cocaine</td>
<td>same as cocaine</td>
<td>same as cocaine</td>
<td>about 5 minutes</td>
<td>same as cocaine</td>
</tr>
<tr>
<td>Marijuana</td>
<td>• euphoria</td>
<td>• accelerated heartbeat</td>
<td>• physical - unknown</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• relaxation</td>
<td>• impairment of perception,</td>
<td>• psychological - moderate</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>judgement, fine motor skills,</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>and memory</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Amphetamines</td>
<td>• euphoria</td>
<td>• increased blood pressure</td>
<td>• physical - high</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• excitement</td>
<td>• increased pulse rate</td>
<td>• psychological - high</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• increased alertness,</td>
<td>• insomnia</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>wakefulness</td>
<td>• loss of appetite</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>LSD</td>
<td>• illusions and hallucinations</td>
<td>• poor perception of time and</td>
<td>• physical - none</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• excitement</td>
<td>distance</td>
<td>• psychological - unknown</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• euphoria</td>
<td>• acute anxiety, restlessness,</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>sleeplessness</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>• sometimes depression</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

2. DEA, *Drugs of abuse: 1989*.
The pharmacologic mechanisms through which various drugs exert their effects are only partially understood.


and "Heroin," NIDA capsules, August 1986

and DEA, Drugs of abuse: 1989, 12, 30-31, 37, 40, 45, 49-50


and James A. Inciardi, "Crack-Cocaine in Miami," in The epidemiology of cocaine use and abuse, Susan Schober and Charles Schade, eds., NIDA research monograph 110, 1991, 268

and "Marijuana," NIDA capsules, August 1986


Persons with psychiatric disorders may use drugs to self-medicate


and


and


Drugs often have undesired and unintended side-effects

For example, cocaine is a stimulant that usually elevates mood but...


and

DEA, Drugs of abuse: 1989, 30-31, 45, 49-50

and


Users often look to drugs, especially stimulants such as cocaine and amphetamines...


Drugs vary in the extent to which they result in physical and psychological dependence

Physical dependence —


Heroin has an extremely high potential...


Inhalants may also...


Is cocaine additive?


What prompts people to use illicit drugs?

The onset and continuing use of illicit drugs depend on many factors


What factors influence drug use?

Peers —


Family —

Many begin to use drugs during early adolescence, but 18-year-olds have the highest risk of beginning to use most drugs

<table>
<thead>
<tr>
<th>Age</th>
<th>Cigarettes</th>
<th>Alcohol</th>
<th>Marijuana</th>
<th>Psychedelics</th>
<th>Cocaine</th>
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<td>0</td>
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<tr>
<td>8</td>
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<td>0.0314</td>
<td>0</td>
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<td>9</td>
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<tr>
<td>17</td>
<td>0.1805</td>
<td>0.5786</td>
<td>0.1470</td>
<td>0.0650</td>
<td>0.0141</td>
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<tr>
<td>18</td>
<td>0.1843</td>
<td>0.8731</td>
<td>0.2049</td>
<td>0.0409</td>
<td>0.0405</td>
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<td>19</td>
<td>0.1312</td>
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<td>0.0243</td>
<td>0.0195</td>
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<tr>
<td>20</td>
<td>0.0811</td>
<td>0.3219</td>
<td>0.1071</td>
<td>0.0203</td>
<td>0.0355</td>
</tr>
<tr>
<td>21</td>
<td>0.0663</td>
<td>0.1794</td>
<td>0.0821</td>
<td>0.0144</td>
<td>0.0529</td>
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<tr>
<td>22</td>
<td>0.0291</td>
<td>0.1757</td>
<td>0.0818</td>
<td>0.0131</td>
<td>0.0541</td>
</tr>
<tr>
<td>23</td>
<td>0.0363</td>
<td>0.0291</td>
<td>0.0458</td>
<td>0.0082</td>
<td>0.0282</td>
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<tr>
<td>24</td>
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<td>0.0901</td>
<td>0.0488</td>
<td>0.0075</td>
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<tr>
<td>25</td>
<td>0.0426</td>
<td>0.1665</td>
<td>0.0318</td>
<td>0.0077</td>
<td>0.0380</td>
</tr>
</tbody>
</table>

*The hazard rate is the proportion of nonusers at the beginning of each age who become users during that year. Source: Denise B. Kandel and John A. Logan, "Patterns of drug use from adolescence to young adulthood: Periods of risk for initiation, stabilization and decline in use," American Journal of Public Health (1984), 74(7):682.

Most people use alcohol, tobacco, and other legal drugs before they start to use illegal drugs


Problems with drug use occur in the late teens and early 20s, while problems with alcohol use appear later

Kimberly Christie Burke, Jack D. Burke, Darrell A. Regier, and Donald S. Rae, "Age at onset of selected mental disorders in five community populations," Archives of General Psychiatry (June 1990), 47:511-518.
The average age at first use for State prison inmates was earlier than for the household population


How are illegal drugs taken?
page 24

Drugs can be swallowed, sniffed, smoked, or injected


In 1991, almost 2% of the household population —

The onset, magnitude, and duration of drug effects differ by method of use


The method of administering some drugs may change


The easy availability of crack...
NIDA, "Cocaine and other stimulants," in Drug abuse and drug abuse research, Third triennial report to Congress from the Secretary, Department of Health and Human Services, 1991, 111-113.

page 25

Many people use additional drugs to counteract or heighten the effects of a particular drug

"Speedballing" —

For example, the effects of alcohol and marijuana on impairing performance are additive...

...and the combination of cocaine, heroin, and alcohol substantially increases the risk of medical emergencies. —

Many drug users have used more than one drug
Among members of the household population in 1990 —

About 54% of the household population...

Treatment Outcome Prospective Study (TOPS) —

A Research Triangle Institute study —

Drug Use Forecasting Program (DUF) —

How many people use illicit drugs?
page 26

More than 75 million persons in the U.S. household population have used illicit drugs


Little is known about the prevalence of drug use in some populations

For example, drug use is thought to be prevalent among the homeless...

Technical Appendix 13
... and among school truants...

The proportion of drug users varies across different populations
National Household Survey on Drug Abuse —

High School Senior Survey —
University of Michigan News and Information Services, Press release of the results of the Monitoring the Future project, Ann Arbor, January 27, 1992, tables 1 and 3, 9.

Worldwide Survey of Substance Abuse and Health Behaviors Among Military Personnel —

Survey of Jail Inmates —
BJS, Profile of jail inmates, 1989, Special report, NCJ-129097, April 1991; 1, table 13, 8.

Survey of State Prison Inmates —
BJS, Profile of State prison inmates, 1986, Special report, NCJ-109926, January 1988, 1, 2, table 10 and 11, 6-7.

Many Americans, particularly the young, have used illicit drugs
In 1991, according to the High School Senior Survey —

In the 1988 survey of military personnel —

Marijuana is the most commonly used illicit drug

In the 1991 High School Senior Survey —
University of Michigan News and Information Services, Press release of the results of the Monitoring the Future project, Ann Arbor, January 27, 1992, tables 1-3.

What are the characteristics of illicit drug users?
page 28

Who is most likely to use illicit drugs?

Self-reported marijuana and cocaine use differs for white and black high school seniors

How does drug use vary geographically?
page 29

The drug of choice differs among major cities in the U.S.

The prevalence of drug use varies across urban and rural areas and regions of the U.S.

Drug and alcohol use among youth are similar in rural and nonrural areas

How is drug use in the U.S. changing?
page 30

What are the trends in drug use for various populations?

Household population.

High school seniors.
College athletes.

Military personnel.

Prison and jail inmates.

Illicit drug use decreased in recent years for most but not all groups
Between 1985 and 1991, the percent of the household population...

Marijuana and cocaine use are declining for all age groups

<table>
<thead>
<tr>
<th>Year</th>
<th>Marijuana 12-17</th>
<th>Marijuana 18-25</th>
<th>Marijuana 26+</th>
<th>Cocaine 12-17</th>
<th>Cocaine 18-25</th>
<th>Cocaine 26+</th>
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<tbody>
<tr>
<td>1972</td>
<td>7.0</td>
<td>27.8</td>
<td>2.5</td>
<td>.6</td>
<td></td>
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<tr>
<td>1974</td>
<td>12.0</td>
<td>25.2</td>
<td>2.0</td>
<td>1.0</td>
<td>3.1</td>
<td></td>
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<tr>
<td>1976</td>
<td>12.3</td>
<td>25.0</td>
<td>3.5</td>
<td>1.0</td>
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<td>1977</td>
<td>16.6</td>
<td>27.4</td>
<td>3.3</td>
<td>.8</td>
<td>3.7</td>
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<td>1979</td>
<td>16.7</td>
<td>35.4</td>
<td>6.0</td>
<td>1.4</td>
<td>9.3</td>
<td>.9</td>
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<td>1982</td>
<td>11.5</td>
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<td>6.6</td>
<td>1.6</td>
<td>6.8</td>
<td>1.2</td>
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<td>1985</td>
<td>12.0</td>
<td>21.8</td>
<td>6.1</td>
<td>1.5</td>
<td>7.6</td>
<td>2.0</td>
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<tr>
<td>1988</td>
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<td>15.5</td>
<td>3.9</td>
<td>1.1</td>
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<td>.9</td>
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<td>1990</td>
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<td>12.7</td>
<td>3.6</td>
<td>.8</td>
<td>2.2</td>
<td>.6</td>
</tr>
</tbody>
</table>


Despite statistics...

Among those in the U.S. household population who used cocaine...

The percent of college students who used cocaine or marijuana...

Use of specific illicit drugs and alcohol has decreased among the most drug-prone age group

Declines in drug-related medical emergencies reinforce the findings of household surveys

Chapter II
Dynamics of the illegal drug business

How big is the illegal drug business?
page 36

Thousands of tons of illegal drugs are produced and sold


Americans spend vast sums of money for illegal drugs


For a discussion of the reliability of estimates of the size of the illicit drug industry see:
Peter Reuter, "The (continued) vitality of mythical numbers," The Public Interest (Spring 1984), 75:135-147.

Illegal drug ventures employ a great many people

In Peru, Bolivia, and Colombia...

In Peru...

The relative size of the illegal drug business...
U.S. Bureau of the Census, Census of manufacturers, as reported in Statistical abstract of the United States, 1990, 110th edition, 735-737, table 1296 and


Where do illegal drugs come from?
page 37

Marijuana, cocaine, and opium are made from agricultural crops

In some countries...

In Turkey...

Large volumes of illegal drugs made from agricultural crops are smuggled into the U.S.


Opium-based drugs consumed in the U.S. come from Southeast and Southwest Asia and Mexico


Opium poppy fields tend...

Coca, the base plant for cocaine, is grown primarily in South America


Climate and soil conditions favor...
Merrill Collett, The cocaine connection: Drug trafficking and inter-American relations (New York: Foreign Policy Association Headline Series, Fall 1989), 35

and

Most marijuana consumed in the U.S. is from other countries in the Americas, but the U.S. also supplies much of its own market


Most hashish consumed in the U.S. comes from the Middle East and Southwest Asia


Many other nations are involved in drug production and trafficking

Where are illegal drug crops grown?

1991 estimated drug production in metric tons

<table>
<thead>
<tr>
<th>Countries</th>
<th>Opium</th>
<th>Coca</th>
<th>Marijuana</th>
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</thead>
<tbody>
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<td>America</td>
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</tr>
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<td>North America</td>
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<td>United States*</td>
<td>5,500</td>
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</table>

*U.S. estimates are for 1990 and are from the National Narcotics Intelligence Consumers Committee, The NNICC report 1990: The supply of illicit drugs to the United States, June 1991, 32.


How are illegal drugs made?

Cocaine and heroin are usually processed outside the U.S.

Coca — DEA, Coca cultivation and cocaine processing: An overview, February 1991.


Chemicals legally produced in the U.S. are frequently used to process illicit drugs

New chemicals are added... GSA, National Archives and Records Service, Office of the Federal Register, Federal Register, 56(187):48732.


Designer drugs are chemically similar to many controlled drugs


and


449 methamphetamine laboratories were seized in the U.S. in 1990

<table>
<thead>
<tr>
<th>Year</th>
<th>Methamphetamine labs seized</th>
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<td>1990</td>
<td>449</td>
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Technical Appendix 17
Drugs, Crime, and the Justice System

How do illegal drugs reach the U.S.?

page 44

Drugs are smuggled into the U.S. by land, air, and sea

The U.S. has 88,633 miles of coastline and...

U.S. Department of Commerce, National Oceanic Atmospheric Administration, The coastline of the United States, Nautical Charting Branch, 1975 and


There are 300 ports of entry to the U.S. . . .

U.S. Customs Service, Leo Morris, October 18, 1991, unpublished data.

The type of transportation used to smuggle drugs varies by drug type

GAO, Drug smuggling: Large amounts of illegal drugs not seized by Federal authorities, GAO/GGD-87-91, June 1987, 29.
Many ways are used to smuggle illegal drugs, cont.

**Smuggling in aircraft, boats, and motor vehicles**


Marijuana and other drugs


Mack Reed, "3 in Delaware held on charges of receiving drugs in mail," *Philadelphia Inquirer*, March 7, 1990, 3B.


How are illegal drugs sold?

Illegal drugs are broken into smaller units and distributed domestically through "chains"


Buying and selling drugs often involve complex exchange schemes and a variety of roles


Illegal drug dealers try to win sales by differentiating their products


For example...

DEA, "From the source to the street: Mid-1991 prices for cannabis, cocaine, and heroin" *Intelligence trends*, forthcoming, 7.

Illegal drug prices vary greatly from one place to another

DEA, *Illicit drug wholesale/retail price report*, United States, July-September, 1990. The DEA produces this report quarterly and it is available from the DEA's Public Information Section. Price levels are established by combining different price information sources. These sources include: DEA Intelligence, prices paid for drugs by the DEA, price reports from local police departments, price information from informants, and price information from arrested drug dealers. (Source: Personal communication with DEA Public Information Office.)

Why do illegal drug prices vary?


How do illegal drug prices affect the extent of use?

For example...


The demand for cocaine... 


The average price of a marijuana cigarette... 

**What roles do violence and corruption play in the distribution and sale of drugs?**

Violence may result from revolving credit arrangements to finance drug transactions...


Firearm violence has become a key feature of drug trafficking...


**How is the illegal drug business organized?**

Is drug trafficking "organized crime?"


Traditional organized crime is heavily involved in drug trafficking in the U.S.

Ralph Blumenthal, *Last days of the Sicilians: At war with the mafia, the FBI assault on the pizza connection* (New York: Random House, Inc., 1989), 295, 308.

Many domestic drug trafficking groups are not highly organized...

One analysis suggested...


An analysis in New York City...


Drug production and distribution may be becoming more organized...

In the 1960s and 1970s in New York City...

It is difficult in the illegal drug market to...

Some drug organizations have consolidated their activities

A limited number of cocaine and heroin cartels that control imports to the U.S. have been identified
The Medellin and Cali cartels in Colombia have controlled...

The Mafia has been...
Ralph Blumenthal, Last days of the Sicilians: At war with the mafia, the FBI assault on the pizza connection (New York: Random House, Inc., 1988).

Mexican nationals —

Chinese street gangs —
Mary H. Cooper, The business of drugs (Washington: Congressional Quarterly Inc., 1990), 65-70 and

Jamaican, Cuban, and Dominican youths

For much of the 1980s the two cartels agreed...

The Mafia has been involved in the heroin trade for decades
Ralph Blumenthal, Last days of the Sicilians: At war with the mafia, the FBI assault on the pizza connection (New York: Random House, Inc., 1988).

National/ethnic/racial groups are sometimes involved in drug distribution

There is evidence of cooperation...

Are youth gang members involved in drug distribution as a group?
This view is most common for the "Crips" and the "Bloods"...

However, research completed to date...
NIDA, Joan Moore, "Gangs, drugs, and violence," in Mario de la Rosa, Elizabeth Y. Lambert, and Bernard Gropper eds., Drugs and violence, NIDA research monograph 103, 1990, 160-176 and

Some law enforcement officials would disagree...
OJJDP, Kay C. McKinney, Juvenile gangs: Crime and drug trafficking, NCJ-113767, reprinted from September 1988 and
Some very young juveniles are selling drugs


Many retail drug sellers are also users


Often the major reason for being a distributor...


A Washington, D.C. study —


Is drug dealing a full-time occupation?


How do the production, distribution, and sale of illegal drugs compare with those of legal products?

Illegal drugs are produced and distributed in some of the same ways as legal commodities


The production and sale of illegal drugs escape regulatory scrutiny

Before a legal drug is sold to a consumer...


The purity per kilogram of cocaine...


"Tango and Cash"—

"Just dying for a fix," Time, February 18, 1991, 45

and


New illegal drugs are introduced less frequently than new legal drugs

In 1988, the U.S. Food and Drug Administration approved 20 drugs...


Ice —


Crack cocaine —


Designer drugs —


Unlike legal business operations, an illegal drug operation cannot legally be financed by the banking industry

Peter Reuter and John Haaga, The organization of high-level drug markets: An exploratory study (Santa Monica, CA: The RAND Corporation, February 1989), RAND/N-2830-NIJ, xii, 49

and

How do drug traffickers conceal drug revenues?

IllegaL drug trafficking can generate vast amounts of cash


Reliance on cash poses problems for drug traffickers


Large cash transactions signal a deviation from normal business practice and attract attention

In general, legal business and personal transactions are conducted...


Cash transactions are often...


An investigation of a suspected Idaho drug trafficker...


Cash is easily detectable


What is money laundering?

Money laundering is...


At its most basic level...


Money laundering is not new


and


Cash surpluses can be an indicator of money laundering


and

"Getting banks to just say 'no'," *Business Week*, April 17, 1989, 16-17.

page 63

Launderers convert cash into a variety of financial instruments and assets


and


and


How do drug traffickers avoid cash reporting requirements?

"Smurfing" or structuring...


According to the FBI...


Banks are permitted to...


Legitimate businesses are often used to launder illegal drug money

Businesses offer a cover...


George Thomas, Vice President, Clearing House for Interbank Payments System (CHIPS), New York Clearinghouse Association.

The need for money laundering has given rise to a laundering service industry... Clifford L. Karchmer, *Illegal money laundering: A strategy and resource guide for law enforcement agencies* (Washington: Police Executive Research Forum, April 1988), 30.


Some foreign exchange houses have been involved in laundering drug dollars... BJA, Cameron H. Holmes, *Combating money laundering: An Arizona-based approach, BJA asset forfeiture series, Police Executive Research Forum, March 1991 draft*, 7-8.

### Chapter III
#### Section 1. History of drug control

#### Legal citations for drug statutes and treaties

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<td>Boggs Act of 1951</td>
<td>1951</td>
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<td>666, 65 Stat. 767</td>
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<td>Community Mental Health Centers Act Amendments of 1968</td>
<td>1968</td>
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<td>90-574, Title II, 82 Stat. 1005</td>
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<td>Controlled Substances Act</td>
<td>1970</td>
<td></td>
<td>91-513, title II, 84 Stat. 1242</td>
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<tr>
<td>Controlled Substances Import and Export Act</td>
<td>1922</td>
<td></td>
<td>91-513, title III, 1000-1016</td>
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<td>Drug Abuse Prevention, Treatment and Rehabilitation Amendments of 1978</td>
<td>1978</td>
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<td>96-181, 93 Stat. 1309</td>
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<td>Harrison Act of 1914</td>
<td>1914</td>
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<td>1, 38 Stat. 785</td>
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<td>Marijuana Tax Act of 1937</td>
<td>1937</td>
<td></td>
<td>553, 50 Stat. 551</td>
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<td>Narcotic Addict Rehabilitation Act of 1966</td>
<td>1966</td>
<td></td>
<td>89-793, titles I-IV, 80 Stat. 1438-1448</td>
<td></td>
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<td>Narcotic Control Act of 1956</td>
<td>1956</td>
<td></td>
<td>629, 70 Stat. 557</td>
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<td>Narcotic Drugs Import and Export Act of 1922</td>
<td>1922</td>
<td></td>
<td>202, 42 Stat. 596</td>
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<td>Opiate Exclusion Act</td>
<td>1919</td>
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<td>100, 35 Stat. 614</td>
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<td>Opium Poppy Control Act of 1942</td>
<td>1942</td>
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<td>720, 56 Stat. 1045</td>
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<td>Pharmacy Act of 1868</td>
<td>1868</td>
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<td>Porter Narcotic Farm Act of 1829</td>
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<td>82, 70 Stat. 1085</td>
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<td>Pure Food and Drug Act</td>
<td>1906</td>
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<td>3915, 34 Stat. 768</td>
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<td>Racketeer-Influenced and Corrupt Organizations Act (RICO)</td>
<td>1970</td>
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<td>91-452, Title IX, 901(a)</td>
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<td>Volstead Act of 1920</td>
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<td>85, 41 Stat. 305</td>
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#### Supreme Court Cases

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<th>What policies, strategies, and tactics have been applied to the drug problem in the U.S.?</th>
<th>page 74</th>
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<tr>
<td>Supply and demand strategies have not been mutually exclusive</td>
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<tr>
<td>Who is involved in drug control efforts?</td>
<td>page 76</td>
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<tr>
<td>Drug control efforts have involved a mix of governmental responsibilities at all levels</td>
<td></td>
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<tr>
<td>and</td>
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<td>and</td>
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<tr>
<td>The legal bases for Federal drug control efforts have evolved over time</td>
<td></td>
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<td>and</td>
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<tr>
<td>The division of intergovernmental responsibilities is reflected in the spending for various functions</td>
<td></td>
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<tr>
<td>What are some of the historic milestones in early U.S. drug control efforts?</td>
<td>page 78</td>
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<tr>
<td>Drugs of abuse have changed since the 1800s — most rapidly over the past quarter century</td>
<td></td>
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<tr>
<td>When morphine was discovered... President's Commission on Organized Crime, <em>America's habit: Drug abuse, drug trafficking, and organized crime</em>, 1986, 190-191.</td>
<td></td>
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<tr>
<td>By 1900, in the face of an estimated quarter of a million addicts... David F. Musto, &quot;America's first cocaine epidemic,&quot; <em>Wilson Quarterly</em> (Summer 1989), 13(3):59-64.</td>
<td></td>
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<tr>
<td>The first laws controlling drug use were passed in the last quarter of the 19th century</td>
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<tr>
<td>Technical Appendix 27</td>
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</table>
Much Federal antinarcotics legislation before the 1930s supported U.S. efforts to reduce international drug traffic.


The U.S. experienced a cocaine problem for a 35-year period around the turn of the 20th century.


The Harrison Act was passed amidst controversy on the treatment of drug users.

This conflict in the medical community...


Initial enforcement included...


During the 1930s the Treasury Department's focus shifted from heroin to marijuana.


Federal interdiction expanded to include authorization of military assistance


Decriminalization of marijuana was debated during the 1970s


Military containment of drugs has intensified in the past decade


Federal drug policies during the 1980s involved important international components


What drug control strategies has the Federal Government issued since 1973?

Over the past two decades the Federal Government has formulated a series of strategies to combat the drug problem


Federal drug policy boards issued several strategies from 1986 to 1988


Since 1989 ONDCP has developed four comprehensive plans for Federal drug control

The third *National Drug Control Strategy* —

The fourth strategy —
Chapter III
Section 2. Public Opinion

What role does public opinion play in drug control policy?

page 91

Public opinion both shapes public policy and is shaped by public policy


Events affect public attitudes and behavior


How does public policy about drugs affect public opinion and behavior?


NIDA, Robert W. Taggart, "Results of the drug testing program at Southern Pacific Railroad," in Drugs in the workplace: Research and evaluation data, Steven W. Gust and J. Michael Walsh, eds., NIDA research monograph 91, 1989, 97-108.

As the percentage of high school seniors perceiving risks...

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<th>Risk</th>
<th>Availability</th>
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<td>43.3%</td>
<td>87.8%</td>
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<td>1976</td>
<td>30.2%</td>
<td>38.8%</td>
<td>97.4%</td>
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<td>36.4%</td>
<td>87.9%</td>
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<td>87.6%</td>
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<td>42.0%</td>
<td>90.1%</td>
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<td>89.0%</td>
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<td>31.6%</td>
<td>57.6%</td>
<td>89.2%</td>
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<td>28.5%</td>
<td>60.4%</td>
<td>88.5%</td>
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<td>1983</td>
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<td>62.8%</td>
<td>86.2%</td>
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<td>66.9%</td>
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<td>25.7%</td>
<td>70.4%</td>
<td>85.5%</td>
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<td>1987</td>
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<td>14.0%</td>
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How serious is drug use perceived to be?

Drug abuse has been a common public concern in recent years


How available and risky are illegal drugs thought to be?

Drugs are seen to be readily available


A third of adults said... Media General/Associated Press Poll #30, May 11-20, 1990, questions 3a, 3b, and 3c.
In the 1990 National Household Survey on Drug Abuse —

More high school seniors thought...

About 20% of fifth and sixth graders...

One teen in four...

The public thinks that illegal drug use is risky

Youth perceive regular drug use to be very risky

Does the public think the drug problem is more important than other public policy issues?

page 95

When did the public first perceive drug abuse as the most important problem facing the country?


Concern about drug abuse is related to media coverage


The opinion that drug abuse is the Nation's most important problem grew rapidly in the late 1980s, peaking in 1989

Percent of respondents who answered "Do you think the use of marijuana should be made legal or not?"

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<th>Should</th>
<th>Should not</th>
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<td>1973</td>
<td>18%</td>
<td>80%</td>
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<td>22%</td>
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<td>1983</td>
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<td>76%</td>
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<td>1984</td>
<td>23%</td>
<td>73%</td>
<td>4%</td>
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<td>1986</td>
<td>18%</td>
<td>80%</td>
<td>2%</td>
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<td>1987</td>
<td>15%</td>
<td>81%</td>
<td>3%</td>
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<td>1988</td>
<td>17%</td>
<td>79%</td>
<td>4%</td>
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<tr>
<td>1989</td>
<td>16%</td>
<td>81%</td>
<td>3%</td>
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<tr>
<td>1990</td>
<td>16%</td>
<td>81%</td>
<td>3%</td>
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Source: Data from the National Opinion Research Center are made available through the Roper Public Opinion Research Center as presented in BJS, Sourcebook of criminal justice statistics, 1990, NCJ-130580, 1991, table 2.97, 226.
The public increasingly sees restricting the supply of drugs as a major way to combat crime.


The public feels too little money is being spent on dealing with illegal drug use.


The percentage of the population... General Social Survey Trend Data, 1984 to 1990, unpublished data.

Chapter III
Section 3. Current laws, policies, and programs

<table>
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<td>What type of substance abuse control laws have Federal, State, and local governments enacted?</td>
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<td>Federal and State laws schedule drugs that are likely to be abused</td>
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<td>Most States have adopted laws that make the possession or sale of drug paraphernalia illegal</td>
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<td>Some State laws address diverting legally manufactured drugs to the illegal drug market</td>
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<td>At least 37 States regulate precursor chemicals</td>
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<tr>
<td>Money laundering became a crime under Federal law in 1986</td>
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What other laws cover drug control activities? | 101  |

What are the drug control aspects of U.S. foreign policy? | 102  |

The international drug control strategy aims to reduce production and destabilize trafficking


The U.S. Department of State has lead responsibility for international drug control policy


"USIA Anti-Drug Programs for the Andes in the year since the Cartagena Summit" (transmitted by memorandum on May 8, 1991) and "USIA and the War on Drugs" (January 25, 1991).

Telephone contact between Ann McDonald, AID and Anita Timrots, DCDCC, on November 5, 1991.

The United Nations has adopted three major international conventions on controlling drugs

Federal drug control laws tie foreign assistance to cooperation in controlling illegal drugs


This act was amended in 1988... Bureau of International Narcotics Matters, U.S. Department of State, International narcotics control strategy report, March 1999, 1.


In 1990, the U.S. provided almost $2 million in direct financial drug control assistance


The President's Andean Counterdrug Initiative targets some countries where cocaine is produced


and


The U.S. also participates in international efforts to curb money laundering and chemical diversion


Drug prevention programs seek to delay the onset of drug use and to deter casual drug use


Schools are often the focal point for drug prevention programming


Law enforcement agencies provide drug prevention programs


Some prevention efforts are community-based

Some community-based prevention efforts are specific programs... ONDCP, COJDP and Boys and Girls Clubs of America: Public housing and high-risk youth, Juvenile Justice Digest, July 1991, 1-5

and


Other community-based efforts...


Two examples of comprehensive programs...

Paul S. Jellinek and Ruby P. Hearn, "Fighting drug abuse at the local level," Issues in science and technology (Summer 1991), 7(4):78-84

and


and


The Federal Government provides State and local governments with support for drug prevention

The Department of Education (ED) sponsors...

The White House, ONDCP, National drug control strategy: A Nation responds to drug use, Budget summary, January 1992, 30-34, 39-45, 201, 210, and 214

and

The Department of Health and Human Services (HHS) through its Office for Substance Abuse Prevention (OSAP) funds...


"Weed and Seed" is a new comprehensive Federal initiative to help local communities become and stay free of drugs and crime

The White House, ONDCP, National drug control strategy: A Nation responds to drug use, January 1992, 197-198

The Federal Government develops prevention materials and provides them to local prevention programs


HHS, OSAP, "There are specialized mutual-help groups for those with alcohol and drug problems" in The Fact Is..., September 1989.


HUD, Office of Policy Development and Research and Office of Public and Indian Housing, Together we can meet the challenge: Winning the fight against drugs, April 1991


State level agencies have a substantial role in drug prevention


Private sector foundations and corporations provide funds for prevention programs


How effective is drug prevention?


What types of drug treatment exist?

page 107

There is no single "treatment" for "drug abuse"


A small percentage of these offenders... Jan M. Chaiken and Marcia R. Chaiken, "Drugs and predatory crime," in Drugs and crime, Michael Tonry and James Q. Wilson, eds., volume 3, Crime and justice (Chicago: The University of Chicago Press, 1990), 203-239.

Most treatment programs provide a combination of services


page 108

Treatment programs usually serve both alcohol and drug dependent clients


Technical Appendix 35
Self-help groups are usually free and readily accessible

Self-help groups include...
NIDA, Leonard Saxe and Gila Shuster-
man, "Drug treatment modalities: A
taxonomy to aid development of ser-
vices research," in Drug abuse services
research series: Background papers on
drug abuse financing and services re-
search, 1991, 1:6-7
and
Francis S. Gilbert, "Development of a
'Steps questionnaire,' " Journal of stud-
ies on alcohol (1991), 52(4):353-360
and
Edgar P. Nace, "Alcoholics anonym-
ous," in Substance abuse: A com-
prehensive textbook, Joyce H. Lowinson,
Pedro Ruiz, and Robert B. Millman,
eds. (Baltimore: Williams & Wilkins,
1992), 486-495
and
Alcoholics Anonymous: The story of
how many thousands of men and
women have recovered from alcoholism
(New York: Alcoholics Anonymous
World Services, Inc., 1976), xxii.

Narcotics Anonymous (NA) —
Narcotics Anonymous, 5th edition (Van
Nuyys, CA: World Service Office, Inc.,
1988), 35
and
OSAP, "There are specialized mutual
help groups for those with alcohol and
drug problems" in The Fact Is...,,
September 1989, 2-3
and
Telephone conversation with Carl
8/24/92 at Narcotics Anonymous World
Services Office, P.O. Box 9999, Van
Nuyys, CA 91409, (818) 780-3951.

What Is a therapeutic community?

Therapeutic communities (TCs) —
The American Medical Association,
Home medical encyclopedia: Volume
2, I - Z, (New York: Random House,
1989), 978
and
Dean R. Gerstein and Henrick J. Har-
wood, eds., Treating drug problems,
volume 1, (Washington: National
Academy Press, 1990), 154-156.

Several States have established ther-
apeutic communities within prisons...
Foundation for Health Services
Research, "New data available from
1990 Drug Services Research Survey,"
Connection (June 1992), 1(2):5.

Treatment is provided for criminal
offenders in the community
and in jails and prisons
Foundation for Health Services
Research, "New data available from
1990 Drug Services Research Survey,"
Connection (June 1992), 1(2):5.

Some heroin addicts are treated
with methadone
Food and Drug Administration and
NIDA, "National Institute on Drug
Abuse: Methadone in maintenance and
detoxification; Joint revision of condi-
tions for use," Federal Register (March
2, 1989), 54(40):8954.

Cocaine has recently passed heroin
as the primary drug of abuse
of those in treatment programs
State resources and services related to
alcohol and other drug abuse problems
for fiscal year 1990 (Washington:
National Association of State Alcohol
and Drug Abuse Directors, November
1991), 38.

Treating users of multiple drugs
is very difficult
M. Douglas Anglin and Yih-Ing Hser,
"Treatment of drug abuse," in Drugs
and crime, Michael Tony and James
Q. Wilson, eds., volume 13, Crime and
justice (Chicago: The University of

Many drug treatment programs
focus on particular groups
HHS, ADAMHA, National Drug and
Alcoholism Treatment Unit Survey
(NDATUS): 1989 Main findings report,
1990, table 14, 25.

What drug treatment programs are
used and who provides them?

page 109

Drug treatment involves a variety of
modalities and environments
HHS, ADAMHA, National Drug and
Alcoholism Treatment Unit Survey
(NDATUS): 1989 Main findings report,

Note: Number of clients is the "annual
unduplicated drug client count" used by
the source.

Most people in drug treatment
are in outpatient programs
HHS, ADAMHA, National Drug and
Alcoholism Treatment Unit Survey
(NDATUS): 1989 Main findings report,
1990, table 50, 72 and A-7 to A-8.

Half of the people in drug treatment
are in drug-free treatment programs
HHS, ADAMHA, National Drug and
Alcoholism Treatment Unit Survey
(NDATUS): 1989 Main findings report,
1990, table 50, 72.

Are treatment facilities fully utilized?
Foundation for Health Services
Research, "New data available from
1990 Drug Services Research Survey,"
Connection (June 1992), 1(2):4-5
and
Helen Batten, Brandeis University,
paper presented at the American Public
Health Association Annual Meeting,
Atlanta, Georgia, November 1991.

How many people who need drug
treatment are receiving it?
HHS, ADAMHA, Highlights from the
1989 National Drug and Alcoholism
Treatment Unit Survey (NDATUS),
Is drug treatment effective?

page 111

Drug treatment has multiple goals


The White House, ONDCP, Understanding drug treatment, White paper, June 1990, 13

NIDA, Drug abuse and drug abuse research: The third triennial report to Congress from the Secretary, Department of Health and Human Services, 1991, 58.

Drug treatment has positive effects on drug users


Legal pressure can encourage people to enter and stay in drug treatment


Private organizations and individuals and all levels of government provide drug treatment

HHS, ADAMHA, National Drug and Alcoholism Treatment Unit Survey (NDATUS): 1987 Final report, 31

The Federal Government directly treats drug users under its jurisdiction


State laws address treatment issues


The private sector is also trying to expand and improve drug treatment

Chapter III
Section 4. Drug testing

Who is tested for drugs and why?

page 115

Drug testing may help to deter drug use


The criminal justice system tests offenders for recent drug use in order to reduce criminal behavior


Workplace drug testing aims to reduce or prevent drug use and impairment


and

Eric D. Wish and Bernard A. Gropper, "Drug testing by the criminal justice system: Methods, research, and applications," in Drugs and crime, Michael Tonny and James Q. Wilson, eds., volume 13, Crime and justice (Chicago: University of Chicago Press, 1990), 321-391

and

NIJ, Barbara A. Manill, Edward F. Connors III, Darrel W. Stephens, and John R. Stedman, Police drug testing, NIJ issues and practices, NCJ-105191, May 1987, v, 1-3

and

NIJ, Randall Guynes and Osa Coffey, Employee drug-testing policies in prison systems, NIJ research in action, NCJ-112824, August 1988, 1.

A 1988 Gallup survey —

As of spring 1991 —

Criminal justice employees are subject to drug tests to ensure public safety and public confidence

Police administrators —
NIJ, Barbara A. Manill, Edward F. Connors III, Darrel W. Stephens, and John R. Stedman, Police drug testing, NIJ issues and practices, NCJ-105191, May 1987, 5

and

NIJ, Barbara Webster and Jerrold G. Brown, Mandatory and random drug testing in the Honolulu Police Department, NIJ research in action, NCJ-117718, October 1989, 1.

Prison administrators —
NIJ, Randall Guynes and Osa Coffey, Employee drug-testing policies in prison systems, NIJ research in action, NCJ-112824, August 1988, 1.

A growing number of police agencies and prison systems...

NIJ, Barbara A. Manill, Edward F. Connors III, Darrel W. Stephens, and John R. Stedman, Police drug testing, NIJ issues and practices, NCJ-105191, May 1987, 1 and 5

and

NIJ, Randall Guynes and Osa Coffey, Employee drug-testing policies in prison systems, NIJ research in action, NCJ-112824, August 1988, 1.

A 1990 survey of State and local police agencies —

1988 survey of State prison systems —
NIJ, Randall Guynes and Osa Coffey, Employee drug-testing policies in prison systems, NIJ research in action, NCJ-112824, August 1988, 1.

The Federal Government has many goals in testing its workforce for drugs


Federal executive branch employees are subject to various testing programs


Department of Transportation testing —

Military testing —

Employees in sensitive positions...
Congressional Research Service, Sharon S. Gressle, Drug testing in the workplace: Federal programs, March 8, 1989, 1, 4-6, 14.

The Federal Government requires testing in many regulated industries

GAO, Drug testing: Management problems and legal challenges facing DOT's industry programs, November 1989, 2.
State laws also allow employee testing


Some private businesses test their employees for drug use


Relatively few workers for private businesses are actually tested


Private business in industries that can affect employee or public safety are more apt to have drug testing programs


How did drug testing develop?

The development of urine testing helped make outpatient methadone treatment feasible


Urine testing increased in the 1960s and early 1970s

Criminal justice system testing —


U.S. military testing —


Drug treatment system testing —


Urine testing expanded in the 1980s due to growing intolerance of drug use


Periodic worldwide surveys of the military —


Drug Free America Campaign —


Rising demand spurred advances in testing technology


Thin-layer chromatography (TLC) and gas chromatography (GC) —

and

**Immunnoassay**
- and

**Researchers are studying alternatives to urine for detecting drugs of abuse**
- and
- NIJ, Conference on Hair Analysis for Drugs of Abuse, Final report, Society of Forensic Toxicologists, Inc. (SOF) and National Institute on Drug Abuse in collaboration with NJ, 1990, 2-3
- and

**Some researchers aim to adapt or refine specific techniques**

---

**How do drug tests work?**

*How do drug tests work?*

**What are the most common drug testing technologies?**

- **Immunnoassay**
  - and
  - Richard L. Hawks and C. Nora Chiang, eds., Urine testing for drugs of abuse, NIDA research monograph 73, 1986, 19
- **Chromatography**

**Specificity**
- and

**What determines if a drug test is positive or negative?**
- and
-

**Several factors can affect the outcomes of drug tests**
- and
- and

---

40 Technical Appendix
Drug tests detect drug use but not impairment


How do drug testing programs work?

page 120

Programs that monitor over time can test on an unscheduled basis or according to a preset schedule


Testing programs may use on-site analysis or send samples to an external or commercial laboratory

BJA, Urinalysis as part of a Treatment Alternatives to Street Crime (TASC) program, BJA monograph, July 1988, 10.

Many drug test manufacturers will train laboratory staff

BJA, Urinalysis as part of a Treatment Alternatives to Street Crime (TASC) program, BJA monograph, July 1988, 11

and


On-site or external laboratories can maintain the credibility of their testing programs by following established quality assurance procedures


Immunosassay screening can now be done on-site without instruments or laboratory analysis

BJA, American Probation and Parole Association, American Probation and Parole Association's drug testing guidelines and practices for adult probation and parole agencies, prepared in cooperation with the Council of State Governments, BJA monograph, NCJ-129199, July 1991, 64-65, 77, 125.

The National Highway Traffic Safety Administration is training police to recognize drug-impaired drivers

BJA, Drug recognition program, BJA monograph, April 1989, 1, 3 and 5.

Many workers found to be illegal drug users are referred to programs for counseling or rehabilitation

Congressional Research Service, Sharon S. Gressle, Drug testing in the workplace: Federal programs, March 8, 1989, 7

and


and


The criminal justice system uses a variety of sanctions for offenders who test positive

BJA, American Probation and Parole Association, American Probation and Parole Association's drug testing guidelines and practices for adult probation and parole agencies, prepared in cooperation with the Council of State Governments, BJA monograph, NCJ-129199, July 1991, 49.
State laws regulate employee testing


Has drug testing been challenged in court?

Legal protections vary for persons subject to drug testing


and


Different categories of employees have different rights regarding workplace testing


and


The courts have ruled that drug testing implicates the fourth amendment protection from unreasonable search and seizure

With little disagreement...


In decisions on the reasonableness...


Government agencies...


Recent U.S. Supreme Court rulings allow government testing of workers whether or not there is individualized suspicion of drug use

Skinner v. Railway Labor Executive's Association, 489 U.S. 602, 109 S. Ct. 1402, 103 L.Ed. 2d 639 as cited in NIJ, Barbara Webster and Jerrold B. Brown, Mandatory and random drug testing in the Honolulu Police Department, NIJ research in action, NCJ-117718, October 1989, 6

and

National Treasury Employees' Union v. Von Raab, 489 U.S. 656, 109 S. Ct. 1384, 103 L.Ed. 2d 685 (1989) as cited in NIJ, Barbara Webster and Jerrold G. Brown, Mandatory and random drug testing in the Honolulu Police Department, NIJ research in action, NCJ-117718, October 1989, 6

and

Chapter III  
Section 5. The costs of illegal drug use

What are the costs of illegal drug use?  
page 126

How much does the Federal Government spend on the drug problem?  
page 128

Many Federal departments and agencies are involved in drug control

The Federal drug control budget was $42.78 per capita in 1991


Total resident population including armed forces as of 9/30/91 from U.S. Bureau of the Census, Estimates of the population of the United States to April 1, 1992, Series P-25, No. 1087, June 1992.

Drug interdiction efforts and corrections account for two-fifths the Federal drug law enforcement budget

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Total law enforcement</td>
<td>$855.2</td>
<td>$6,301.3</td>
<td>736.8%</td>
<td>100.0%</td>
</tr>
<tr>
<td>Interdiction</td>
<td>349.7</td>
<td>1,676.2</td>
<td>479.9%</td>
<td>28.3%</td>
</tr>
<tr>
<td>Investigations</td>
<td>211.3</td>
<td>1,076.9</td>
<td>509.7%</td>
<td>18.0%</td>
</tr>
<tr>
<td>International</td>
<td>66.8</td>
<td>572.8</td>
<td>857.5%</td>
<td>8.9%</td>
</tr>
<tr>
<td>Prosecution</td>
<td>70.6</td>
<td>513.1</td>
<td>726.8%</td>
<td>8.2%</td>
</tr>
<tr>
<td>Corrections</td>
<td>87.6</td>
<td>1,177.5</td>
<td>1,344.2%</td>
<td>17.7%</td>
</tr>
<tr>
<td>Intelligence</td>
<td>23.1</td>
<td>81.0</td>
<td>350.6%</td>
<td>1.5%</td>
</tr>
<tr>
<td>State &amp; local assistance</td>
<td>27.6</td>
<td>987.9</td>
<td>3,579.3%</td>
<td>14.2%</td>
</tr>
<tr>
<td>Regulatory</td>
<td>18.5</td>
<td>12.9</td>
<td>69.7%</td>
<td>.4%</td>
</tr>
<tr>
<td>Other law enforcement</td>
<td>0</td>
<td>201.0</td>
<td>2.8%</td>
<td></td>
</tr>
</tbody>
</table>

*Excludes research and development, which accounted for $4.9 billion in 1981 and $111.4 billion in 1991. Report text incorrectly states that research and development is included in the 4.7% in the final bullet.

The INM provided $150 million for international drug control in 1991


Most direct financial drug control assistance goes to Latin America


How much do State and local justice systems spend on drug crime?

RTI and BJS developed estimates of the cost of drug law enforcement and the adjudication and correctional supervision of drug law violators for Drugs, Crime, and the Justice System using the following methodology.

State and local justice systems typically do not report costs by type of crime. Therefore, total justice expenditure data collected by the U.S. Bureau of the Census for the Bureau of Justice Statistics (BJS) is adjusted using statistical indicators of the proportion of total justice system activity due to drug law violations. This methodology is based, in part, on that used by Cruze et al. (1981), Harwood et al. (1984), and Rice

What are the trends in Federal Spending on the drug problem?

Although the Federal drug law enforcement budget increased rapidly from 1981 to 1991...

<table>
<thead>
<tr>
<th>Year</th>
<th>Law enforcement</th>
<th>Drug abuse prevention</th>
<th>Drug abuse treatment</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1981</td>
<td>$860.1</td>
<td>$116.5</td>
<td>$487.5</td>
<td>$1,464.1</td>
</tr>
<tr>
<td>1982</td>
<td>$1,052.0</td>
<td>$126.0</td>
<td>$473.9</td>
<td>$1,651.9</td>
</tr>
<tr>
<td>1983</td>
<td>$1,259.9</td>
<td>$151.3</td>
<td>$524.5</td>
<td>$1,934.7</td>
</tr>
<tr>
<td>1984</td>
<td>$1,579.0</td>
<td>$160.1</td>
<td>$558.8</td>
<td>$2,297.9</td>
</tr>
<tr>
<td>1985</td>
<td>$1,895.6</td>
<td>$181.8</td>
<td>$602.2</td>
<td>$2,679.6</td>
</tr>
<tr>
<td>1986</td>
<td>$2,012.8</td>
<td>$185.8</td>
<td>$627.7</td>
<td>$2,826.3</td>
</tr>
<tr>
<td>1987</td>
<td>$3,378.9</td>
<td>$510.2</td>
<td>$697.6</td>
<td>$4,786.7</td>
</tr>
<tr>
<td>1988</td>
<td>$3,224.7</td>
<td>$538.1</td>
<td>$939.6</td>
<td>$4,702.4</td>
</tr>
<tr>
<td>1989</td>
<td>$4,584.3</td>
<td>$806.4</td>
<td>$1,201.7</td>
<td>$6,592.4</td>
</tr>
<tr>
<td>1990</td>
<td>$6,594.2</td>
<td>$1,365.7</td>
<td>$1,733.2</td>
<td>$9,693.1</td>
</tr>
<tr>
<td>1991</td>
<td>$7,267.9</td>
<td>$1,633.3</td>
<td>$1,939.9</td>
<td>$10,641.1</td>
</tr>
</tbody>
</table>

Percent of total for:

<table>
<thead>
<tr>
<th>Year</th>
<th>Total drug control budget</th>
<th>Law enforcement</th>
<th>Drug abuse prevention</th>
<th>Drug abuse treatment</th>
</tr>
</thead>
<tbody>
<tr>
<td>1981</td>
<td>$1,464.1</td>
<td>58.7%</td>
<td>8.0%</td>
<td>33.3%</td>
</tr>
<tr>
<td>1982</td>
<td>$1,851.9</td>
<td>63.7%</td>
<td>7.6%</td>
<td>28.7%</td>
</tr>
<tr>
<td>1983</td>
<td>$1,934.7</td>
<td>65.1%</td>
<td>7.8%</td>
<td>27.1%</td>
</tr>
<tr>
<td>1984</td>
<td>$2,297.9</td>
<td>68.7%</td>
<td>7%</td>
<td>24.3%</td>
</tr>
<tr>
<td>1985</td>
<td>$2,679.6</td>
<td>70.7%</td>
<td>6.8%</td>
<td>21.5%</td>
</tr>
<tr>
<td>1986</td>
<td>$2,826.3</td>
<td>71.2%</td>
<td>6.6%</td>
<td>22.2%</td>
</tr>
<tr>
<td>1987</td>
<td>$4,786.7</td>
<td>70.8%</td>
<td>10.7%</td>
<td>18.8%</td>
</tr>
<tr>
<td>1988</td>
<td>$4,702.4</td>
<td>68.6%</td>
<td>11.4%</td>
<td>20%</td>
</tr>
<tr>
<td>1989</td>
<td>$6,592.4</td>
<td>69.5%</td>
<td>12.2%</td>
<td>18.2%</td>
</tr>
<tr>
<td>1990</td>
<td>$3,693.1</td>
<td>68%</td>
<td>14.1%</td>
<td>17.9%</td>
</tr>
<tr>
<td>1991</td>
<td>$10,641.1</td>
<td>67%</td>
<td>15.1%</td>
<td>17.9%</td>
</tr>
</tbody>
</table>

et al. (1990) for the U.S. Department of Health and Human Services (HHS), Alcohol, Drug Abuse, and Mental Health Administration (ADAMHA). The ADAMHA methodology used —
- FBI arrest statistics to estimate police protection and adjudication expenditures resulting from drug law violations
- BJS prison and jail inmate survey data to estimate corrections caseload and expenditures.

The methodology used by RTI and BJS in developing the current State and local estimates for 1988 deviates from the ADAMHA methodology in several important respects:
- No attempt is made here to estimate the costs of drug-related crime to the justice system
- Unlike the earlier estimates which adjusted total State and local expenditures, the approach here is to disaggregate the expenditure data and the indicator data as much as possible to more closely match one another. This is described in the detailed discussion of the computations that follows.
- The current estimates rely on a greater variety of indicators than the earlier estimates. This is possible because of the creation of several new data sets, most notably the BJS Judicial Series, which began in 1986.

Because of these deviations from the original ADAMHA methodology, the current estimates are more refined but are not comparable to the earlier estimates.

Since these estimates were developed, the U.S. Census Bureau has collected 1990 and 1991 State and local drug law enforcement, adjudication, and corrections expenditure data for the Office of National Drug Control Policy. The data have not yet been published, but it is expected that any reports will be available through the BJS Clearinghouses and any data tapes through the National Archive of Criminal Justice Data. How to contact these resources is described elsewhere in this technical appendix. Those survey results have not been examined by BJS, but it is unlikely that they would be directly comparable to the estimates developed here.

General procedures
For each of the major justice areas (police protection, judicial, and corrections), available indicators of the proportion that drug law violations account for of total activity were identified. In identifying data sources for this purpose, strong preference was given to nationally representative data sets, particularly those produced by BJS. The selected drug indicators in terms of proportions were then multiplied by the 1988 justice expenditures reported by BJS in Justice Expenditure and Employment in the U.S., 1988. The calculations were performed by type and size of government to control for variations in expenditures and drug violation workload by those variables. In general, where more than one drug law indicator was available, estimates were developed for all available indicators.

Matching the indicator data to the expenditure data requires certain assumptions about the relationship between the two. For each of the three major justice areas adjusted, these assumptions and their probable accuracy are discussed after the estimation procedure is described.

Expenditure data
"Direct justice expenditure," which excludes intergovernmental expenditure, was selected because the adjustments were disaggregated by government type and size and could not be summed if the intergovernmental amounts were included because it would result in double counting. Thus, the totals for any particular level or type of government are an understatement of the cost because intergovernmental expenditures are excluded. In 1988, State government intergovernmental expenditure for all justice activities was 8.6% of total State expenditure; the figure for county governments was 8%, and for municipalities it was 2.6%. This does not affect the totals for all State and local governments and for all local governments because the intergovernmental amounts are included as direct expenditures when the recipient government spends the money.

Another source of underestimation in the justice expenditure data is the exclusion of employee pension payments and government contributions to retirement systems. These are not included because State and local agencies cannot always report them separately for justice agencies.

In some instances, the justice expenditure data were adjusted to more closely align them with the drug indicators being used. This is discussed as appropriate in the detailed discussion of each justice sector that follows.

Police drug law enforcement expenditure estimates
Available police protection indicators
Two indicators of drug law enforcement activity exist:
- arrests for drug law violations as reported by the FBI's Uniform Crime Reporting (UCR) Program (table A1)
- estimated drug law enforcement expenditures from a survey of State and local law enforcement agencies conducted for the United States Customs Service in 1988 (table A2).

Both sources provide data by type and size of government. However, the FBI does not report arrest data separately for State law enforcement agencies. Moreover, State agencies are not coded on the data tapes in a way that they could be identified. According to the Uniform Crime Reporting staff, most State police agency arrests are coded to rural counties. Other State law enforcement agencies may have other codes. For example, State university police forces are coded as small cities. In the absence of a method of separating out the State agency arrests, the percent of rural county arrests that are drug law violations is used to adjust the State police expenditures.

Available State and local police protection expenditure data
Police protection expenditure data are available separately for State and local governments by the type and size categories shown in table A3.
The computations and results are shown in table A4.

**Police protection assumptions and commentary**

- **Assumption:** Arrests for drug law violations are an accurate reflection of police workload and related expenditures for enforcing drug laws. Hundreds of drug arrests may be made with minimal police resources in street sweeps of retail drug markets. On the other hand, the arrest of one major drug wholesaler may require hundreds of police hours spent investigating and additional police hours spent serving as witnesses in lengthy judicial proceedings. Wide variations in enforcement resources for drug law violations are not uncommon, but on average, arrest information may be an accurate indicator of drug law enforcement expenditures.

- **Assumption:** Differences in the location sizes for which indicator and expenditure data were collected do not affect the suitability of the indicator for use with the expenditure data. Large city arrest data are for cities with populations over 250,000. These data are applied to expenditure data for cities with populations of 300,000 or more. The UCR county data are for suburban and rural counties, and these are used for the large and small county expenditure data respectively (above or below 500,000 population). Similarly, the Customs Service survey data are for cities and counties with populations over 100,000 and are applied to expenditure data for cities with populations of 300,000 or more and counties with populations over 500,000. Despite these size differences, the aggregation of State and local drug law enforcement expenditure estimates at each disaggregate level may be more accurate.
than a total State and local drug law enforcement expenditure estimate calculated using the overall proportion of drug arrests. In fact, they come out about the same using the two methods.

- **Assumption: State law enforcement agencies make the same proportion of drug arrests as do rural county police.** There is no information on a national basis on this. State police responsibilities vary across States. Those State law enforcement agencies that have broad-based investigative powers probably make proportionally more drug arrests than a typical rural county sheriff, but this may be offset by State police in other States where they have more limited responsibilities.

- **Assumption: The Customs Service survey data are not biased by a low response rate.** The Customs Service sponsored the survey of State and local police departments as a part of a larger study of the cost-effectiveness of drug interdiction vs. State and local investigation and apprehension of drug law violators. The study has been criticized on a number of dimensions, although no reviews have been published — perhaps because the study itself has not been published and is not widely available. Specifically, the study's survey has been criticized for a low overall response rate (34%). However, the response rates for State police, large cities, and large counties were considerably higher — 78%, 68%, and 59%, respectively. These jurisdictions account for about half of total police protection expenditures. In addition, the authors of the Customs Service study examined the responding and nonresponding agencies from several different perspectives, including geographic region and size of the surrounding area, and concluded that there was no reason to expect that the results were biased by nonresponse.

- **Assumption: The 1986 Customs Service survey data accurately measure State and local drug law enforcement expenditures.** A second question regarding the Customs Service survey is to what extent the battery of questions on drug law enforcement expenditures accurately measured actual expenditures for drug law enforcement. The authors compared the responses to the drug law enforcement expenditure and employment questions and adjusted for inconsistencies. These adjustments are described in the study report. However, no public-use tape or hard-copy records of the actual data are available to examine the reasonableness of these adjustments. One of the adjustments was to "cap" drug law enforcement expenditures at 20% for the 30 departments that reported a higher percent (less than 1% of total departments reporting).

- **Assumption: The 1986 Customs Service survey data reflect the proportion of police expenditures for drug law enforcement in 1988.** Since 1986, there is reason to believe that police departments have increased the proportion of resources used for drug law enforcement in many communities. This trend is particularly strong in areas severely affected by "crack" cocaine and in new transshipment locations as intensive surveillance along old routes causes drug traffickers to seek less heavily monitored means of transporting drugs. The quantitative impact of these changes on law enforcement expenditures is unknown, but would be expected to increase the cost of drug law enforcement.

**Adjudication of drug law violators expenditure estimates**

**Available State and local drug adjudication cost indicators**

Table B1. Available Indicators of drug cases in State and local court systems

<table>
<thead>
<tr>
<th>Government size and type</th>
<th>NJRP</th>
<th>NPRP</th>
<th>Arrests</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total State and local</td>
<td>34.4%</td>
<td>8.39%</td>
<td></td>
</tr>
<tr>
<td>State</td>
<td></td>
<td></td>
<td>*</td>
</tr>
<tr>
<td>Local total</td>
<td></td>
<td>8.38%</td>
<td></td>
</tr>
<tr>
<td>All cities</td>
<td></td>
<td>8.69%</td>
<td></td>
</tr>
<tr>
<td>Large</td>
<td></td>
<td>11.95%</td>
<td></td>
</tr>
<tr>
<td>Small</td>
<td></td>
<td>6.76%</td>
<td></td>
</tr>
<tr>
<td>All counties</td>
<td></td>
<td>7.36%</td>
<td></td>
</tr>
<tr>
<td>Large</td>
<td>37.7%</td>
<td>34.7%</td>
<td>7.72%</td>
</tr>
<tr>
<td>Small</td>
<td>30.4%</td>
<td></td>
<td>8.94%</td>
</tr>
</tbody>
</table>

*Not available. Note: Half (17% of THE NJRP total) are drug trafficking convictions; the remainder are estimated by the source to be felony drug possession convictions.


Available adjudication expenditure data

The Justice Expenditure and Employment Survey produces data on expenditures for the judicial activities of:

- courts
- prosecution and legal services
- public defense.

Data are available for each of these categories, as displayed in table B2.

Each of these categories contains data for activities at all levels of court jurisdiction. In the absence of data, no attempt is made here to prorate data for limited, general, or appellate jurisdiction courts, although the data are available separately for these court levels for State governments and for large county governments.

The judicial data also contain data for civil actions; as discussed below, the data are prorated to discount for these activities.
Adjusting court expenditure data for civil and traffic cases

Reported court expenditure data include not only criminal and juvenile delinquency court costs, which are pertinent to this study, but also civil and traffic case costs. The National Center for State Courts reports that in 1988, civil case filings were 17.2% of all trial case filings and traffic cases were 69.2%. Clearly to apply the indicator percents to all court expenditures would overestimate the amount of court expenditures for drug cases. Consequently, the judicial expenditure data were adjusted to exclude civil and traffic cases.

The 13.6% of all trial court filings that were for criminal and juvenile cases percentage was applied to judicial expenditures to estimate the adjudication expenditures that are related to criminal and juvenile delinquency cases, as shown in Table B3. In method I, all judicial data, including prosecution and public defense, are discounted by the 13.6%. In method II, only the court portion is discounted before summing it with all prosecution and public defense expenditures. Two methods were used because neither one is entirely satisfactory and the use of two methods will allow the development of a range of expenditure that could be attributable to the adjudication of all criminal and delinquency cases and the subset of drug cases.

Estimating expenditures for adjudicating drug law violation cases

Applying the drug adjudication indicators discussed above to the adjusted expenditure data results in the estimates of drug law violation adjudication shown in Table B3.

The adjudication expenditure data produced by method I described above are prorated by the proportion of all arrests that are for drug law violations. This produces what is probably the lowest estimate of expenditure for adjudicating drug law violators. The alternative method II prorates only the court data and adds it to the prosecution and public defense expenditures before applying the higher NJRP indicator to set an upper bound on drug adjudication expenditure, as shown in Table B3.

Table B3 displays the geographic detail available. This is considered less reliable than the State and local totals because the indicators by level of government are inconsistent in some areas with the level of government spending. For example, cases begun by a city arrest are often heard in a State or county court.

Adjudication assumptions and commentary

Of the three areas of justice system drug control activities studied here—police, adjudication, and corrections—the adjudication cost estimates are the least credible. As the technical discussion shows, the available workload indicators are not well suited to the task of being surrogates for court caseload.

- **Assumption:** The UCR arrest data are representative of court workload distribution. There is no way to know the accuracy of this assumption. Not all arrests result in court cases, and those that do can vary widely in complexity and the amount of time the judicial system must devote to them.

- **Assumption:** The BJS felony case data are representative of misdemeanor cases. About 73% of all drug arrests reported in the Uniform Crime Reports (UCR) are for possession offenses which are likely to be misdemeanors, but the FBI does not know whether agencies are reporting arrests for possession with intent to sell/distribute as possession or sale arrests. Possession with intent to sell/distribute is considered to be more serious than simple possession and most likely carries higher penalties; they may be reported in court statistics as felony cases. No national information exists on the proportion of misdemeanor court cases that are drug cases, so felony case figures must be used.

- **Assumption:** On average, a court case for a drug offense costs no more or less than any other type of criminal court case. This is tantamount to assuming that drug cases are no more or

### Table B2. Adjudication expenditure data, 1988 (thousands of dollars)

<table>
<thead>
<tr>
<th>Size and type</th>
<th>Estimated criminal</th>
<th>Detailed judicial as reported</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Method I</td>
<td>Method II</td>
</tr>
<tr>
<td>Total State and local</td>
<td>$10,749,475</td>
<td>$5,168,189</td>
</tr>
<tr>
<td>State</td>
<td>$4,235,828</td>
<td>$1,816,521</td>
</tr>
<tr>
<td>Local total</td>
<td>$6,513,647</td>
<td>$3,351,668</td>
</tr>
<tr>
<td>All cities</td>
<td>$1,787,377</td>
<td>$1,155,225</td>
</tr>
<tr>
<td>&gt;300,000</td>
<td>$993,548</td>
<td>$641,044</td>
</tr>
<tr>
<td>&lt;300,000</td>
<td>$793,829</td>
<td>$514,182</td>
</tr>
<tr>
<td>All counties</td>
<td>$4,726,272</td>
<td>$2,196,445</td>
</tr>
<tr>
<td>&gt;500,000</td>
<td>$2,590,110</td>
<td>$1,209,755</td>
</tr>
<tr>
<td>&lt;500,000</td>
<td>$2,136,162</td>
<td>$986,669</td>
</tr>
</tbody>
</table>


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less likely, on average, than other cases to be disposed of by trials vs. guilty pleas vs. dismissals. Clearly, cases that go to trial (either bench or jury) cost more than those that are disposed of by a guilty plea entered at the beginning of trial. Likewise, those disposed of by a guilty plea are likely to cost more than those that are dismissed. According to BJS's report, Felony Case Processing in State Courts, 1988, drug trafficking cases are settled by a guilty plea about as often as all felony cases, 92% and 91% respectively, so this assumption appears warranted.

**Assumption:** On average, a traffic or civil case costs no more or less than a criminal or juvenile case, and the distribution of filings for these cases reflect court caseload and expenditures. The Census Bureau has determined that no consistent basis exists for prorating court expenditures by traffic, civil, criminal, and juvenile. The data on cases filed (particularly for civil cases where many cases are filed but settled by the parties with little or no court involvement) are probably a poor indicator of the impact of civil cases on court resources. Criminal and civil case disposition data would be a better indicator of court workload, but are unavailable. The volume of traffic case filings is a poor indicator of court workload as such cases take considerable less time than the other types of court filings. Discounting adjudication costs using the 13.6% of cases filed that are criminal or juvenile most likely results in an under estimate of actual costs for criminal cases and for drug cases. However, this is offset somewhat by incomplete reporting by the States to the National Center for State Courts on traffic filings — only 15 States included them.

**Assumption:** The proportion of drug offenses of total offenses is the same for juveniles and adults. Adjudication expenditure data include juvenile court costs. *State Court Caseload Statistics: Annual Report, 1988*, by the National Center for State Courts, reports that approximately 1.5% of all trial court filings in 1988 were for juvenile cases. Also, the National Center for Juvenile Justice reports that in 1988, around 7% of total juvenile delinquency cases processed were for drug offenses. Adjudication expenditure can not be separated out by criminal and juvenile cases. Thus, to use the higher adult felony indicator for all expenditures tends to overestimate total drug-case court costs somewhat. Juvenile expenditure data are further complicated by the inability of the Justice Expenditure Survey to report on a national basis to what extent non-court-hearing juvenile workload was included in court expenditures or probation (corrections) expenditures. Examples of such non-court-hearing functions are intake, non petitioned cases, and informal dispositions.

### Corrections expenditure estimates for convicted drug law violators

**Available State and local corrections cost indicators**

Several indicators of drug offender correctional activity exist:
- BJS surveys of State prison and local jail inmates that report on the incarceration offense
- The *Children in Custody* series that reports on the number of juveniles in detention for drug offenses
- BJS judicial surveys that report on sentences to incarceration and probation for drug offenders
- smaller research studies on pardons.

**Available corrections expenditure data**

State and local corrections expenditure is reported by BJS in similar categories as shown in tables C1 and C2:
- institutions for adults and juveniles, separately
- probation, pardon, and parole combined
- other corrections.

In the adjustments and estimates discussed below, each corrections component is discussed separately.

**Adjusting corrections expenditure data for institutions**

The BJS Survey of Justice Expenditure and Employment presents only direct current expenditure by type of institution as displayed in table C2. Direct current expenditure excludes capital outlays. The survey provides direct current expenditure data for institutions for State governments and for the 72 largest counties.

The survey does report total institution direct expenditures used in the rest of this analysis, but does not report them by type of institution. In order to estimate the total direct expenditure for institutions by type of institution, the following adjustments were made.

First, as shown in table C3, the distribution of direct current expenditure across
Table C1. Direct corrections expenditures, 1988 (thousands of dollars)

<table>
<thead>
<tr>
<th>Size and type</th>
<th>Total corrections</th>
<th>All</th>
<th>Adult</th>
<th>Juvenile</th>
<th>Probation parole</th>
<th>pardon</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total State and local</td>
<td>$17,982,276</td>
<td>$15,262,966</td>
<td>•</td>
<td>•</td>
<td>$2,004,293</td>
<td>$715,017</td>
<td></td>
</tr>
<tr>
<td>State</td>
<td>11,861,100</td>
<td>9,867,736</td>
<td>•</td>
<td>•</td>
<td>1,078,347</td>
<td>715,017</td>
<td></td>
</tr>
<tr>
<td>Local total</td>
<td>6,321,176</td>
<td>5,395,230</td>
<td>•</td>
<td>•</td>
<td>925,948</td>
<td>•</td>
<td></td>
</tr>
<tr>
<td>Cities</td>
<td>1,582,513</td>
<td>1,470,348</td>
<td>•</td>
<td>•</td>
<td>112,165</td>
<td>•</td>
<td></td>
</tr>
<tr>
<td>Counties</td>
<td>4,738,663</td>
<td>3,924,882</td>
<td>•</td>
<td>•</td>
<td>813,781</td>
<td>•</td>
<td></td>
</tr>
</tbody>
</table>

*Not available.
Note: "Other corrections" available only for State governments.

Table C2. Direct current expenditures for institutions, 1988 (thousands of dollars)

<table>
<thead>
<tr>
<th>Size and type</th>
<th>All</th>
<th>Adult</th>
<th>Juvenile</th>
<th>Other and combined</th>
</tr>
</thead>
<tbody>
<tr>
<td>State</td>
<td>$8,152,547</td>
<td>$6,290,142</td>
<td>$1,186,357</td>
<td>$705,046</td>
</tr>
<tr>
<td>Percent</td>
<td>100.00%</td>
<td>76.79%</td>
<td>14.55%</td>
<td>8.66%</td>
</tr>
<tr>
<td>72 largest counties</td>
<td>1,645,338</td>
<td>1,330,158</td>
<td>315,180</td>
<td>•</td>
</tr>
<tr>
<td>Percent</td>
<td>100.00%</td>
<td>80.84%</td>
<td>19.16%</td>
<td>•</td>
</tr>
</tbody>
</table>

*Not available.
Note: Adult institutions summed from institutions for men and women in text.

Table C3. Estimated direct expenditures for institutions, 1988 (thousands of dollars)

<table>
<thead>
<tr>
<th>Size and type</th>
<th>All Institutions</th>
<th>Adult</th>
<th>Juvenile</th>
<th>Other and combined</th>
</tr>
</thead>
<tbody>
<tr>
<td>State</td>
<td>$9,867,736</td>
<td>$7,577,194</td>
<td>$1,435,951</td>
<td>$654,589</td>
</tr>
<tr>
<td>Percent</td>
<td>100.00%</td>
<td>76.79%</td>
<td>14.55%</td>
<td>8.66%</td>
</tr>
<tr>
<td>Prorated combined</td>
<td>$9,867,734</td>
<td>$8,295,632</td>
<td>$1,572,102</td>
<td>0</td>
</tr>
<tr>
<td>Percent</td>
<td>100.00%</td>
<td>84.07%</td>
<td>15.93%</td>
<td>0.00%</td>
</tr>
<tr>
<td>All local</td>
<td>$5,395,200</td>
<td>$4,361,723</td>
<td>$1,033,507</td>
<td>•</td>
</tr>
<tr>
<td>Percent</td>
<td>100.00%</td>
<td>80.84%</td>
<td>19.16%</td>
<td>•</td>
</tr>
</tbody>
</table>

*Not available.

Table C4. Proration of jail and prison inmate survey data and juvenile public detention data to 1988

<table>
<thead>
<tr>
<th>Year</th>
<th>Percent in jail for drug offense</th>
</tr>
</thead>
<tbody>
<tr>
<td>1983</td>
<td>10.0%</td>
</tr>
<tr>
<td>1984</td>
<td>12.1</td>
</tr>
<tr>
<td>1985</td>
<td>14.2</td>
</tr>
<tr>
<td>1986</td>
<td>18.2</td>
</tr>
<tr>
<td>1987</td>
<td>18.3</td>
</tr>
<tr>
<td>1988</td>
<td>20.4</td>
</tr>
<tr>
<td>1989</td>
<td>22.5</td>
</tr>
</tbody>
</table>

Note: Data were collected in 1983 and 1989; the rest are prorated.

Table C5. Expenditures for prison inmates, parolees, and probationers

<table>
<thead>
<tr>
<th>Year</th>
<th>Percent for drug offense</th>
</tr>
</thead>
<tbody>
<tr>
<td>1987</td>
<td>10.6%</td>
</tr>
<tr>
<td>1988</td>
<td>8.8</td>
</tr>
<tr>
<td>1989</td>
<td>6.6</td>
</tr>
</tbody>
</table>

Note: Data were collected for 1987 and 1988; percent for 1988 was prorated.

Available indicators of proportion of incarcerated population that is for drug offenses

BJS conducts quinquennial surveys of State prison inmates and inmates of local jails. These surveys are the best source of estimates on the offense distribution of the adult incarcerated population. The Office of Juvenile Justice periodically surveys juvenile detention facilities. None of these was conducted for 1988, the year of the expenditure data being adjusted. Thus, it was necessary to prorate the survey data to 1988 as shown in table C4.

Probation, parole, and pardon indicators

There are no national counts of probation, parole, or pardon drug offender populations, so they were estimated as described below.
The proportion of probationers who were drug offenders was estimated using the numbers sentenced to probation from the National Judicial Reporting Program (NJRP) as seen in table C5.

Table C5. Estimating the number and percent of the pardon workload that is drug offenders

<table>
<thead>
<tr>
<th>State</th>
<th>Total</th>
<th>Pardon</th>
<th>Commutation</th>
<th>Percent drugs</th>
<th>Number drugs available</th>
</tr>
</thead>
<tbody>
<tr>
<td>AR</td>
<td>276</td>
<td>86</td>
<td>190</td>
<td></td>
<td></td>
</tr>
<tr>
<td>CA</td>
<td>213</td>
<td>113</td>
<td>30</td>
<td>75.0%</td>
<td>159.75</td>
</tr>
<tr>
<td>CO</td>
<td>0</td>
<td>80.0%</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>DE</td>
<td>68</td>
<td>59</td>
<td>9</td>
<td></td>
<td></td>
</tr>
<tr>
<td>FL</td>
<td>0</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>GA</td>
<td>0</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>HI</td>
<td>17</td>
<td>16</td>
<td>1</td>
<td>10.0%</td>
<td>1.70</td>
</tr>
<tr>
<td>ID</td>
<td>176</td>
<td>4</td>
<td>172</td>
<td>14.5%</td>
<td>25.52</td>
</tr>
<tr>
<td>LA</td>
<td>1,493</td>
<td>1,493</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ME</td>
<td>0</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>MD</td>
<td>187</td>
<td>187</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>MA</td>
<td>135</td>
<td>100</td>
<td>35</td>
<td>10.5%</td>
<td>14.16</td>
</tr>
<tr>
<td>MN</td>
<td>27</td>
<td>27</td>
<td>3</td>
<td>24</td>
<td></td>
</tr>
<tr>
<td>MO</td>
<td>175</td>
<td>175</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>MT</td>
<td>11</td>
<td>11</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>NE</td>
<td>68</td>
<td>68</td>
<td>17</td>
<td>51</td>
<td></td>
</tr>
<tr>
<td>NV</td>
<td>167</td>
<td>157</td>
<td>1.0%</td>
<td>1.67</td>
<td>167</td>
</tr>
<tr>
<td>NH</td>
<td>18</td>
<td>18</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>NJ</td>
<td>84</td>
<td>84</td>
<td>14</td>
<td>70</td>
<td></td>
</tr>
<tr>
<td>NY</td>
<td>265</td>
<td>1</td>
<td>264</td>
<td>89.0%</td>
<td>235.85</td>
</tr>
<tr>
<td>NC</td>
<td>309</td>
<td>37</td>
<td>272</td>
<td>5.0%</td>
<td>15.45</td>
</tr>
<tr>
<td>ND</td>
<td>3</td>
<td>3</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>OH</td>
<td>368</td>
<td>56</td>
<td>312</td>
<td>15.0%</td>
<td>55.20</td>
</tr>
<tr>
<td>PA</td>
<td>114</td>
<td>31</td>
<td>83</td>
<td>5.0%</td>
<td>5.70</td>
</tr>
<tr>
<td>RI</td>
<td>0</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>SC</td>
<td>238</td>
<td>238</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>SD</td>
<td>193</td>
<td>13</td>
<td>180</td>
<td></td>
<td></td>
</tr>
<tr>
<td>VT</td>
<td>16</td>
<td>16</td>
<td></td>
<td>27.0%</td>
<td>4.32</td>
</tr>
<tr>
<td>VA</td>
<td>0</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>WA</td>
<td>75</td>
<td>75</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>WV</td>
<td>212</td>
<td>212</td>
<td></td>
<td>13.4%</td>
<td>28.41</td>
</tr>
<tr>
<td>WY</td>
<td>45</td>
<td>45</td>
<td></td>
<td>25.0%</td>
<td>11.25</td>
</tr>
<tr>
<td>Totals</td>
<td>4,933</td>
<td>559</td>
<td>1,861</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Percent of total with drugs: 30.04%

Estimated number of all drug pardon applications: 1,482

Source: National Institute of Corrections and National Governors Association, Guide to Executive Clemency Among the American States, tables 3 and 6.
The proportion of drug parolees was estimated from BJS, National Corrections Reporting Program (NCRP) by Dr. Allen Beck of BJS's Corrections Statistics unit, using the proportion of drug offenders in releases and admissions to parole supervision from 1985 to 1988.

The pardon indicator was estimated using data from a survey of governors on the use of pardons and commutations, as seen in table C6, and applied to all reported applications for pardon or commutation to estimate the number of drug offenders. The proportion of those that were drug offenders was estimated for only those States that provided drug offense data.

The proportions derived in this way were then applied to the 1988 probation and parole populations as reported by BJS in Probation and Parole 1988 to estimate the number of drug offenders on probation and parole, as seen in table C7. The numbers of drug offenders were summed to estimate the number and percent of drug offenders in all three groups. This was done because the BJS expenditure data combine costs for probation, pardon, and parole and report these costs for the total of all State and local governments.

**Estimating corrections expenditures for drug law violators**

The computations and results are shown in table C8. The proportions of each offender population estimated above to be drug law violators was applied to total State or local expenditure responsible for that population. State institutions for adults were considered to be State prisons and State prison inmate survey data were used for them.

Local institutions were considered to be local jails and jail inmate survey data were used for them. Only one figure was available for juveniles, and it was used for both State and local juvenile institutions.

<table>
<thead>
<tr>
<th>Table C7. Weighting the probation, parole, and pardon indicators</th>
</tr>
</thead>
<tbody>
<tr>
<td>Activity</td>
</tr>
<tr>
<td>-------------------</td>
</tr>
<tr>
<td>Total</td>
</tr>
<tr>
<td>Probation</td>
</tr>
<tr>
<td>Parole</td>
</tr>
<tr>
<td>Pardons</td>
</tr>
</tbody>
</table>

Sources: BJS, Probation and parole 1988, tables 1 and 2 (used 12/31/88 populations); BJS, NCRP parole estimates by Allen Beck of the BJS Corrections program, and results of computations in table C6.

<table>
<thead>
<tr>
<th>Table C8. Corrections drug offender indicators and estimated drug expenditures (thousands of dollars)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Correctional program</td>
</tr>
<tr>
<td>----------------------</td>
</tr>
<tr>
<td>Institutions</td>
</tr>
<tr>
<td>Adult</td>
</tr>
<tr>
<td>State prisons</td>
</tr>
<tr>
<td>Local jails</td>
</tr>
<tr>
<td>Juveniles</td>
</tr>
<tr>
<td>State institutions</td>
</tr>
<tr>
<td>Local institutions</td>
</tr>
<tr>
<td>Total institutions</td>
</tr>
<tr>
<td>Probation, parole, and pardon</td>
</tr>
<tr>
<td>Subtotal</td>
</tr>
<tr>
<td>Other corrections</td>
</tr>
<tr>
<td>Total corrections</td>
</tr>
</tbody>
</table>

Note: Detail may not add due to rounding and the number of decimal places used in computations versus the number displayed.

Sources: Tables C1 to C7.

The BJS Survey of Justice Expenditure and Employment includes a residual "other corrections" expenditure, which constitutes about 4% of total direct corrections expenditure. This category includes nonresidential resettlement or halfway houses, correctional administration not directly attributable to institutions, and miscellaneous items that cannot be classified under the other corrections subcategories. In the computations shown on table C8, these expenditures are estimated for drug law violations in the same proportion as they are for institutions and for probation/parole/pardon.

**Corrections assumptions and commentary**

- **Assumption:** On average, incarcerating or supervising a drug offender is no more or less costly than incarcerating or supervising any other type of offender. The cost of incarcerating an individual depends on the custody/security level of the facility and on the services provided the individual. There is no reason to believe that drug law offenders are systematically housed in higher or lower security facilities than other types of inmates.
However, recent data indicate that persons on probation for drug trafficking are subject to more drug treatment and drug testing than other felons sentenced to probation. BJS reports in Recidivism of Felons on Probation, 1986-89, January 1992, that 33% of persons on probation for drug trafficking had drug treatment as a condition of their probation compared to 23% of felons on probation overall. For drug testing, 41% of those on probation for drug trafficking were ordered by the court to be tested compared to 31% of all felons on probation. It is unknown to what extent probation offices complied with these conditions of probation (for example, how frequently the probationers were tested or what form drug treatment took). It is also unknown whether the justice system, the health care system, or private health insurance or other private funds bore the costs of the treatment.

In addition, recent "intermediate sanctions," such as house arrests, electronic monitoring, and intensively supervised probation, are thought to be well suited to drug offenders and are more expensive to administer than regular probation (although less expensive than incarceration). What limited information is available on these programs is presented on page 182 of Drugs, Crime and the Justice System: A National Report. In general, the use of such programs is limited to such a small proportion of offenders that they are likely to have little if any impact on overall costs on a national basis. BJS's Probation and Parole Survey reports that about 2% of all adults on probation were on intensive probation in 1990.

- Assumption: The growth in drug offenders in prison and jail populations between the quinquennial survey years and the in public juvenile detention facilities between 1987 and 1989 was monotonic and the proportions between the years produces accurate figures for 1988.  This assumption is probably right. There is no reason to expect that there was a markedly uneven growth in the proportion of persons incarcerated for drug offenses during the period.

- Assumption: The "other and combined institutions" expenditure is distributed across adult/juvenile institutional costs the same as these costs are distributed without the "other corrections" expenditure. There is a relatively small amount (8.7%) of expenditures reported by BJS in the "other and combined institutions" category of corrections costs. This category includes institutions holding a combination of inmates. There is no information on which to base a distribution of these costs other than to assume they are distributed in the same way as reported data for adult/juvenile institutions.

- Assumption: Total State direct expenditures for institutions are distributed across type of facility as are direct current expenditures for institutions. Direct current expenditures include all direct expenditures with the exception of capital outlay. There is no information as to whether there is a disproportionate distribution of capital outlay relative to current direct expenditures between adult and juvenile facilities.

- Assumption: All local facilities have the same proportion of adults vs. juveniles as in the 72 largest counties. The only data available on the ratio of adult to juvenile local facilities are for the 72 largest counties. These counties account for 37% of all local direct current institutions costs.

- Assumption: The "other corrections" expenditure is distributed across institutions and probation/parole/pardon costs the same as these costs are distributed without the "other corrections" expenditure. There is a relatively small amount (4.0%) of expenditures reported by BJS in the "other corrections" category of corrections costs. This category includes nonresidential resettlement or halfway houses, correctional administration not directly attributable to institutions, and miscellaneous items that cannot be classified under the other corrections subcategories. There is no information on which to base a distribution of these costs other than the subcategories used in the estimation of institutional and probation/parole/pardon costs.

- Assumption: The State felony probation data are representative of misdemeanors. Misdemeanants placed on probation may be required to report to their probation officers less frequently than felons and may be ordered to participate less frequently (or more frequently) in drug testing or treatment than felons on probation or parole. If so, the supervision cost per case might differ. No national information exists on misdemeanor probationers, although costs for their probation services are included in the BJS corrections expenditure data.

Technical bibliography of sources used in cost estimates

U.S. Department of Human Services

Alcohol, Drug Abuse, and Mental Health Administration


U.S. Department of Justice

Bureau of Justice Statistics


Felony Defendants in Large Urban Courts, 1988, NCJ-122385, April 1990.


Technical Appendix 53
Drugs, Crime, and the Justice System


Federal Bureau of Investigation


Office of Juvenile Justice and Delinquency Prevention


U.S. Department of the Treasury

Customs Service


Other sources


What are the public and private health care costs of illegal drug use?

Health care to diagnose, treat, and rehabilitate illegal drug users cost more than $2.2 billion in 1985


Notes:
Crack-cocaine costs are not included in estimates because this epidemic emerged after 1985.

Percentages do not apply to personal medical care for drug-related AIDS.

Health care for drug-related AIDS cases cost $190 million in 1985


and


Drug-exposed infants require more medical care than healthy babies


Other estimates —

Douglas J. Besharov, "The children of crack: Will we protect them?" Public welfare (Fall 1989), 6-11, 42

and


Illegal drug users are more prone than nonusers to occupational accidents

A recent workplace study —

Terrance R. Cowan, "Drugs and the workplace: To drug test or not to test?" Public personnel management (Winter 1997), 16(4):313-322.

A similar study —


A study done by the Care Institute —

How much does drug treatment cost?

Drug treatment costs were reported to be $1.73 billion in 1989.

Survey response rates were computed as follows:

<table>
<thead>
<tr>
<th>Overall survey response</th>
<th>Number of units</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Known active drug and alcohol units</td>
<td>12,330</td>
<td>77.9%</td>
</tr>
<tr>
<td>Overall response rate</td>
<td>9,608</td>
<td>22.1</td>
</tr>
</tbody>
</table>


All responding units by type of unit

<table>
<thead>
<tr>
<th>Number of units</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>All responding units</td>
<td>9,608</td>
</tr>
<tr>
<td>Alcohol only</td>
<td>7,759</td>
</tr>
<tr>
<td>Treatment only</td>
<td>7,172</td>
</tr>
<tr>
<td>Drugs only</td>
<td>1,449</td>
</tr>
<tr>
<td>Treatment only</td>
<td>1,266</td>
</tr>
<tr>
<td>Both alcohol and drugs</td>
<td>5,377</td>
</tr>
<tr>
<td>Treatment only</td>
<td>5,021</td>
</tr>
<tr>
<td>Total with drugs</td>
<td>7,826</td>
</tr>
<tr>
<td>Treatment only</td>
<td>6,287</td>
</tr>
<tr>
<td>Percent of all units with drugs</td>
<td>81.5%</td>
</tr>
<tr>
<td>Percent of treatment units with drugs</td>
<td>81.0</td>
</tr>
</tbody>
</table>

Note: "Total with drugs" is sum of "drugs only" and "both alcohol and drugs." Nontreatment units include prevention/education and "other" such as administration, employee assistance programs, DWI programs, and central intake. (Source page 9)


Drug treatment units reporting funding data

<table>
<thead>
<tr>
<th>Number of units</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>All treatment units with drugs</td>
<td>6,287</td>
</tr>
<tr>
<td>Treatment units reporting drug funds</td>
<td>4,429</td>
</tr>
<tr>
<td>Response rate</td>
<td>70.4%</td>
</tr>
<tr>
<td>Nonresponse rate</td>
<td>29.6</td>
</tr>
</tbody>
</table>


State-supported spending for alcohol and other drug abuse prevention and treatment expenditures was $9.65 per capita in 1989

<table>
<thead>
<tr>
<th>State</th>
<th>Per capita treatment dollars</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alabama</td>
<td>$2.21</td>
</tr>
<tr>
<td>Alaska</td>
<td>$6.49</td>
</tr>
<tr>
<td>Arizona</td>
<td>7.82</td>
</tr>
<tr>
<td>Arkansas</td>
<td>3.58</td>
</tr>
<tr>
<td>California</td>
<td>11.56</td>
</tr>
<tr>
<td>Colorado</td>
<td>9.53</td>
</tr>
<tr>
<td>Connecticut</td>
<td>21.09</td>
</tr>
<tr>
<td>Delaware</td>
<td>7.06</td>
</tr>
<tr>
<td>District of Columbia</td>
<td>56.40</td>
</tr>
<tr>
<td>Florida</td>
<td>6.99</td>
</tr>
<tr>
<td>Georgia</td>
<td>6.99</td>
</tr>
<tr>
<td>Hawaii</td>
<td>4.70</td>
</tr>
<tr>
<td>Idaho</td>
<td>3.56</td>
</tr>
<tr>
<td>Illinois</td>
<td>6.60</td>
</tr>
<tr>
<td>Indiana</td>
<td>5.50</td>
</tr>
<tr>
<td>Iowa</td>
<td>7.06</td>
</tr>
<tr>
<td>Kansas</td>
<td>5.95</td>
</tr>
<tr>
<td>Kentucky</td>
<td>4.07</td>
</tr>
<tr>
<td>Louisiana</td>
<td>2.65</td>
</tr>
<tr>
<td>Maine</td>
<td>8.32</td>
</tr>
<tr>
<td>Maryland</td>
<td>12.38</td>
</tr>
<tr>
<td>Massachusetts</td>
<td>10.10</td>
</tr>
<tr>
<td>Michigan</td>
<td>9.05</td>
</tr>
<tr>
<td>Minnesota</td>
<td>11.83</td>
</tr>
<tr>
<td>Mississippi</td>
<td>3.37</td>
</tr>
<tr>
<td>Missouri</td>
<td>5.94</td>
</tr>
<tr>
<td>Montana</td>
<td>17.39</td>
</tr>
<tr>
<td>Nebraska</td>
<td>5.65</td>
</tr>
<tr>
<td>Nevada</td>
<td>7.51</td>
</tr>
<tr>
<td>New Hampshire</td>
<td>4.02</td>
</tr>
<tr>
<td>New Jersey</td>
<td>7.72</td>
</tr>
<tr>
<td>New Mexico</td>
<td>10.04</td>
</tr>
<tr>
<td>New York</td>
<td>30.17</td>
</tr>
<tr>
<td>North Carolina</td>
<td>5.81</td>
</tr>
<tr>
<td>North Dakota</td>
<td>5.02</td>
</tr>
<tr>
<td>Ohio</td>
<td>4.26</td>
</tr>
<tr>
<td>Oklahoma</td>
<td>5.49</td>
</tr>
<tr>
<td>Oregon</td>
<td>28.98</td>
</tr>
<tr>
<td>Pennsylvania</td>
<td>7.44</td>
</tr>
<tr>
<td>Rhode Island</td>
<td>14.19</td>
</tr>
<tr>
<td>South Carolina</td>
<td>9.31</td>
</tr>
<tr>
<td>South Dakota</td>
<td>6.09</td>
</tr>
<tr>
<td>Tennessee</td>
<td>5.46</td>
</tr>
<tr>
<td>Texas</td>
<td>1.80</td>
</tr>
<tr>
<td>Utah</td>
<td>9.44</td>
</tr>
<tr>
<td>Vermont</td>
<td>8.32</td>
</tr>
<tr>
<td>Virginia</td>
<td>7.58</td>
</tr>
<tr>
<td>Washington</td>
<td>10.27</td>
</tr>
<tr>
<td>West Virginia</td>
<td>4.12</td>
</tr>
<tr>
<td>Wisconsin</td>
<td>17.01</td>
</tr>
<tr>
<td>Wyoming</td>
<td>*</td>
</tr>
</tbody>
</table>

*Data not available.

Note: Data are included for "...only those programs which received at least some funds administered by the State alcohol/drug agency during the State's fiscal year 1989." Source cannot separate drug treatment and alcohol treatment expenditures. Data for Arizona and New York are allocated funds rather than actual expenditures. Source: HHS, ADAMHA, National Association of State Alcohol and Drug Abuse Directors, Inc., State resources and services related to alcohol and other drug abuse problems: Fiscal year 1989: An analysis of State alcohol and drug abuse profile data, August 1990, table 2, 10 and B-1.
Drug treatment cost an average of $1,950 per client in 1989.

Per client treatment costs vary by modality and environment:

<table>
<thead>
<tr>
<th>Modality and environment</th>
<th>Dollars per client</th>
</tr>
</thead>
<tbody>
<tr>
<td>All modalities</td>
<td>$1,950</td>
</tr>
<tr>
<td>Hospital Inpatient</td>
<td>4,137</td>
</tr>
<tr>
<td>Residential</td>
<td>3,247</td>
</tr>
<tr>
<td>Outpatient</td>
<td>1,053</td>
</tr>
<tr>
<td>Multiple environments</td>
<td>2,584</td>
</tr>
<tr>
<td>Detoxification</td>
<td>$1,753</td>
</tr>
<tr>
<td>Hospital Inpatient</td>
<td>1,880</td>
</tr>
<tr>
<td>Residential</td>
<td>1,608</td>
</tr>
<tr>
<td>Outpatient</td>
<td>338</td>
</tr>
<tr>
<td>Multiple environments</td>
<td>3,073</td>
</tr>
<tr>
<td>Maintenance</td>
<td>$2,048</td>
</tr>
<tr>
<td>Hospital Inpatient</td>
<td>2,831</td>
</tr>
<tr>
<td>Residential</td>
<td>2,040</td>
</tr>
<tr>
<td>Multiple environments</td>
<td>260</td>
</tr>
<tr>
<td>Drug free</td>
<td>$1,799</td>
</tr>
<tr>
<td>Hospital Inpatient</td>
<td>6,721</td>
</tr>
<tr>
<td>Residential</td>
<td>3,592</td>
</tr>
<tr>
<td>Outpatient</td>
<td>845</td>
</tr>
<tr>
<td>Multiple environments</td>
<td>2,690</td>
</tr>
<tr>
<td>Multiple modalities</td>
<td>$2,172</td>
</tr>
<tr>
<td>Outpatient</td>
<td>1,136</td>
</tr>
<tr>
<td>Hospital Inpatient</td>
<td>5,669</td>
</tr>
<tr>
<td>Residential</td>
<td>3,015</td>
</tr>
<tr>
<td>Multiple environments</td>
<td>2,439</td>
</tr>
</tbody>
</table>

How are drug crimes and drug-using offenders processed within the justice system?

Drug offenses come under the jurisdiction of more than one level of government.


The criminal justice system also deals with drug-related crime and drug-using offenders.

NIJ, Drugs and crime 1990: Drug Use Forecasting (DUF) annual report, NIJ research in action, NCJ-130093, August 1991, 2 and 5.

and

BJS, Drug use and crime, Special report, NCJ-111940, July 1988, 1.

and


and


Discretion is exercised throughout the criminal justice system.

Discretion is...


Concerning crime and justice...


Basically, they must decide...

Memorandum of June 21, 1977, from Mark Moore, Kennedy School of Government, Harvard University, to James Vorenberg, "Some abstract notes on the issue of discretion."
Chapter IV
Section 2. Drug law enforcement

What is the role of enforcement in drug control policy?

page 141

What are the drug control goals of law enforcement?


Law enforcement targets all stages of drug manufacturing and distribution


Drug control also discourages drug users from buying drugs


Recently, law enforcement has targeted the profits and assets of the illegal drug business


Dealers change tactics in response to drug enforcement efforts


What agencies enforce drug laws?

page 142

Many Federal departments and agencies work to reduce the supply of illegal drugs

FBI, The FBI drug program: Contributing to a drug-free America, 4-5 and GAO, Drug smuggling: Large amounts of illegal drugs not seized by Federal authorities, GAO/GGD-87-91, June 1987, 8, 21.

What laws are law enforcement officers authorized to enforce?

NU, Jan Chaiken, Marcia Chaiken, and Clifford Karchmer, Multijurisdictional drug law enforcement strategies: Reducing supply and demand, NJI issues and practices, December 1990, 46.

Coordination is a key to effective drug control


What Is the Federal Government's role in reducing international drug production and trafficking?

page 144

The international drug control strategy aims to reduce production and destabilize trafficking


The U.S. Department of State has lead responsibility for international drug control policy


DEA is directly involved in the international narcotics control effort


Other Department of Justice agencies also have international drug control responsibilities


The U.S. participates in international efforts to promote cooperation in enforcing drug controls


Through extradition treaties, the U.S. tries to bring international narcotics traffickers to justice

As of 1988, the U.S. had...


In fiscal 1990, 179 fugitives were...


Mutual Legal Assistance Treaties aid enforcement efforts involving foreign countries

Mutual Legal Assistance Treaties (MLATs) —


The use of MLATs...


Crop eradication efforts bring uncertain results

Many countries are not...


Critics of crop eradication efforts...


Supporters point to...


The U.S. encourages foreign governments to control cultivation and production of illegal drugs


Foreign governments assist in worldwide efforts to reduce the supply of illegal drugs


The import and export of precursor and essential chemicals is regulated


What is involved in illegal drug interdiction?

page 146

What agencies are responsible for drug interdiction?


Intelligence and communications programs support interdiction efforts

Drugs, Crime, and the Justice System

How are illegal drugs interdicted at ports of entry to the U.S.?


GAO, Drug smuggling: Large amounts of illegal drugs not seized by Federal authorities, GAO/GGD-87-91, June 1997, 28


Most interdiction seizures are of cocaine and marijuana

<table>
<thead>
<tr>
<th>Year</th>
<th>Pounds of marijuana seized by:</th>
<th>Pounds of cocaine seized by:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Coast Guard</td>
<td>Customs</td>
</tr>
<tr>
<td>1976</td>
<td>183,168</td>
<td>759,960</td>
</tr>
<tr>
<td>1977</td>
<td>1,032,609</td>
<td>1,652,773</td>
</tr>
<tr>
<td>1978</td>
<td>3,221,035</td>
<td>4,816,884</td>
</tr>
<tr>
<td>1979</td>
<td>2,682,586</td>
<td>3,580,556</td>
</tr>
<tr>
<td>1980</td>
<td>2,494,774</td>
<td>2,861,142</td>
</tr>
<tr>
<td>1981</td>
<td>2,643,043</td>
<td>5,109,793</td>
</tr>
<tr>
<td>1982</td>
<td>3,526,775</td>
<td>3,958,871</td>
</tr>
<tr>
<td>1983</td>
<td>2,448,940</td>
<td>2,732,975</td>
</tr>
<tr>
<td>1984</td>
<td>2,505,957</td>
<td>3,274,927</td>
</tr>
<tr>
<td>1985</td>
<td>2,142,133</td>
<td>2,389,704</td>
</tr>
<tr>
<td>1986</td>
<td>1,520,070</td>
<td>2,211,068</td>
</tr>
<tr>
<td>1987</td>
<td>1,212,963</td>
<td>1,701,150</td>
</tr>
<tr>
<td>1988</td>
<td>448,894</td>
<td>969,067</td>
</tr>
<tr>
<td>1989</td>
<td>224,606</td>
<td>645,858</td>
</tr>
<tr>
<td>1990</td>
<td>62,279</td>
<td>222,274</td>
</tr>
</tbody>
</table>


Coastal interdiction relies on investigations of smugglers' and radar detection

GAO, Drug interdiction: Funding continues to increase but program effectiveness is unknown, GAO/GGD-91-10, December 1990.

Major investigations of domestic distribution aim to disrupt major drug organizations


The U.S. Attorneys and the Attorney General, Drug trafficking: A report to the President of the United States, August 3, 1989, 44.
What are the effects of tactics and strategies that disrupt drug distribution networks?

A review of State and local drug enforcement strategies


Others suggest...


Law enforcement uses various strategies to disrupt illegal drug distribution

NIJ, Jan Chaiken, Marcia Chaiken, and Clifford Karchmer, Multijurisdictional drug law enforcement strategies: Reducing supply and demand, NIJ issues and practices, December 1990, ix.

Law enforcement uses undercover operations to infiltrate drug networks


FBI, The FBI drug program: Contributing to a drug-free America, 9.


Some illegal drug investigations are very complex

FBI, The FBI drug program: Contributing to a drug-free America, 45 and

The U.S. Attorneys and the Attorney General, Drug trafficking: A report to the President of the United States, August 3, 1989, 47.

Intelligence is a critical element in disrupting drug distribution networks

The White House, ONDCP, National drug control strategy: A Nation responds to drug use, January 1992, 175 and


Coordination of law enforcement agencies is essential to disrupt illegal drug networks

NIJ, Jan Chaiken, Marcia Chaiken, and Clifford Karchmer, Multijurisdictional drug law enforcement strategies: Reducing supply and demand, NIJ issues and practices, December 1990, ix.

Joint task forces are used in many drug distribution investigations

The U.S. Attorneys and the Attorney General, Drug trafficking: A report to the President of the United States, August 3, 1989, 46, 48 and


The amount of illegal drugs removed by DEA has declined recently

<table>
<thead>
<tr>
<th>Year</th>
<th>Marijuana in pounds</th>
<th>Cocaine in pounds</th>
<th>Heroin in pounds</th>
<th>Stimulants in dosage units</th>
</tr>
</thead>
<tbody>
<tr>
<td>1978</td>
<td>1,117,422</td>
<td>1,009</td>
<td>442</td>
<td>2,901,948</td>
</tr>
<tr>
<td>1979</td>
<td>887,302</td>
<td>1,139</td>
<td>160</td>
<td>7,711,628</td>
</tr>
<tr>
<td>1980</td>
<td>994,468</td>
<td>2,590</td>
<td>201</td>
<td>6,434,742</td>
</tr>
<tr>
<td>1981</td>
<td>1,035,202</td>
<td>4,352</td>
<td>332</td>
<td>47,475,580</td>
</tr>
<tr>
<td>1982</td>
<td>2,814,787</td>
<td>12,493</td>
<td>608</td>
<td>4,482,404</td>
</tr>
<tr>
<td>1983</td>
<td>1,795,875</td>
<td>19,625</td>
<td>662</td>
<td>11,345,783</td>
</tr>
<tr>
<td>1984</td>
<td>2,909,393</td>
<td>25,344</td>
<td>850</td>
<td>16,500,791</td>
</tr>
<tr>
<td>1985</td>
<td>1,641,626</td>
<td>39,969</td>
<td>965</td>
<td>20,709,871</td>
</tr>
<tr>
<td>1986</td>
<td>1,819,764</td>
<td>59,699</td>
<td>801</td>
<td>27,646,419</td>
</tr>
<tr>
<td>1987</td>
<td>1,429,339</td>
<td>81,823</td>
<td>804</td>
<td>26,929,899</td>
</tr>
<tr>
<td>1988</td>
<td>1,241,630</td>
<td>127,967</td>
<td>1,841</td>
<td>95,972,547</td>
</tr>
<tr>
<td>1989</td>
<td>747,510</td>
<td>182,357</td>
<td>1,554</td>
<td>94,343,491</td>
</tr>
<tr>
<td>1990</td>
<td>311,247</td>
<td>160,097</td>
<td>1,405</td>
<td>143,866,393</td>
</tr>
</tbody>
</table>

How do State, local, and Federal agencies disrupt the domestic production of illegal drugs?

DEA works with States and localities to eradicate domestic cannabis


DEA, States, and localities eradicated over 29,000 cannabis plots and 7.3 million cultivated plants in 1990


Cannabis eradication efforts also target indoor cultivation

DEA, 1989 Domestic Cannabis Eradication/Suppression Program, 1990, 1, 22, and 34

and


Law enforcement seizes clandestine drug laboratories to halt domestic production

Anna T. Laszlo, "Clandestine drug laboratories: Confronting a growing National crisis," The National Sheriff (August-September 1989), 9-14

and


Clandestine laboratories pose a danger to law enforcement and the community

One of five laboratories...


These laboratories can also pose...

Joint Federal Task Force of the Drug Enforcement Administration, the U.S. Environmental Protection Agency, and the U.S. Coast Guard, Guidelines for the cleanup of clandestine drug laboratories, March 1990, 3.

These laboratories can also pose...

Joint Federal Task Force of the Drug Enforcement Administration, the U.S. Environmental Protection Agency, and the U.S. Coast Guard, Guidelines for the cleanup of clandestine drug laboratories, March 1990, 3.

Seizures of methamphetamine laboratories in California...

U.S. Senate, Testimony on "Drug production and the environment" to the Committee on the Judiciary, April 11, 1991.

DEA chemists are actively involved...

DEA, Memorandum from Aaron P. Hatcher, III, Deputy Assistant Administrator, Office of Forensic Sciences, to Sidney Hinkley, Chief, Statistical Planning and Policy Analysis, March 27, 1991.

In 1990, the DEA, U.S. Coast Guard...

Joint Federal Task Force of the Drug Enforcement Administration, the U.S. Environmental Protection Agency, and the U.S. Coast Guard, Guidelines for the cleanup of clandestine drug laboratories, March 1990.

How many clandestine laboratories has DEA seized?

<table>
<thead>
<tr>
<th>Year</th>
<th>Clandestine labs seized by DEA</th>
</tr>
</thead>
<tbody>
<tr>
<td>1975</td>
<td>32</td>
</tr>
<tr>
<td>1976</td>
<td>97</td>
</tr>
<tr>
<td>1977</td>
<td>148</td>
</tr>
<tr>
<td>1978</td>
<td>180</td>
</tr>
<tr>
<td>1979</td>
<td>225</td>
</tr>
<tr>
<td>1980</td>
<td>244</td>
</tr>
<tr>
<td>1981</td>
<td>182</td>
</tr>
<tr>
<td>1982</td>
<td>224</td>
</tr>
<tr>
<td>1983</td>
<td>226</td>
</tr>
<tr>
<td>1984</td>
<td>197</td>
</tr>
<tr>
<td>1985</td>
<td>419</td>
</tr>
<tr>
<td>1986</td>
<td>509</td>
</tr>
<tr>
<td>1987</td>
<td>682</td>
</tr>
<tr>
<td>1988</td>
<td>810</td>
</tr>
<tr>
<td>1989</td>
<td>852</td>
</tr>
<tr>
<td>1990</td>
<td>549</td>
</tr>
</tbody>
</table>

Source: DEA as presented in BJS, Sourcebook of criminal justice statistics, 1990 NCJ-130580, 467.

What actions do law enforcement agencies and communities take to combat the retail sale of drugs?

Law enforcement uses many strategies to control street sale of drugs


and


Street sweeps and focused crackdowns have had mixed results

A study of street sweeps in heroin markets in three jurisdictions —


A study of Operation Pressure Point in New York City's lower East Side —


A RAND study found that Washington D.C.'s Operation Clean Sweep —

Peter Reuter, John Haaga, Patrick Murphy, and Amy Prskac, Drug use and drug programs in the Washington metropolitan area (Santa Monica: The RAND Corporation, 1988).

Critics of these tactics...

Some critics...


Traditionally, local law enforcement relies on special narcotics units for drug enforcement


Many researchers and law enforcement administrators...


Many communities have shifted to community policing and problem-oriented policing


What is the role of citizen reporting in enforcing drug laws?

With the disruption of neighborhoods...

Drug Abuse Resistance Education (DARE) —
Daryl F. Gates, "Project DARE — A challenge to arm our youth," The Police Chief (October 1987), 50(10):100-101 and

How does law enforcement target the profits and assets of the illegal drug trade?

Drug activity can be detected by the large amounts of cash it generates

"Getting the banks to just say 'no',' Business Week, April 17, 1989, 16-17.

The Federal Government has taken the lead in targeting drug money


Currency transactions of $10,000 or more must be reported to the U.S. Treasury Department


Enforcement agencies encourage U.S. financial institutions to report suspicious activity

Maggie Mahar, "Dirty money: It triggers a bold, new attack in the war on drugs," Barron's, June 26, 1989, 34 and

Financial institutions also are subject to prosecution for money laundering


The volume of currency reports is large and growing

<table>
<thead>
<tr>
<th>Year</th>
<th>Currency transaction reports received by the IRS</th>
</tr>
</thead>
<tbody>
<tr>
<td>1977</td>
<td>121,000</td>
</tr>
<tr>
<td>1980</td>
<td>241,850</td>
</tr>
<tr>
<td>1981</td>
<td>352,112</td>
</tr>
<tr>
<td>1982</td>
<td>405,213</td>
</tr>
<tr>
<td>1983</td>
<td>513,782</td>
</tr>
<tr>
<td>1984</td>
<td>706,000</td>
</tr>
<tr>
<td>1985</td>
<td>1,871,000</td>
</tr>
<tr>
<td>1986</td>
<td>3,672,000</td>
</tr>
<tr>
<td>1987</td>
<td>4,974,000</td>
</tr>
<tr>
<td>1988</td>
<td>5,806,000</td>
</tr>
<tr>
<td>1989</td>
<td>6,502,000</td>
</tr>
<tr>
<td>1990</td>
<td>7,300,000</td>
</tr>
</tbody>
</table>


Such operations benefit law enforcement...


Federal agencies that are experienced...

Many money laundering investigations require evidence from foreign financial institutions


How do investigators get information from foreign sources?


The U.S. has participated in international initiatives to curb drug-related money laundering


and


and

How does law enforcement use asset forfeiture to combat the illegal drug trade?

The use of forfeiture varies greatly among jurisdictions.


Attorneys fees paid for with illegal drug money are subject to forfeiture.

Maggie Mahar, "Dirty money: It triggers a bold, new attack in the war on drugs," Barron's, June 26, 1989, 38.

In 1990, DEA seized assets valued at more than $1 billion.


Not all property that is seized is eventually forfeited.

Maggie Mahar, "Dirty money: It triggers a bold, new attack in the war on drugs," Barron's, June 26, 1989, 36.

What happens to forfeited property?


The largest dispersal from the Department of Justice Asset Forfeiture Fund went to equitable sharing programs.

DOJ, Office of the Attorney General, Annual report of the Department of Justice Asset Forfeiture Program, 1990, 32.


What happens to the proceeds of Federal asset forfeiture?


The largest dispersal from the Department of Justice Asset Forfeiture Fund went to equitable sharing programs.

DOJ, Office of the Attorney General, Annual report of the Department of Justice Asset Forfeiture Program, 1990, 32.


What happens to the proceeds of assets seized by State and local governments?


Have drug arrests increased in recent years?

How many drug offense arrests were made in 1990?


Drug arrests make up 8% of all State and local arrests.

FBI, Crime in the United States, 1980, 1981, 191 and


Since 1965, arrests for drug offenses have made up an increasingly larger proportion of all State and local arrests.

<table>
<thead>
<tr>
<th>Year</th>
<th>Drug abuse violation arrests as a percent of total UCR arrests</th>
</tr>
</thead>
<tbody>
<tr>
<td>1965</td>
<td>.9%</td>
</tr>
<tr>
<td>1966</td>
<td>1.2</td>
</tr>
<tr>
<td>1967</td>
<td>1.9</td>
</tr>
<tr>
<td>1968</td>
<td>2.9</td>
</tr>
<tr>
<td>1969</td>
<td>4.0</td>
</tr>
<tr>
<td>1970</td>
<td>5.1</td>
</tr>
<tr>
<td>1971</td>
<td>5.7</td>
</tr>
<tr>
<td>1972</td>
<td>6.1</td>
</tr>
<tr>
<td>1973</td>
<td>7.0</td>
</tr>
<tr>
<td>1974</td>
<td>7.1</td>
</tr>
<tr>
<td>1975</td>
<td>6.5</td>
</tr>
<tr>
<td>1976</td>
<td>6.3</td>
</tr>
<tr>
<td>1977</td>
<td>6.3</td>
</tr>
<tr>
<td>1978</td>
<td>6.1</td>
</tr>
<tr>
<td>1979</td>
<td>5.5</td>
</tr>
<tr>
<td>1980</td>
<td>5.6</td>
</tr>
<tr>
<td>1981</td>
<td>5.2</td>
</tr>
<tr>
<td>1982</td>
<td>5.6</td>
</tr>
<tr>
<td>1983</td>
<td>5.7</td>
</tr>
<tr>
<td>1984</td>
<td>6.1</td>
</tr>
<tr>
<td>1985</td>
<td>6.6</td>
</tr>
<tr>
<td>1986</td>
<td>6.6</td>
</tr>
<tr>
<td>1987</td>
<td>7.4</td>
</tr>
<tr>
<td>1988</td>
<td>8.4</td>
</tr>
<tr>
<td>1989</td>
<td>9.5</td>
</tr>
<tr>
<td>1990</td>
<td>7.7</td>
</tr>
</tbody>
</table>

In the 1980s, DEA arrests for all types of drug offenses increased; the greatest increase was in arrests for cocaine violations.

<table>
<thead>
<tr>
<th>Year</th>
<th>Heroin</th>
<th>Cocaine</th>
<th>Marijuana</th>
<th>Other</th>
<th>Distribution</th>
<th>Possession</th>
<th>Conspiracy</th>
</tr>
</thead>
<tbody>
<tr>
<td>1979</td>
<td>1,992</td>
<td>3,326</td>
<td>2,366</td>
<td>2,264</td>
<td>4,003</td>
<td>2,328</td>
<td>3,637</td>
</tr>
<tr>
<td>1980</td>
<td>1,981</td>
<td>3,966</td>
<td>2,742</td>
<td>2,990</td>
<td>5,074</td>
<td>4,111</td>
<td>2,494</td>
</tr>
<tr>
<td>1981</td>
<td>2,392</td>
<td>5,293</td>
<td>3,549</td>
<td>2,281</td>
<td>5,015</td>
<td>5,527</td>
<td>2,973</td>
</tr>
<tr>
<td>1982</td>
<td>3,312</td>
<td>4,338</td>
<td>3,488</td>
<td>2,341</td>
<td>5,058</td>
<td>3,934</td>
<td>4,487</td>
</tr>
<tr>
<td>1983</td>
<td>2,046</td>
<td>4,978</td>
<td>3,519</td>
<td>1,813</td>
<td>5,620</td>
<td>3,338</td>
<td>3,998</td>
</tr>
<tr>
<td>1984</td>
<td>2,012</td>
<td>5,287</td>
<td>3,429</td>
<td>1,837</td>
<td>4,919</td>
<td>4,886</td>
<td>3,260</td>
</tr>
<tr>
<td>1985</td>
<td>2,059</td>
<td>7,755</td>
<td>3,932</td>
<td>2,576</td>
<td>5,780</td>
<td>5,092</td>
<td>4,850</td>
</tr>
<tr>
<td>1986</td>
<td>2,012</td>
<td>10,808</td>
<td>3,409</td>
<td>2,556</td>
<td>7,010</td>
<td>6,469</td>
<td>5,306</td>
</tr>
<tr>
<td>1987</td>
<td>1,963</td>
<td>11,812</td>
<td>4,201</td>
<td>3,173</td>
<td>7,902</td>
<td>7,060</td>
<td>5,297</td>
</tr>
<tr>
<td>1988</td>
<td>2,160</td>
<td>13,495</td>
<td>4,402</td>
<td>3,272</td>
<td>7,510</td>
<td>8,889</td>
<td>6,930</td>
</tr>
<tr>
<td>1989</td>
<td>2,097</td>
<td>13,710</td>
<td>3,707</td>
<td>2,385</td>
<td>5,684</td>
<td>10,469</td>
<td>5,776</td>
</tr>
<tr>
<td>1990</td>
<td>1,858</td>
<td>10,937</td>
<td>3,965</td>
<td>2,371</td>
<td>4,122</td>
<td>8,107</td>
<td>6,930</td>
</tr>
</tbody>
</table>


Is forensic evidence a critical factor in prosecuting drug cases?

About 250 State and local forensic laboratories conduct tests on seized substances


According to the 1990 LEMAS survey...


and


A CJSA study of 66 crime laboratories in 1988 —


DEA operates forensic laboratories to analyze seized drug evidence

DEA Laboratories, Office of Forensic Sciences, November 19, 1990

and

DEA, Memorandum from Aaron P. Hatcher, III, Deputy Assistant Administrator, Office of Forensic Sciences, to Sidney Hinkley, Chief, Statistical Planning and Policy Analysis, March 27, 1991.

Technical Appendix 66
What is the trend in the number of drug exhibits analyzed by DEA?

<table>
<thead>
<tr>
<th>Year</th>
<th>Number of exhibits analyzed by DEA labs</th>
</tr>
</thead>
<tbody>
<tr>
<td>1974</td>
<td>27,299</td>
</tr>
<tr>
<td>1975</td>
<td>41,607</td>
</tr>
<tr>
<td>1976</td>
<td>35,410</td>
</tr>
<tr>
<td>1977</td>
<td>30,993</td>
</tr>
<tr>
<td>1978</td>
<td>29,944</td>
</tr>
<tr>
<td>1979</td>
<td>30,014</td>
</tr>
<tr>
<td>1980</td>
<td>33,209</td>
</tr>
<tr>
<td>1981</td>
<td>31,748</td>
</tr>
<tr>
<td>1982</td>
<td>32,047</td>
</tr>
<tr>
<td>1983</td>
<td>35,365</td>
</tr>
<tr>
<td>1984</td>
<td>36,676</td>
</tr>
<tr>
<td>1985</td>
<td>40,217</td>
</tr>
<tr>
<td>1986</td>
<td>41,701</td>
</tr>
<tr>
<td>1987</td>
<td>44,648</td>
</tr>
<tr>
<td>1988</td>
<td>43,564</td>
</tr>
<tr>
<td>1989</td>
<td>42,630</td>
</tr>
<tr>
<td>1990</td>
<td>36,782</td>
</tr>
</tbody>
</table>


Most exhibits analyzed by DEA laboratories are cocaine

DEA, Memorandum from Aaron P. Hatcher, III, Deputy Assistant Administrator, Office of Forensic Sciences, to Sidney Hinkley, Chief, Statistical Planning and Policy Analysis, March 27, 1991.
How are drug cases handled?

page 165

Some drug cases are felonies, others are misdemeanors


Like all criminal cases, drug cases are subject to case attrition

Percent of matters opened by U.S. attorneys involving:

<table>
<thead>
<tr>
<th>Year</th>
<th>Violent offenses</th>
<th>Property offenses</th>
<th>Drug offenses</th>
<th>Public order offenses</th>
</tr>
</thead>
<tbody>
<tr>
<td>1980</td>
<td>3,861</td>
<td>21,429</td>
<td>9,546</td>
<td>32,622</td>
</tr>
<tr>
<td>1981</td>
<td>4,000</td>
<td>21,985</td>
<td>9,666</td>
<td>31,240</td>
</tr>
<tr>
<td>1982</td>
<td>4,674</td>
<td>27,114</td>
<td>12,186</td>
<td>31,799</td>
</tr>
<tr>
<td>1983</td>
<td>4,048</td>
<td>25,328</td>
<td>12,647</td>
<td>32,931</td>
</tr>
<tr>
<td>1984</td>
<td>3,866</td>
<td>24,711</td>
<td>13,993</td>
<td>33,666</td>
</tr>
<tr>
<td>1985</td>
<td>3,828</td>
<td>23,508</td>
<td>15,669</td>
<td>33,845</td>
</tr>
<tr>
<td>1986</td>
<td>4,040</td>
<td>26,081</td>
<td>18,633</td>
<td>36,090</td>
</tr>
<tr>
<td>1987</td>
<td>4,460</td>
<td>28,900</td>
<td>22,729</td>
<td>33,606</td>
</tr>
<tr>
<td>1988</td>
<td>4,480</td>
<td>27,458</td>
<td>25,901</td>
<td>35,783</td>
</tr>
<tr>
<td>1989</td>
<td>5,074</td>
<td>31,844</td>
<td>31,054</td>
<td>34,068</td>
</tr>
</tbody>
</table>

Change from 1980-89: 31.4% 48.6% 234.7% 4.4%


They are involved in DEA State and local task forces...


State and local prosecutors...


In multijurisdictional cases, prosecutors are often cross-designated

Cross-designation allows...


In 1990, 69% of the chief prosecutors...


Prosecutors also participate in other coordinated drug control efforts

NIJ, Jan Chaiken, Marcia Chaiken, and Clifford Karchmer, Multijurisdictional drug law enforcement strategies: Reducing supply and demand, NIJ issues and practices, December 1990, 7-22.

What is the role of the prosecutor in drug control?

page 166

Who prosecutes drug cases?


Because of the complexity of many drug cases, prosecutors are often involved during the investigation...

They work with law enforcement...

NIJ, Jan Chaiken, Marcia Chaiken, and Clifford Karchmer, Multijurisdictional drug law enforcement strategies: Reducing supply and demand, NIJ issues and practices, December 1990, 47.

Prosecutors also participate in special grand jury investigations


The decision to charge is generally a function of the prosecutor

How often are drug cases rejected or dismissed?

page 167

What happens to cases that are not prosecuted?


Why are cases rejected or dismissed?


Insufficient evidence is the most common reason for rejection and dismissal of State and local drug cases


How many Federal drug cases are rejected or dismissed?

BJS, Compendium of Federal justice statistics, 1989, NCJ-134730, May 1992, 12, table 1.4, 14 and data notes #2 and #3, 61

and


Are defendants charged with drug offenses released or held pending adjudication?

page 168

The traditional objective of bail and other pretrial release options is to assure appearance at trial


The Ball Reform Act of 1984 changed the bail provisions for many Federal drug defendants


What is the average bail amount for drug defendants?

BJS, Felony defendants in large urban counties, 1988, NCJ-122385, April 1990, 10.


Almost half the juveniles charged with drug trafficking were detained before court disposition in 1988


Defendants charged with drug offenses released before trial are less likely to appear for trial than other released defendants


BJS, Felony defendants in large urban counties, 1988, NCJ-122385, April 1990, 11.

page 170

How often are released drug defendants rearrested?


Most Federal drug defendants do not violate the conditions of their release


Drug use increases the likelihood of pretrial misconduct


Routine drug testing of new arrestees before the pretrial release decision is recent...

In 1984 the District of Columbia Pretrial Services Agency...


The program also monitored...

BJA, Estimating the costs of drug testing for a pretrial services program, June 1989, 1 and 31, and Appendix A: Program announcement, Drug testing and Intensive Supervision (DTIS) Program, 21-24.


The Administrative Office of the U.S. Courts began a demonstration project...


As compared to convicted offenders...

BJA, Urinalysis as part of a Treatment Alternatives to Street Crime (TASC) program, July 1988, 5


Most courts that have considered...


How often do drug cases result in convictions?

Conviction rates in U.S. district court have been increasing since 1980.


Most drug cases result in a guilty plea.

BJS, Felony defendants in large urban counties, 1988, NCJ-122385, April 1990, table 13, 12.


Most Federal convictions are for offenses involving heroin or cocaine.


Are drug defendants convicted of the same offense for which they are charged?

BJS, Felony defendants in large urban counties, 1988, NCJ-122385, April 1990, 13.

How many people are convicted of drug offenses?


Few drug cases result in a jury trial.

In 1989, 16% of all defendants...


<table>
<thead>
<tr>
<th>Offense type</th>
<th>Total cases to trial</th>
<th>Total convicted to trial</th>
<th>Total not convicted to trial</th>
<th>Total cases</th>
<th>Total convicted</th>
<th>Total not convicted</th>
</tr>
</thead>
<tbody>
<tr>
<td>Violent</td>
<td>2,804</td>
<td>510</td>
<td>346</td>
<td>102</td>
<td>16</td>
<td>450</td>
</tr>
<tr>
<td>Property</td>
<td>16,188</td>
<td>1,428</td>
<td>921</td>
<td>143</td>
<td>84</td>
<td>201</td>
</tr>
<tr>
<td>Drug</td>
<td>19,780</td>
<td>3,491</td>
<td>2,713</td>
<td>196</td>
<td>45</td>
<td>3,280</td>
</tr>
<tr>
<td>Public order</td>
<td>18,916</td>
<td>2,528</td>
<td>875</td>
<td>362</td>
<td>531</td>
<td>1,237</td>
</tr>
</tbody>
</table>

Percent of total cases that went to trial and were jury trials.

<table>
<thead>
<tr>
<th>Offense type</th>
<th>Percent of cases that went to trial</th>
<th>Percentage of cases that were jury trials</th>
</tr>
</thead>
<tbody>
<tr>
<td>Violent</td>
<td>18%</td>
<td>16%</td>
</tr>
<tr>
<td>Property</td>
<td>9%</td>
<td>7%</td>
</tr>
<tr>
<td>Drug</td>
<td>18%</td>
<td>16%</td>
</tr>
<tr>
<td>Public order</td>
<td>13%</td>
<td>7%</td>
</tr>
</tbody>
</table>

Percent of jury trial drug cases that resulted in conviction = 2,713/3,280 = 84%

Percent of judge tried drug cases that resulted in conviction = 196/241 = 81%

In State courts in 1988...


How long does it take to process drug cases?


This difference may be due to the complexity of drug cases...


In the study of 26 large urban trial courts — John A. Goerdt and John A. Martin, "The impact of drug cases on case processing in urban trial courts," *State Court Journal* (Fall 1989), 13(4):4-12, 7.

What is the Impact of the Increase of drug cases on court delay?


Some research reports...


Courts are using a variety of management techniques to handle the influx of drug cases

Special drug courts —


In Orleans Parish, Louisiana...


Early case disposition —


Motions management —


Differentiated case management —


---

Have drug caseloads increased in State and Federal courts?

The number of drug cases in U.S. district court has risen dramatically since 1980

<table>
<thead>
<tr>
<th>Year</th>
<th>Drug cases commenced in U.S. District Court</th>
</tr>
</thead>
<tbody>
<tr>
<td>1971</td>
<td>328</td>
</tr>
<tr>
<td>1972</td>
<td>5,993</td>
</tr>
<tr>
<td>1973</td>
<td>8,676</td>
</tr>
<tr>
<td>1974</td>
<td>7,294</td>
</tr>
<tr>
<td>1975</td>
<td>7,296</td>
</tr>
<tr>
<td>1976</td>
<td>6,132</td>
</tr>
<tr>
<td>1977</td>
<td>4,831</td>
</tr>
<tr>
<td>1978</td>
<td>3,745</td>
</tr>
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<td>1979</td>
<td>3,277</td>
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<tr>
<td>1980</td>
<td>3,130</td>
</tr>
<tr>
<td>1981</td>
<td>3,697</td>
</tr>
<tr>
<td>1982</td>
<td>4,192</td>
</tr>
<tr>
<td>1983</td>
<td>5,094</td>
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<td>1984</td>
<td>5,806</td>
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<td>1985</td>
<td>6,900</td>
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<td>1986</td>
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<td>1989</td>
<td>11,858</td>
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<tr>
<td>1990</td>
<td>12,592</td>
</tr>
</tbody>
</table>


The number of drug cases in State courts is also increasing


How do the juvenile courts deal with drug offenses and drug abusing juveniles?

page 173

Juvenile courts are very different from criminal courts


At what age do offenders come under criminal court jurisdiction?


Juvenile courts have changed their approach to drug cases


The drug case rate in juvenile courts has been rising


How do drug cases differ from other types of delinquency?

Chapter IV
Section 4. Sentencing and sanctions

What sanctions and sanctioning strategies are used for drug law violations?

Page 177

Sentencing guidelines have been established for Federal judges

The 1984 Comprehensive Crime Control Act established...
U.S. Sentencing Commission, Special report to the Congress: Mandatory minimum penalties in the Federal criminal justice system, August 1991, i.

The prime objective of the guidelines... Ronnie M. Scollin, "The development of the Federal sentencing guidelines for drug trafficking offenses," Criminal law bulletin (January/February 1990), 26:50-59, 53-54

and


The U.S. Sentencing Commission reports...

The guidelines require an offender...

The U.S. Sentencing Commission reported that during 1989...

Sentencing guidelines are also used by some State courts

State sentencing guidelines status

% = Sentencing commission in the State

Sentencing guidelines were created by:

* Statute

Administrative rule

Written into statute in...


Used statewide but not mandated by law...


Applied selectively...

Massachusetts: statewide system of voluntary guidelines established by the Superior Court of Massachusetts. Guidelines are used only by the superior court system.


Additional States:

Alabama: no guidelines


Colorado: no guidelines

Connecticut: no guidelines; Sentencing Commission was created but subsequently recommended against guidelines and in favor of determinate sentencing, which was enacted (Public Act 80-442, effective July 1, 1981). No guidelines created.

& Delaware: accountability levels implemented in 1987 are judicially mandated but considered voluntary. Sentencing Accountability Commission was created by General Assembly.


* Georgia: no guidelines

Hawaii: no guidelines

Continued on the next page...
**Sentencing guidelines are also used by some State courts, cont.**

Idaho: no guidelines
Illinois: determinate sentencing, only general standards, no guidelines.
Indiana: determinate sentencing, only general standards, no guidelines.
Iowa: no guidelines

* Kansas: guidelines grid has been enacted in Kansas Senate Bill 475, 1992 Session, and will take effect as of July 1, 1993. [Legislative information (913)296-2391]
Kentucky: no guidelines
Maine: no guidelines; sentencing commission established August 1990.
Nebraska: no guidelines
New Hampshire: no guidelines
Nevada: no guidelines
New Jersey: voluntary guidelines system no longer in effect

New York: no guidelines; recommendations of the New York State Commission on Sentencing Guidelines (1985) was rejected by the legislature.

North Carolina: determinate sentencing similar to guidelines (as is California), Sentencing Commission established July 1990. Guidelines in development, draft matrix completed; to be submitted to NC General Assembly in 1992 session.

North Dakota: no guidelines
Oklahoma: no guidelines

* % Oregon: presumptive guidelines grid is mandatory, adopted by the Oregon Sentencing Guidelines Board as Oregon Administrative Rules in December, 1988, (OAR 253-01-000 et seq.) and subsequently approved by the Legislative Assembly (Seldon 87, Chapter 790, Oregon Laws 1989). Reviewed periodically by the Criminal Justice Council; judges may deviate, but must give explanation why.

South Carolina: guidelines in development, reclassification of felonies and misdemeanors enacted this summer; guidelines grid with "advisory" sentences to be submitted to General Assembly next year. (Sentencing Commission, Columbia, SC (803)734-1051)

Texas: no guidelines
* Utah: guidelines are voluntary guidelines matrix, established by legislative statute
Vermont: no guidelines. Voluntary guidelines created by judiciary through the Sentencing Guidelines Steering Committee are no longer in effect.


West Virginia: no guidelines
Wyoming: no guidelines

Sources:


LEXIS/LEXIS "codes" library, "codes" file.

Telephone calls: Kay Krapp; Rick Kern, VA Judicial Sentencing Guidelines Committee; SC Sentencing Guidelines Commission; NC Dept. of Crime Control & Public Safety; GA General Assembly staff; Kansas legislative information, state legislative staff; and Oregon Dept. of Corrections.

**What are the penalties for illegal drug offenses?**

page 178

Federal drug possession penalties generally consider only the drug violation history of the offender

With one exception...

As discussed later in this section...
A guide to State controlled substances acts (Washington: National Criminal Justice Association, January 1991), 3-5, 7-13 and 21 USC 844(a)(West 1981 and Supp. 1992) for possession of a mixture or substance containing cocaine base, if first conviction and more than 5 grams, or second conviction and more than 3 grams, or third conviction and more than 1 gram, then sentence is not less than 5 years minimum, 20 years maximum prison, and a minimum fine of $1,000. Cocaine as used in 21 USC 841 includes the substance known as cocaine base, commercially referred to as "crack". United States v. Pinto, 905 F.2d 47 (CA4 Md., 1990).

Federal drug trafficking penalties consider the type and amount of the drug involved, the offender's drug violation history, and other factors

The law provides for longer sentences for Schedule I and II offenders...

When death or serious bodily injury results from use of the drugs...

Penalties for trafficking in small amounts of drugs...
The law provides for stiffer fines for offenders other than individuals:
21 USCA 841(b)(C)(West 1991 and Supp. 1992) $1,000,000 versus $5,000,000 for first offense with death or serious bodily harm; $2,000,000 versus $10,000,000 for second offense and death or serious bodily harm.

...for Schedules III and IV they are four times greater...
21 USCA 841(b)(C),(C)(2)(West 1991 and Supp. 1992) $250,000 versus $1,000,000 for first offense; $500,000 versus $1,000,000 for second offense.

...for Schedule V, they are two and one-half times greater
21 USCA 841(b)(C)(3)(West 1991 and Supp. 1992) $100,000 versus $250,000 for first offense; $200,000 versus $500,000 for second offense.

State and Federal sentencing structures are similar

Federal and State laws provide special penalties for various drug offense circumstances
Drug offenses involving minors —
21 USCA 859, 861 (West 1991 and Supp. 1992)
U.S. House of Representatives, Select Committee on Narcotics Abuse and Control, Narcotic and dangerous drug control: Penalties under the Controlled Substances Act and other Federal statutes, 1990, CRS-7

Drug offenses that result in serious bodily injury or death —
Under federal law...
6 of the 15 States revising statutory provisions to the death penalty...
BJS, Capital punishment 1989, Bulletin, NCJ-124545, October 1990, 3

Nevada became the seventh State...

Washington State provides for...
Controlled substance homicide is a class B felony, punishable as prescribed in Wash. Rev. Code Ann. 9A.20.021, which provides for a maximum 10 years and/or $20,000.

Drug offenses in specific locations —
U.S. House of Representatives, Select Committee on Narcotics Abuse and Control, Narcotic and dangerous drug control: Penalties under the Controlled Substances Act and other Federal statutes, 1990, CRS-5

Drug offenses involving specific drugs —

Drug offenses that result in environmental damage —
U.S. House of Representatives, Select Committee on Narcotics Abuse and Control, Narcotic and dangerous drug control: Penalties under the Controlled Substances Act and other Federal statutes, 1990, CRS-5
Five year prison terms and fines according to 18 USCA for knowingly or intentionally using a poison, chemical, or other hazardous substance on Federal land in violation subsection (a) of 21 USC 841, and in so doing:
(A) creating a serious hazard to humans, wildlife or domestic animals;
(B) degrading or harming the environment or natural resources; or
(C) polluting an aquifer, spring stream river, or body of water...
18 USCA 41 (West Supp. 1992)
$500 fine for willfully disturbing or killing any wild animal on United States
lands...

Posession of them with the intent to
manufacture...
A guide to State controlled substances
acts (Washington: National Criminal
Justice Association, January 1991),
12-13

1992)
and
21 USCA 3571(b)(West Supp. 1992)
for the fine — an individual found guilty
of a felony may be fined not more than
$250,000.

Federal and State courts
can fine and imprison
money launderers
Persons convicted under the Federal
money laundering laws...
18 USCA 1956(a)(1)(a)(2)(b)(West
Supp. 1992)
and
John K. Villa, Banking crimes: Fraud,
money laundering, and embezzlement
(New York: Clark Boardman, Co., Ltd.,
1989), 8-28 to 8-29, 8-37 to 8-38.

Financial institutions are also...
12 USCA 1829(b)(1) (West 1989 and

Bank officers and directors also...
U.S. House of Representatives, Select
Committee on Narcotics Abuse and
Control, Summary of Anti-Drug Abuse

At least 14 States have enacted laws
aimed at money laundering...
A guide to State controlled substances
acts (Washington: National Criminal
Justice Association, January 1991), 29
and
(West 1977 and Supp. 1992)
and

What are the sanctions
for violations of the drug
paraphernalia laws?
21 USCA 863(b) (West 1981 and

How do Federal mandatory
minimum sentences apply to drug
offenders?

Mandatory minimum sentences limit
the sentencing discretion of judges
First-time offenders facing a 10-year
mandatory minimum...
21 USCA 841(b)(1)(A)(West 1981 and
...and someone eligible for a 5-year
mandatory minimum...
21 USCA 841(b)(1)(B)(West 1981 and

The law establishes mandatory
minimum sentences for possession
of crack cocaine
1992)
...and
U.S. House of Representatives, Select
Committee on Narcotics Abuse and
Control, Summary of Anti-Drug Abuse
Act of 1988, November 28, 1988
A guide to State controlled substances
acts (Washington: National Criminal
Justice Association, January 1991), 21
and
Elements of controlled substances
acts table, Appendix B and Alaska State
summary.

Federal law also provides
for harsher sentences under
some circumstances
For first offenders...
21 USCA 841(b)(1)(A),(B),(C) (West
For second offenders...
21 USCA 841(b) (West 1981 and
Third-time offenders...

The laws also establish minimum periods of supervised release after the full prison sentence has been served.

These periods range from 1 to 10 years...


The purpose of supervised release...

A judge can order a lesser sentence only if the prosecutor recommends it.
U.S. Sentencing Commission, Annual report, 1990, 70, 74, table S.

How are intermediate sanctions applied to drug law violators?
page 182

Intermediate sanctions are a mix of old and new penalties
OJP, A survey of intermediate sanctions, September 1990, 3-17.

Nonincarcertive intermediate sanctions are often used in conjunction with intensively supervised probation

Day Reporting Centers are a variant of intensively supervised probation

House arrest is used in many jurisdictions

How is electronic monitoring used in supervising offenders?

and
BJS, Electronic monitoring in intensive probation and parole programs, Monograph, NCJ-119319, February 1989, 1-12.

and

Electronic monitoring devices were first used in 1984

The Federal system is testing electronic monitoring devices

and

Drug offenders may be sentenced to shock incarceration programs


The White House, ONDOP, State drug control status report, November 1990, 13, 14, and chart at end.

What government benefits can be
denied to drug offenders?

460 Federal benefits may be denied
or revoked

The White House, ONDCP, National
drug control strategy: A Nation
responds to drug use, January 1992,
125.

OJP, "Denial of Federal Benefits

Courts are beginning
to deny Federal benefits
to drug offenders

OJP, "Summary of sentences entered
into the Denial of Federal Benefits
Database," Denial of Federal Benefits

Public housing can be denied
to drug users

HUD, Office of Policy Development and
Research and Office of Public and
Indian Housing, Together we can meet
the challenge: Winning the fight against
drugs, April 1991, 3-17.

How is asset forfeiture being used
in drug cases?

Asset forfeiture is a powerful
sanction against illegal drugs

NIJ, Jan Chaiken, Marcia Chaiken, and
Clifford Karchmer, Multijurisdictional
drug law enforcement strategies: Re­
ducing supply and demand, NIJ issues
and practices, NCJ-126658, December
1990, 7-9, 22.

Most jurisdictions permit
civil forfeiture

A guide to State controlled substances
acts (Washington: National Criminal
Justice Association, January 1991),
11-12, 21-22.

Jurisdictions vary in terms
of what is forfeitable

A guide to State controlled substances
acts (Washington: National Criminal
Justice Association, January 1991),
11-12, 21-22, and State-by-State
summaries

How do States use tax codes
to sanction drug offenders?

At least 21 States levy a tax on drugs
possessed or sold illegally

A guide to State controlled substances
acts (Washington: National Criminal
Justice Association, January 1991), 31
and State Tax tables, Appendix B.

Drug tax laws target
drug dealer assets

Constance Thomas, 1990 State sub­
stance abuse laws, Intergovernmental
Health Policy Project (Washington:
George Washington University, March
1991), 2-5.

How often are taxes assessed
on illegal drugs?

Texas Comptroller of Public Accounts,
Economic Analysis Center, "Texas drug
tax sets new trap for drug dealers," in
Fiscal Notes, October 1989, 6-7.
State tax rates for illegal drugs vary widely

In Florida the tax is 50% of the estimated price of transactions, medicinal drugs, marijuana, and other controlled substances, plus a surcharge of 25% of estimated price. The penalty is a late fee of 5% of tax per month up to 25%, plus 12% interest; for willful nonpayment, the fee is 50% of tax.

In Montana the tax may be 10% of the assessed market value of the drugs, or $100/oz. of marijuana; $250/oz. of hashish; $200/g of any drug on Schedule I or II, $100/mcg of LSD, $100/oz of immediate precursors. Civil penalties are 10% of the tax and 1% interest per month. Criminal penalties of a $1,000 fine and imprisonment for up to 1 year have been declared unconstitutional (per the Montana Department of Revenue).

In New Mexico the fines are: $300/g of Schedule I and II narcotics, $100/g of amphetamines, $150/g of Schedule I and II nonnarcotics, $200/oz of marijuana over 8 ounces, $125/mcg of LSD, $50/g of drugs on Schedules III through V and $300/g of PCP.


What is the probability of being sentenced to incarceration?

page 188

Of those convicted of drug trafficking in Federal courts, 51% were sentenced to prison


Federal drug law offenders are most often involved with narcotics


Almost three of four drug traffickers convicted in State courts were sentenced to incarceration


Drug offenders are sentenced to incarceration in conjunction with other sanctions


Do State and Federal prison sentences for drug traffickers differ?

page 189

Most Federal prison sentences for drug offenders are long


Offenders usually serve only a portion of the sentence length in confinement


Are sentences for drug law violators generally becoming more severe?

page 190

The number of drug offenders sentenced to Federal prison has risen since 1980


Federal sentence lengths for drug offenders have also increased


State courts were more likely to sentence drug traffickers to incarceration in 1988 than in 1986

BJS, Felony sentences in State courts, 1986, Bulletin, NCJ-126923, December 1990 and

Drugs, Crime, and the Justice System

The Federal courts have begun sentencing under the Federal drug laws with death penalty provisions.

The Anti-Drug Abuse Act of 1988 allows imposition...

U.S. House of Representatives, Select Committee on Narcotics Abuse and Control, Summary of Anti-Drug Abuse Act of 1988, November 28, 1988, CRS-7


In May 1991, a Federal court in Birmingham, Alabama...


Since 1987, States have increased drug law violation penalties


What sanctions are applied to juvenile drug offenders?

page 191

Even juvenile cases handled informally may result in sanctions

Melissa Sickmund, Juvenile court drug and alcohol cases, 1985-88 (Pittsburgh: National Center for Juvenile Justice, September 1990), figure 5, 7, and figures 6-A and 6-B, 8.

Juvenile offenders are also monitored electronically


Convicted Federal drug traffickers were more likely to be sentenced to prison in 1989 than in 1980...

<table>
<thead>
<tr>
<th>Year</th>
<th>Percent of convicted Federal drug offenders sentenced to prison</th>
<th>Average sentence length of Federal drug offenders in months</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Possession</td>
<td>Trafficking</td>
</tr>
<tr>
<td>1980</td>
<td>22.9%</td>
<td>76.8%</td>
</tr>
<tr>
<td>1981</td>
<td>41.8</td>
<td>79.7</td>
</tr>
<tr>
<td>1982</td>
<td>44.9</td>
<td>82.1</td>
</tr>
<tr>
<td>1983</td>
<td>33.9</td>
<td>82.9</td>
</tr>
<tr>
<td>1984</td>
<td>41</td>
<td>81</td>
</tr>
<tr>
<td>1985</td>
<td>43</td>
<td>82.3</td>
</tr>
<tr>
<td>1986</td>
<td>41.5</td>
<td>83.1</td>
</tr>
<tr>
<td>1987</td>
<td>27.8</td>
<td>85.4</td>
</tr>
<tr>
<td>1988</td>
<td>22.1</td>
<td>88.2</td>
</tr>
<tr>
<td>1989</td>
<td>26.7</td>
<td>91.5</td>
</tr>
</tbody>
</table>

Chapter IV  
Section 5. Correctional populations

What happens to sentenced drug offenders?  
page 194

Drug offenders are supervised in institutions or in the community  


Many adult and juvenile drug offenders are supervised in the community


Many jurisdictions are using intermediate sanctions for drug offenders


How many Inmates are drug offenders?


Estimates of total number of incarcerated drug offenders are based on data from several sources.

<table>
<thead>
<tr>
<th>Number</th>
<th>Description</th>
<th>Source</th>
</tr>
</thead>
<tbody>
<tr>
<td>25,037</td>
<td>Federal sentenced drug prisoners 9/30/90</td>
<td>BOP, unpublished data.</td>
</tr>
</tbody>
</table>

The following calculations were used to estimate the total number incarcerated for drug offenses in 1990.

\[
\begin{align*}
195,661 \times 0.225 &= 44,024 \\
684,406 \times 0.22 &= 150,569 \\
25,037 &= 219,630
\end{align*}
\]

Total 1990: population estimates (all sentenced inmates)

<table>
<thead>
<tr>
<th>Inmates</th>
<th>Number</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>All</td>
<td>219,830</td>
<td>100%</td>
</tr>
<tr>
<td>Prison</td>
<td>150,569</td>
<td>69</td>
</tr>
<tr>
<td>Jail</td>
<td>44,024</td>
<td>20</td>
</tr>
<tr>
<td>Federal</td>
<td>25,037</td>
<td>11</td>
</tr>
</tbody>
</table>

Population figures for State prisons are estimates that combine information from different sources. Therefore, the figures presented in the report are estimates with an unknown margin of error. They should be used as rough approximations only.

Technical Appendix 81
Drugs, Crime, and the Justice System

Is the proportion of drug offenders in jails and prisons increasing?

Why are drug offenders becoming a larger share of the prison population?


and


and


In Federal prisons, the rising proportion of offenders committed for drug offenses exceeded 50% in 1990

<table>
<thead>
<tr>
<th>Year</th>
<th>Percent of Federal inmates committed for drug offenses</th>
</tr>
</thead>
<tbody>
<tr>
<td>1970</td>
<td>16.3%</td>
</tr>
<tr>
<td>1971</td>
<td>17</td>
</tr>
<tr>
<td>1972</td>
<td>16.9</td>
</tr>
<tr>
<td>1973</td>
<td>25.6</td>
</tr>
<tr>
<td>1974</td>
<td>28.4</td>
</tr>
<tr>
<td>1975</td>
<td>26.7</td>
</tr>
<tr>
<td>1976</td>
<td>26.6</td>
</tr>
<tr>
<td>1977</td>
<td>26.2</td>
</tr>
<tr>
<td>1978</td>
<td>25.4</td>
</tr>
<tr>
<td>1979</td>
<td>25.3</td>
</tr>
<tr>
<td>1980</td>
<td>24.9</td>
</tr>
<tr>
<td>1981</td>
<td>25.6</td>
</tr>
<tr>
<td>1982</td>
<td>26.3</td>
</tr>
<tr>
<td>1983</td>
<td>27.6</td>
</tr>
<tr>
<td>1984</td>
<td>29.5</td>
</tr>
<tr>
<td>1985</td>
<td>34.3</td>
</tr>
<tr>
<td>1986</td>
<td>38.1</td>
</tr>
<tr>
<td>1987</td>
<td>42</td>
</tr>
<tr>
<td>1988</td>
<td>44.8</td>
</tr>
<tr>
<td>1989</td>
<td>49.9</td>
</tr>
<tr>
<td>1990</td>
<td>52.3</td>
</tr>
</tbody>
</table>


In State prisons, the proportion of inmates admitted for drug offenses has increased

<table>
<thead>
<tr>
<th>Year</th>
<th>Percent of total State inmates admitted for drug offenses</th>
</tr>
</thead>
<tbody>
<tr>
<td>1960</td>
<td>4.2%</td>
</tr>
<tr>
<td>1964</td>
<td>4.1</td>
</tr>
<tr>
<td>1970</td>
<td>9.8</td>
</tr>
<tr>
<td>1974</td>
<td>12.0</td>
</tr>
<tr>
<td>1978</td>
<td>8.4</td>
</tr>
<tr>
<td>1981</td>
<td>7.7</td>
</tr>
<tr>
<td>1982</td>
<td>8.1</td>
</tr>
<tr>
<td>1983</td>
<td>8.2</td>
</tr>
<tr>
<td>1984</td>
<td>11.1</td>
</tr>
<tr>
<td>1985</td>
<td>13.2</td>
</tr>
<tr>
<td>1986</td>
<td>16.3</td>
</tr>
<tr>
<td>1987</td>
<td>20.4</td>
</tr>
<tr>
<td>1988</td>
<td>25.1</td>
</tr>
<tr>
<td>1989</td>
<td>29.5</td>
</tr>
</tbody>
</table>


What are offenders' drug-use patterns?

A large percentage of offenders have drug problems


State inmates who used drugs before entering prison were more likely than nondrug users to break prison rules

BJS, Prison rule violators, Special report, NCJ-120344, December 1989, table 4

and


Is drug testing used in correctional systems?

Correctional populations are tested for drug use

BJA, American Probation and Parole Association's drug testing guidelines and practices for adult probation and parole agencies, prepared in cooperation with the Council of State Governments, Monograph, NCJ-129199, July 1991, 1.


Drug testing has a number of uses in correctional settings

BJA, American Probation and Parole Association's drug testing guidelines and practices for adult probation and parole agencies, prepared in cooperation with the Council of State Governments, Monograph, NCJ-129199, July 1991, 1, 2, 7.

The privacy and other rights of offenders differ from those of other citizens.


Probationers and parolees are tested for drug use.

<table>
<thead>
<tr>
<th>Tests administered to Parole &amp; probation combined*</th>
<th>Revocations Parole &amp; probation combined</th>
</tr>
</thead>
<tbody>
<tr>
<td>Paroleans</td>
<td>Parolees</td>
</tr>
<tr>
<td>Federal</td>
<td>600,000</td>
</tr>
<tr>
<td>Alabama</td>
<td>31,418</td>
</tr>
<tr>
<td>Alaska</td>
<td>9,708</td>
</tr>
<tr>
<td>Arizona</td>
<td>29,500</td>
</tr>
<tr>
<td>California</td>
<td>518,496</td>
</tr>
<tr>
<td>Colorado</td>
<td>8,722</td>
</tr>
<tr>
<td>Connecticut</td>
<td>3,323</td>
</tr>
<tr>
<td>Delaware</td>
<td>18,667</td>
</tr>
<tr>
<td>Dist. of Col.</td>
<td>12,554</td>
</tr>
<tr>
<td>Florida</td>
<td>17,769</td>
</tr>
<tr>
<td>Georgia</td>
<td>17,769</td>
</tr>
<tr>
<td>Hawaii</td>
<td>2,651</td>
</tr>
<tr>
<td>Illinois</td>
<td>2,190</td>
</tr>
<tr>
<td>Indiana</td>
<td>100</td>
</tr>
<tr>
<td>Kentucky</td>
<td>1,500</td>
</tr>
<tr>
<td>Kansas</td>
<td>6,976</td>
</tr>
<tr>
<td>Maryland</td>
<td>21,794</td>
</tr>
<tr>
<td>Minnesota</td>
<td>5</td>
</tr>
<tr>
<td>Missouri</td>
<td>19,371</td>
</tr>
<tr>
<td>Nevada</td>
<td>18,000</td>
</tr>
<tr>
<td>New Hampshire</td>
<td>4,707</td>
</tr>
<tr>
<td>New Mexico</td>
<td>6,600</td>
</tr>
<tr>
<td>New York</td>
<td>7,025</td>
</tr>
<tr>
<td>North Carolina</td>
<td>100,000</td>
</tr>
<tr>
<td>Ohio</td>
<td>500</td>
</tr>
<tr>
<td>Oklahoma</td>
<td>4,500</td>
</tr>
<tr>
<td>South Carolina</td>
<td>68,626</td>
</tr>
<tr>
<td>South Dakota</td>
<td>315</td>
</tr>
<tr>
<td>Tennessee</td>
<td>3,964</td>
</tr>
<tr>
<td>Texas</td>
<td>55,764</td>
</tr>
<tr>
<td>Utah</td>
<td>4,860</td>
</tr>
<tr>
<td>Virginia</td>
<td>67,567</td>
</tr>
<tr>
<td>West Virginia</td>
<td>150</td>
</tr>
<tr>
<td>Washington</td>
<td>33,000</td>
</tr>
<tr>
<td>Wisconsin</td>
<td>7,025</td>
</tr>
<tr>
<td>Wyoming</td>
<td>4,707</td>
</tr>
<tr>
<td>Total</td>
<td>981,768</td>
</tr>
</tbody>
</table>


Many correctional systems test incarcerated offenders for drugs


The Federal prison system tests inmates for drug use

All initial positive results...
Pharmchem, April 28, 1989.

Drug use among Federal inmates is relatively low

Is treatment of drug offenders effective?


When is drug treatment considered successful?
NIDA, M. Douglas Anglin, "The efficacy of civil commitment in treating narcotic addiction," in Compulsory treatment of drug abuse: Research and clinical practice, Carl G. Leukefeld and Frank M. Tims, eds., NIDA research monograph 86, 1988, 8-34 and

Are those who are compelled to enter treatment as successful as voluntary entrants?
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Does legal supervision improve the treatment success rate of offenders who are released from prison?
A national survey conducted...

Early results from an evaluation of the Surveillance and Treatment on Probation (STOP) Program...

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Are drug-using offenders and drug law violators likely to recommit?

How effective is treatment in jails and prisons?
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The BJS National Recidivism Reporting Program (NRRP) —

Technical Appendix 85
Federal drug law violators are no more likely to recidivate than Federal offenders overall.


Released Federal drug offenders were less likely than all other types of offenders to be returned to prison.


Recidivism rates of drug law violators released from State prisons were lower than the rates for other types of offenders.


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Drug offenders released from State prisons were less likely to be rearrested for a similar crime.


Likelihood of rearrest: For each type of rearrest charge, the numerator is the odds of rearrest for that charge among prisoners released for the same type of offense; the denominator is the odds of rearrest for that charge among prisoners released for a different type of offense. Each ratio expresses the odds of rearrest among prisoners released on a similar offense relative to the odds of rearrest among those released on a different type of offense.

What effect does the type of community supervision have on recidivism?

Joan Petersilia, Joyce Peterson, and Susan Turner, Intensive probation and parole: Research findings and policy implications (Santa Monica: The RAND Corporation, forthcoming), 12-43.

What effect do shock incarceration programs have on recidivism?


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