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An evaluation of the drugs crime nexus, legalization of drugs, drug enforcement, and drug treatment rehabilitation

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AN EVALUATION OF THE DRUGS CRIME NEXUS, LEGALIZATION OF DRUGS, DRUG ENFORCEMENT, AND DRUG TREATMENT REHABILITATION

A Project

Presented to the

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ABSTRACT

Research has revealed that there is a clear connection between drug use and both property and violent crime (Inciardi, 1986).

Law enforcement agencies are faced with the problem of how to reduce crime in the most economical method possible, without violating the law. Since drug offenders also engage in a disproportionate amount of non-drug crime, then drug enforcement is considered as an acceptable general crime control method. Unfortunately, this is an expensive option because incarcerating offenders is both costly and only a short-term solution to the problem. A review of existing research and limited original research examining the prior criminal histories of drug offenders compared to their previous involvement in violent and property crime is conducted to evaluate this relationship.

Findings indicate that drug-related crime is a result of the pharmacological effects of drugs, economic factors that are part of any illicit trade, and systemic violence that is the result of an illegal business (Musto, 1987). First, the pharmacological effects of drugs make users more violent. Second, because illegal drugs are expensive, people will steal and commit other crimes to get the money to pay for them, and third, because there is no legitimate recourse for drug dealers to enforce contract and

territorial disputes, they will resort to street violence to settle their disagreements (Musto, 1987).

Proponents of drug legalization argue that legalizing drugs will not affect the incidence of their use and will reduce crime, while conservatives argue that the reverse is true (Kane, 1992; Scorza, 1990; Jacobs, 1990; Inciardi & Saum, 1996; Lynch & Blotner, 1993; Califano, 1997). Legalizing drugs has been tried in the past, and the results reveal that legalization results in an increase in drug and non-drug crimes.

The nexus between drug use and property and violent crime gives support to law enforcement policies, which place emphasis on drug crimes enforcement as a general crime control method, because a large percentage of offenders, who use illegal drugs, have also been previously arrested for non-drug violent crimes, such as robbery and assault with a deadly weapon, in addition to property crimes like burglary and theft (Mott, 1998).

Drug enforcement is expensive, therefore adding drug treatment rehabilitation to drug enforcement and incarceration is considered as a more cost-effective crime control technique.

Dedicated to Jackie, Chris, Michael, and Steve

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CHAPTER ONE

Introduction

Law enforcement agencies must be more effective with fewer resources. Administrators have an obligation to be well informed about various crime issues, which enables them to develop and implement effective policy. A serious issue facing the criminal justice system is the effect of drug abuse and the illegal drug trade on the safety of society. Illegal drug use and crime are associated with each other, and drug users commit a disproportionate amount of drug and non-drug crime (Inciardi, 1986). The question is, what should we do about it?

Researchers, Dr. David Nurco, at The University of Maryland School of Medicine, and John C. Ball, at Temple University, discovered that people commit crime an average of 255 days out of the year when they are using drugs, but only engage in crime an average of 65 days out of the year when they are not using drugs (Inciardi, 1986). If drug users commit a disproportionate amount of crime, whereas people who are not using drugs engage in much less crime, then anything which reduces the amount of drug use, or incapacitates these offenders, should also reduce overall crime. If this is true, then focussing enforcement efforts on individuals who violate drug laws may be an indirect way to reduce overall crime.

In any analysis of this concept, drug crime activities should be considered separately from non- drug crimes. Drug-crimes are those actions which are prohibited because drugs are currently illegal to possess, sell, and use. Often, when researchers refer to the crime rates for drug users they include the drug-crimes themselves, like possession, sale, and use of illegal drugs as indicators of overall crime involvement (Inciardi, 1986; Harrison & Gfroerer, 1992). This can paint an inaccurate picture of the criminal activities of drug users, because the crimes of possession and use are included in the crime numbers. While drug users do appear to engage in much more crime than people who do not use drugs, combining both drug-crimes and non-drug crimes together, as the metric of criminal activity, makes drug users appear to engage in even more crime than they actually commit.

In 1991, the study of people who engaged in criminal activities and those arrested and booked for crimes was added to the National Household Survey on Drug Abuse (NHSDA), to help answer the question about the crime and drugs connection. The findings revealed that there was a clear nexus between drug use and crime (Harrison & Gfroerer, 1992), but that the most common crime committed by drug addicts was actually selling drugs (Harrison & Gfroerer, 1992). This indicated that a smaller number of drug addicts were actively engaged in non-drug crimes than

it at first appeared (Harrison & Gfroerer, 1992). In order to accurately assess drug addicts' involvement in non-drug crime we should only consider the non-drug crimes that they commit.

Enforcement of drug laws is a very conservative approach to reducing drug related crime. Liberals argue that legalizing drugs should also be an acceptable way to reduce crime, because removing the legal sanctions against drug use and sales will cause the price of illegal drugs to fall (Dennis, 1990; Yacoubian & Kane, 1992; Sollars & Rasmussen, 1994; Greers, 1995). Less expensive drugs will reduce the need to steal in order to pay for them, causing overall crime to decrease (Sollars & Rasmussen, 1994; Greers, 1995), and legalizing drugs will also reduce the systemic violence associated with any illegal business (Inciardi, 1986; Musto, 1987; Kane, 1992; Mocan & Corman, 1998).

Conversely, conservatives believe that legalizing drugs will not reduce crime at all, and instead will lead to more drug use and more associated crime (Scorza, 1990; Lynch & Blotner, 1993; Califano, 1997). They argue that even if drugs are legalized causing the price of drugs to fall, the pharmacological effects of illegal drugs make drug users more violent and less inhibited (Inciardi & Saum, 1996), and legalizing drugs will not do anything to reduce this effect (Musto, 1987; Kane, 1992; Lynch &

Blotner, 1993; Califano, 1997; Mocan & Corman, 1998). Another reason that legalizing drugs will not reduce crime is because many offenders report that they steal not just for money to buy drugs, but also to pay for living expenses, and say that stealing is easier than working (Tunnell, 1992). Researchers at the Center for Drug and Alcohol Studies at the University of Delaware, who studied crack users in Miami, supported this belief, finding that 86% of males and 70% of females committed crime to pay for living expenses, that 50% of men and 25% of women paid for more than 90% of their living expenses by committing crime, and that 96% of men and 99% of women had not held a job within 90 days before being interviewed (Inciardi & Saum, 1996).

With these opposing liberal and conservative views in mind, three questions should be considered. Is there really a nexus between drug use and crime? If so, what are the pros and cons of legalizing drugs as a method of crime control? If drug use is associated with crime, and legalization is not practical, then is drug enforcement, combined with drug treatment rehabilitation an effective crime control model?

The War On Drugs

An enormous share of police resources is allocated to the "War on Drugs", which found its modern genesis in the 1964 presidential campaign of U.S. Senator, Barry Goldwater

(DiIulio, 1992). President Lyndon Johnson embraced the idea, which led to his appointment of the 1965 Commission on Law Enforcement and Administration of Justice. The commission recommended that the federal government address crime control by fighting a war on the socioeconomic conditions that were thought to create or amplify crime (DiIulio, 1992). The Nixon, Ford, and Carter, administrations continued Johnson's crime policies, however, in spite of these large expenditures on law enforcement programs, the crime rate continued to rise, and by the late 1970s the consensus was that the war on crime had been lost (DiIulio, 1992).

Liberals argued that money should have been spent on social factors, which they saw as associated with crime, rather than on enforcement of laws and punishment of offenders after they already committed crimes (DiIulio, 1992). They claimed that increased law enforcement did not treat the causes of crime and instead only led to crowded prisons and inhumane conditions for inmates (DiIulio, 1992). Conservatives argued that more punishment and greater deterrence was the order of the day, believing that increased punishment would lead to a reduction in crime through deterrence (DiIulio, 1992).

While the police are under pressure to reduce crime and make people feel safe, their ability to do this is limited by their resources. Property crimes are difficult

to prevent and to solve. The nature of property crimes is that they occur when no one is around to see the offender, so there are not usually any witnesses to the crime. In addition, violent offenders may intimidate or injure their victims, in the course of their offenses, in an attempt to discourage victims from later identifying and prosecuting them. According to San Bernardino Police Department District Crimes Investigations Supervisor, David Harp, the police have not had much success solving property crimes compared to violent crimes, however, as the seriousness of the crime increases so does the clearance rate (Harp, personal communication, March 12, 1999). According to Robert Evans, supervisor of the San Bernardino Police Department homicide unit, burglaries are infrequently solved whereas homicides are almost always solved (Evans, personal communication, March 12, 1999). In 1996, 47% of property crimes reported to the police in the United States were cleared by arrest, however, as the seriousness of the crime increased so did the clearance rate, with homicides being cleared by arrest 67% of the time (Scarpitti & Nielsen, 1999, p.57).

These numbers indicate that the police are capable of solving crimes and making arrests, but enforcement of laws is expensive, and because resources are limited, the police are forced to limit the thorough investigation of some crimes, like burglary, so that there will be sufficient

resources available to adequately investigate more serious offenses, like homicide. This raises the question of whether or not there is a more cost effective way to accomplish the tasks of both solving and reducing crime. One way the police have tried to do this is to deal with criminals and crime prevention more broadly. For example, instead of arresting burglars after they have broken into someone's home, the police may provide crime prevention education to residents and business owners. Residents may be instructed to reduce landscaping around windows or doors that a burglar may use to conceal himself when breaking into their residence, or the police may suggest that residents install more lighting around their homes and businesses to discourage break-ins that occur at night. Following the same rationale, if property and violent offenders also engage regularly in drug offenses, then a more cost effective method of crime reduction may be drug enforcement activities that will indirectly reduce the number of burglaries, robberies, and assaults with a deadly weapon, by incapacitating offenders for drug law violations.

While law enforcement executives must be creative and innovative in their attempts to reduce crime, using drug enforcement laws may seem unfair when the weight of the criminal justice system falls disproportionately on the drug using segment of society, unless these offenders also

contribute to an inordinate amount of non-drug crime. If the police discover that property and violent offenders, who are injuring innocent people, also frequently commit drug crimes, then the violators' incapacitation, while in custody, will still reduce the harm that offenders can inflict on their victims while they are free. Drug enforcement then becomes a valid law enforcement and crime prevention option. This will be evaluated in the Los Angeles Police Department and San Bernardino Police Department studies that examine the probability that property and violent offenders are a subset of drug offenders.

During in depth interviews with sixty repetitive property criminals, Kenneth Tunnell (1992, p. 345), discovered that drug users commit non-drug crimes between 187 and 287 times a year. According to Joseph Califano Jr., President of the National Center on Addiction and Substance Abuse at Columbia University, "...criminals commit six times as many homicides, four times as many assaults, and almost one and a half times as many robberies under the influence of drugs as they do in order to get money to buy drugs" (Califano, 1997, p.46). This compels agency executives to consider drug enforcement as a crime control method for violent crime.

In spite of this, drug enforcement may be too narrow an approach to the problem. While drug enforcement is one

method that is available, it is also both expensive and only a short-term solution, because drug offenders will eventually be released from custody. According to Dr. David Bellomy, Assistant Professor of Public Administration at California State University, San Bernardino, it costs an average of $25,000 to $30,000 a year to incarcerate a person in state prison for one year, and offenders usually leave prison no less inclined to commit crime than when they first entered (Bellomy, personal communication, February 12, 1998).

However, if as Nurco and Ball discovered, drug users commit less overall crime when they are not using drugs (Inciardi, 1986), then drug treatment rehabilitation programs may be a less costly dimension of drug enforcement than just locking up offenders. With this in mind, a combination of enforcement (incapacitation) and drug treatment (rehabilitation) may work synergistically to reduce overall crime.

Literature Review

Research indicates that there is a clear association between drug use and crime (Inciardi, 1986), and drug and alcohol use has had a dramatic affect on crime (Califano, 1997). As reported earlier, offenders commit between one and a half and six times as many violent crimes while under the influence of drugs as they do in order to get money to buy drugs (Califano, 1997), and according to Gerald Lynch,

president of John Jay College of Criminal Justice at City University of New York, and Roberta Blotner, director of the City of New York's substance abuse programs, 80% of violent crime involves the use of alcohol and drugs (Lynch & Blotner, 1993). "Specifically, cocaine has the tendency to illicit violent behavior because of the changes that take place in the neurotransmitter systems in the brain" (Lynch & Blotner, 1993, p.7). Researcher, Barry Spunt at the National Development and Research Institutes in New York City, also agrees that drug users get violent when they use drugs (Inciardi & Saum, 1996). In addition, chronic cocaine users often experience "cocaine psychosis," during which they experience hallucinations, and believe that the police, or their family members, are plotting against them (Inciardi & Saum, 1996). This causes them to incorrectly view innocent actions by other people as threats to them, and can lead to a violent response, which they believe is "self defense" against their imagined enemies (Inciardi & Saum, 1996).

Spunt found that of the 269 murderers incarcerated in U.S. state prisons, 45% were under the influence of drugs when they killed their victims. Although some people argue that marijuana use is harmless, Spunt found that of those murderers who considered themselves to be "high" when they killed their victims, 31% reported that the homicide and marijuana were related (Inciardi & Saum, 1996).

While it is widely reported in the media that drug-induced violence is common, the pharmacological, economic, and systemic effects of drugs are all major ways that drug use affects crime (Musto, 1987; Kane, 1992; Inciardi & Saum, 1996; Mocan & Corman, 1998). These three factors can be described as drug abuse related crime (pharmacological), economically motivated drug crime (economic), and drug market related crime (systemic).

The use of drugs has an obvious and well-known pharmacological affect on criminality, because the drug-induced state causes the individual user to be more violent (Scorza, 1990; Mocan & Corman, 1998). The Drug Use Forecasting (DUF) program, initiated in 1987 by the National Institute of Justice, tested arrestees who were booked for drug use in 23 major cities across the nation. Fifty percent, or more, of those who were booked on other criminal charges also tested positive for illegal drugs at the time they were booked (Harrison & Gfroerer, 1992). Cocaine was the most commonly found drug, followed by marijuana and opiates, and the lowest rate of offending, in this study, was among those who had not used drugs or alcohol within the past year. Crime involvement appeared to be a function of drug use, and in particular, getting drunk monthly and using marijuana and cocaine within the past year were significantly related to criminal behavior, while cocaine use was the strongest predictor of being

booked for a violent or property crime (Harrison & Gfroerer, 1992).

While the pharmacological effect of drugs is a direct cause of crime (Scorza, 1990; Califano, 1997; Mocan & Corman, 1998), the economic crime effect of illicit drugs, while less obvious, is a function of their high price. Illegal drugs are expensive because the risks involved in their production, transportation, and distribution are high (Greers, 1995). To make trafficking attractive, compensation must be commensurate with the associated risks. This drives up the price of illegal drugs in order to adequately reward dealers for the risks they take. Drug addicts generally cannot legitimately afford to pay these high prices, and so they commit crimes to obtain enough money to pay for drugs (Sheley, 1994; Sollars & Rasmussen, 1994; Greers, 1995).

Drug use has more than just pharmacological and economic effects on people. It also leads to other violent criminal behavior, because of the combination of high drug prices and the high drug profits associated with a risky and illegal enterprise (Mocan & Corman, 1998). There is no legitimate recourse through the courts to settle business and territorial disputes in an illegal business like drug trafficking, so the use of systemic violence is common (Sheley, 1994; Mocan & Corman, 1998). Street drug dealers engage in violent crime by robbing other dealers in order

to reduce their competition, and as a method of enforcing agreements between suppliers, as well as a way to control employees and drug buying customers (Sheley, 1994; Mocan & Corman, 1998). Researchers found that drug sales, rather than drug use, was most associated with street violence, including shootings and stabbings, because street violence is necessary for dealers to stay in business (Sheley, 1994). Sheley also found that drug dealers who sell while in groups, and dealers who both sell and use drugs are the most violent of all. This is further supported by the observation that drug dealers who sell in groups also report having been the victims of violent crimes more often that dealers who work alone or sell drugs less frequently (Sheley, 1994). Researchers in this study also found that firearms and illegal drugs seem to go together. They reported that 68% percent of those who were incarcerated had used cocaine or crack, 21% had used heroin, and gun ownership, possession, and use of firearms on the streets was a clear preference among drug dealers who were also users (Sheley, 1994). Sixty-nine percent of this group said they had owned at least three different firearms just before they were incarcerated, 53% said they routinely carried a gun in the year or two before they were incarcerated, 29% said they carried a gun now and then, and 83% had shot at someone (Sheley, 1994).

Sheley's research reveals that between drug users and drug dealers, it is the dealers who are more likely to carry and use firearms, but that drug users, who are not dealers, are more likely to engage in robberies. In addition, drug dealers who also use drugs are more violent than dealers or drug users alone (Sheley, 1994). This means that in spite of the observation that drug dealers use and carry guns because they operate a violent business with no legitimate recourse for conflict resolution, it is the drug users who victimize people more often in the form of robberies. Therefore, a law enforcement focus on users may be just as productive as an enforcement emphasis on drug dealers.

CHAPTER TWO

Police Department Studies

The Los Angeles Police Department (LAPD) conducted a 1997 study to determine if people who were arrested for being under the influence of drugs were also engaging in other non-drug related crimes. As part of their drug recognition experts' (DRE) re-certification process, a team of officers arrested 48 people for being under the influence of illegal drugs during an 8-day period. They then analyzed the previous arrest records of each arrested person to determine their previous involvement in crime. They discovered that 75% of those who were arrested for being under the influence of illegal drugs had also been previously arrested for property crimes, like theft and burglary, and 60% had been arrested for violent crimes, including assault with a deadly weapon, kidnapping and murder (Mott, 1997).

As a detective employed by the San Bernardino Police Department (SBPD), my duties include identifying and addressing crime trends, and implementing appropriate enforcement action in order to reduce both crime and the fear of crime. I conducted a research project to determine whether or not drug users also engaged in an inordinate amount of non-drug crime. I followed the same methodology used in the 1997 LAPD study to see if their results could be duplicated in San Bernardino.

The method used was to assign three two-officer teams to identify and arrest people who they believed to be under the influence of illegal drugs, which included heroin, cocaine, and methamphetamine, but excluded marijuana and alcohol. Officers were also instructed to arrest persons who were in possession of these same controlled substances, or who were in possession of drug paraphernalia that is commonly used to ingest these drugs. This was done to identify people who were drug users, but who may not have been under the influence of drugs at the moment the police contacted them.

The criminal history of each person arrested for a drug charge was later obtained to see if they had been previously arrested for non-drug crimes. This would indicate whether or not drug users were also involved in a disproportionate amount of non-drug crime. Officers who made the arrests did not know that the criminal histories of each arrested person would be evaluated for previous arrests, so these officers should not have pre-selected people who were under the influence of drugs who they thought may have also been involved in other crimes.

Casual criminals were separated from those who were more involved in crime on a regular basis, and from those who were identified as career criminals and predators based on the extensiveness of their criminal histories (See Appendix A tables and graphs, and Appendix B for

definitions). Employment was also evaluated, to see how many of those subjects arrested were employed at least part-time when they were arrested.

There were some limitations to the external validity of the findings because the test group was not randomly selected and was limited to only people who used drugs and were found in San Bernardino. Therefore, the results only indicated what may be occurring in San Bernardino; however, the findings were very similar to the results obtained in the LAPD study in 1998.

During the four-day period a total of 50 arrests were made, including 37 drug arrests, An analysis of the criminal histories of each person arrested revealed that 65% of those persons arrested for drug crimes had also been previously arrested for property crimes. In addition, 62% of those arrested had been previously arrested for violent crimes. Of those subjects arrested in San Bernardino during this program, 84% had been arrested before, and 70% had been previously convicted of misdemeanor crimes. Seventy-six percent had been previously arrested for felony crimes, and 54% had been previously convicted of felony crimes. Of those arrested, 65% had been previously arrested for violent crimes, and weapons charges, and 57% had been previously arrested for violent felonies, like assault with a deadly weapon, robbery, kidnapping, and false imprisonment. The modal violent crime, for which

persons had been previously arrested, was robbery followed by assaults with a deadly weapon. The summary of these 37 drug arrests can be found in Appendix A, Table 2.

The Pros And Cons Of Legalizing Drugs

Proponents of legalizing drugs argue that legalizing drugs will lead to both a decrease in drug use and a decrease in the overall crime rate (Sollars & Rasmussen, 1994; Greers, 1995). Sollars & Rasmussen and Greers explain that drugs are expensive because the high risks associated with the illegal drug trade require high profits to make the risk of illegal trafficking worth the potential gain of large profits. This, in turn, makes drug addicts steal in order to get enough money to pay for the drugs because they are too expensive to afford by legitimate means. They also explain that if drugs are legalized, then the price of drugs will fall, as the associated risks to drug traffickers also fall, and this will allow drug users to get drugs without being compelled to commit crimes to get enough money to pay for them (Sollars & Rasmussen, 1994).

Califano (1997) agrees that legalizing drugs would lead to some reduction in crime, because if drug prices decreased, as a result of legalization, then fewer people would feel compelled to steal to get money for drugs, and the systemic violence associated with the illegal drug trade would also be reduced. Assistant U.S. Attorney and

chief narcotics prosecutor for the Northern District of Illinois, Thomas Scorza (1990), points to the reduction in marijuana use following decriminalization of marijuana in the Netherlands as support for the prediction that legalizing drugs may lead to a decrease in their use, because after decriminalization, marijuana use in the Netherlands among 15-18 year olds dropped by a third over a 15-year period.

Since police agencies have recognized the violent tendencies of drug users and dealers, this has led them to engage in police crack downs in heavy drug areas. However, 1987 research conducted in 296 Florida law enforcement jurisdictions, revealed that police crack downs on drug users actually increase crime (Sollars & Rasmussen, 1994). Findings showed that this is so because, while it is true that there is an overlap of drug users and property criminals, drug offenders are not a subset of property criminals (Sollars & Rasmussen, 1994). Therefore, when police resources are re-allocated to drug enforcement, the likelihood of being arrested for property crimes is reduced, causing a decrease in general deterrence. According to Sollars & Rasmussen, (1994) offenders rationally weigh the risks of getting caught against the potential benefits of committing the crime. Therefore, as the probability of being caught decreases when police reallocate their resources to drug enforcement, this

increases offenders' willingness to commit other non-drug crimes. In addition to the ineffectiveness of police crackdowns as a general crime control method, proponents of legalizing drugs argue that mandatory drug sentencing laws are also contributing to an increase in street crime (Sollars & Rasmussen, 1994; Mocan & Corman, 1998). Mandatory drug sentencing laws have increased the frequency and duration of prison sentences for drug offenders. This has resulted in shorter sentences for non-drug offenders in order to alleviate prison overcrowding (Sollars & Rasmussen, 1994; Mocan & Corman, 1998), and has left more violent offenders free to commit crimes and victimize innocent people.

In spite of the support for legalizing drugs, there are compelling arguments that legalizing drugs would do more harm than good. Scorza (1990) predicts that, although marijuana use decreased in the Netherlands after it was decriminalized, legalizing drugs in the U.S. will cause an increase in use, and that it will increase sharply, based on the 350% increase in alcohol use that followed the repeal of Prohibition. He also explains that, because kids cannot legally buy drugs, there will still always be an illegal drug market for young people. This will cause street dealers to target children, instead of adults, when the government becomes their competition after legalizing and taxing drugs sold to adults (Scorza, 1990).

Lynch & Blotner (1993) agree with legalization proponents that legalizing drugs would reduce crime, but only by eliminating drug crimes from current statutes. They posit instead that drugs use will increase due to more availability. They also argue that the increased use of drugs combined with the pharmacological effects of decreasing inhibition and increasing aggression will lead to an increase in violent crime.

According to Inciardi & Saum (1996) there are three reasons why legalizing drugs may actually cause an increase instead of a reduction in their use. First, removing the criminal sanctions against the possession, use, and distribution of illegal drugs would make them more attractive and more available, creating large numbers of new users. Second, an increase would lead to a greater number of dysfunctional addicts who could not support themselves, their habits, or their lifestyles through legitimate means, leaving crime as their only alternative, and third, more users would mean more of the pharmacologically induced violence associated with the ingestion of drugs.

What Others Have Done

Having reviewed the literature regarding how legalization of drugs may affect their use, an examination of the results of earlier legalization experiments is appropriate. Attempts to legalize narcotics in Europe, and

marijuana in the U.S. are both associated with increased drug use, and in the European experiment with a sharp increase in overall crime.

Harald Klingemann (1996) reported that in 1986, Platpitz "Needles" Park, in Zurich, Switzerland, was opened as an experimental open-drug zone, where enforcement of drug laws was suspended. Needle exchanges, free health care, meals, shelter, and methadone maintenance were all provided. Intravenous heroin use and drug dealing were still illegal, but heroin use was tolerated.

Drug sales, drug use, and violent crime all increased sharply (Klingemann, 1996). Neighborhood residents moved away, and those that remained hired private security to escort their children to and from school. A vigilante mentality began to grow in response to the escalating crime rate. There were so many problems that officials had to close the park and fence off the area, however, addicts just moved to Letten, which was an abandoned train station in the city. The same problems occurred there and officials had to close that area as well (Klingemann, 1996).

While the Platpitz Park was open to drug addicts between 1986 and 1992, crime rose sharply in the area. When the park was closed by officials in 1992, drug deaths and crime rates fell again (Klingemann, 1996). This demonstrated that an open-drug scene increased not only

drug use, but also associated crime. According to Lynch & Blotner (1993, P.7), "Zurich has served as a real life experience that proves the failure of decriminalization".

In addition to the failed Swiss experiment, the Netherlands and the United States have also experienced failure after similar experiments. In the Netherlands, anyone over the age of 18 can legally smoke marijuana. Adolescent marijuana use there went up 200%, while at the same time in the United States, where it continued to be illegal, marijuana use decreased by 66% (Califano, 1997). In Alaska, an adult can legally possess up to 200 marijuana cigarettes in his or her own home, while the sale, purchase, and transportation of marijuana is still against the law. Consequently, many people in Alaska grow their own marijuana. Opponents to the Alaskan law say that this sends a signal that drugs are acceptable, which has led to increased marijuana use (Roth, 1990). Studies in 1983 and 1988 showed that the population of Alaska used 20% more marijuana, compared to the average use in the continental United States (Roth, 1990).

The Economics Of Legalizing Drugs

In addition to the connection between drugs and crime, and the probability that legalization will cause more people to use drugs, there is an economic cost associated with widespread drug addiction.

Proponents of legalization believe that law enforcement costs will decrease while, at the same time, legalizing drugs will provide a new tax base to increase government revenue (Dennis, 1990; Kane, 1990; Greers, 1995). Legalization opponents believe that if drugs are legalized, then use will increase, and this will increase social and medical costs as well as increase the number of dysfunctional addicts, thereby damaging the economy (Lynch & Blotner, 1993; Inciardi & Saum, 1996; Califano, 1997).

It is estimated that between $10 billion (Dennis, 1990) and $40 billion (Greers, 1995) will be saved each year in criminal justice costs if drugs are legalized. Joseph Kane, chaplain at Riker's Island, New York, for 20 years, pointing to the 60% increase in alcohol use after the repeal of Prohibition, admits that drug use will increase if drugs are legalized; however, he believes that the increase in tax revenue will offset the increased social costs (Kane, 1992). Lynch & Blotner (1993) explain that legalizing drugs would not only cause crime rates to rise, due to the pharmacological effects of drugs that cause violent behavior, but legalizing drug use would also cost more in added health and social service costs than would ever be realized in law enforcement savings. Even assuming there is no increase in drug use, the $40 billion savings in law enforcement costs claimed by Greers (1990) will, according to Lynch and Blotner, be lost to increased

health and social service costs that will result from drug legalization, and they believe these associated social costs will actually be much higher than the $40 billion estimate. They base this on their belief that 80% of violent crime involves the use of alcohol and drugs. Therefore legalizing drugs will increase the social and medical costs of treating more addicts and their crime victims, who will suffer because of drug legalization (Lynch & Blotner, 1993). Califano (1997) concurs, saying that legalization will not save any money because, while the criminal justice system may spend less on law enforcement, the costs of social and health services will skyrocket. If the experiences in Alaska, Zurich, and of Prohibition in the United States are indicators of what can be expected, then these costs may rise between 20% and 350%.

In addition to the increased costs of law enforcement and social programs, increased drug use that results from drug legalization may actually reduce rather than increase the tax base (Lynch & Blotner, 1993). A 1990 report released by the National Campaign Against Drug Abuse revealed that only 14% of people entering drug rehabilitation programs were employed while 70% were unemployed (the remaining 16% were retired or had home duties) (Youth Studies, 1990). In the San Bernardino Police Department study, 76% of those persons arrested for

bookable offenses were unemployed, which also suggests that drug use and employment are correlated.

Since drug addicts don't work very much (Jacobs, 1990) this limits their contribution to the economy. Researchers at the Center for Drug and Alcohol Studies at the University of Delaware found that 96% of men and 99% of women had not held a job within 90 days before being interviewed (Inciardi & Saum, 1996). As drug use increases and the number of dysfunctional addicts rises, this will move more addicts from the ranks of tax base contributors to tax revenue consumers.

CHAPTER THREE

Drug Treatment Programs

While it seems clear that there is a relationship between drug use and crime, and that legalizing drugs will increase rather than decrease crime, what is not as clear is how the criminal justice system should exploit the drug and crime association in order to reduce crime. It is evident that incarcerating drug addicts will reduce overall crime while they are incapacitated. However, these offenders have to be released eventually, so locking them up is only a short-term solution to the problem. In addition, we have already discussed the high cost of incarcerating people. This makes straight drug enforcement an expensive and temporary remedy. However, if drug treatment programs are successful in reducing the recidivism of some drug addicts, then this can be combined with incarceration to further reduce overall crime.

John J. DiIulio Jr., Professor of Politics and Public Affairs at Princeton University, reported that in 1990, 47% of 59,000 U.S. federal prisoners had moderate to serious drug use problems, and that prisoners with drug problems were being provided with 40 mandatory hours of drug treatment while they were in custody. Although this indicates that the federal correctional system has been moving toward increasing drug treatment programs for prisoners, only 11% of state prisoners received drug or

alcohol counseling during the same year (DiIulio, 1992). While, in the past, drug treatment has not been very important in the U.S. correctional system, between 1981 and 1992 the Bureau of Prisons increased its drug treatment budget from $2.9 million to $21.8 million a year, indicating that corrections is slowly moving toward more drug treatment as a rehabilitative component of corrections.

From 1980 to 1995 drug offenders made up 68% of the increase in the federal prison population and 30% of the increase in state prisons (Hanlon & Nurco, 1999). In addition, 80% of state and federal inmates either committed a drug offense, were under the influence of drugs when they committed an offense, committed a crime to support their drug use, or had a history of "problematic" drug use (Hanlon & Nurco, 1999). As a result of the observed high incidence of drug abuse among criminal offenders, federal and state drug treatment programs in correctional settings have continued to become more popular and have benefited from increased funding (Hanlon & Nurco, 1999). However, the effectiveness of these programs and their cost benefit are issues still to be resolved.

Wexler, Falkin, and Lipton (1990) reviewed the effectiveness of the Stay 'n Out therapeutic community (TC) drug treatment program in reducing recidivism. This program had already operated in the New York State

correctional system for 12 years before the study was conducted. The study included 1500 men and women who were incarcerated in state prison, and was conducted because researchers have observed that a few offenders are responsible for a large number of criminal offenses (Wexler et al, 1990).

Researchers examined men and women in TC treatment, milieu treatment, counseling treatment, and no treatment groups. According to the Bureau of Justice Statistics, of the 12,000 New York State inmates, 56% reported having used drugs within a month of their offense, while of those inmates, 33% said they used drugs at the time of the crime. These inmates were twice as likely to have used illegal drugs as the general population and three times as likely to have used them within the past month.

Successful completion of parole was used as the measure of recidivism. Inmates who completed the TC, milieu therapy, counseling, and no treatment programs were subsequently released and were tracked for repeat offending while they were on parole.

The TC program had 120 participants, who were segregated from the rest of the prison population. The TC program was well structured and operated by former addicts, who acted as positive role models for the inmates. Inmates were hierarchically organized, at first working menial jobs, however, as they demonstrated that they were

responsible, they were given better jobs with increased status. They also participated in therapy, education seminars, individual counseling, and received referrals to non-prison TC programs.

The milieu treatment program was less rigid and less structured than the TC program. It consisted of 573 inmates, who were provided with individual, group, and vocational counseling services. This group was non-hierarchically organized, and inmates were not rewarded with higher status jobs for desirable performance, as in the TC program. In this program, inmates were treated by professionally trained staff instead of by ex-addicts. The counseling treatment program was composed of 261 cases. Inmates received counseling once a week and treatment lasted only a few months. The no treatment control group was made up of 159 inmates, each of whom volunteered for the program. They were placed in the control group because they were not eligible for the programs if their sentences would be completed between 7 and 12 months, because this did not allow them enough time to complete the treatment programs (Wexler et al, 1990).

The average time spent in the program was 5-8 months. Males spent the most time in the milieu treatment program, followed by the TC Program, and the least amount of time was spent in the counseling program. Female TC participants also spent more time in the program than their

counterparts in the counseling program. The average amount of time spent in prison after completion of the program was the same for males and females, at approximately 6 months, however, as a group, the TC inmates spent significantly more time in prison after completing the program than inmates in the counseling program.

The amount of time used for tracking recidivism was not uniform. Males spent between 35 and 41 months on parole, while females spent between 35 and 39 months on parole, and people in the male milieu group were on parole longer than the male TC group. Recidivism was measured by tracking not only those who were arrested during their parole period, but also by examining the length of time between release from prison and re-arrest, to determine if the treatment program had delayed the onset of recidivism among those who did re-offend. Results revealed that recidivism among TC participants was the lowest at 26.9% and increased as the amount of treatment decreased. The milieu group was the second most effective treatment group followed by the counseling treatment group, and the least successful group was the group that received no treatment. The delay of criminality among those who did recidivate was most successful for the no-treatment group with an average of 15 months between release and offense, compared to 11.4 months in the milieu group. Sixty percent of the TC group recidivated before their parole was discharged, which is

not significantly different than any of the other groups. A curvilinear relationship was evident between the time spent in treatment and recidivism. As time in the program increased the success rate of parolees also increased until 12 months, but after 12 months recidivism increased. Inmates in the program from 0-3 months successfully completed their parole 49% of the time, those in the program 9-12 months were successful 77% of the time, and those in the program for longer than 12 months were successful only 57% of the time. Overall, successful outcomes were dependent on the amount of time spent in the program and those subjects who were ordered to participate in the program did better than those who volunteered (Wexler et al, 1990). The most effective treatment time was 9-12 months, and inmates who received treatment of any kind recidivated less often than those who did not receive treatment. Inmates who received treatment and did recidivate took longer to re-offend than those who did not receive any treatment (Wexler at al, 1990). Similar findings were obtained for the male and female groups.

Another residential treatment program that was examined was the PAR (Parental Awareness and Responsibility) Village program, which is a program for expectant mothers (Wilson, 1991). Included in the 18-month treatment program are basic life skills training like developing basic math skills, and individual and group drug

treatment counseling. Confrontation is central to therapy in the PAR Village program. It is designed to help residents discover that it is their own behavior which leads them to take drugs, and therefore drug treatment is psychologically based (Wilson, 1991).

A 1988 nationwide survey of 36 hospitals in 1988 discovered that 11% of delivering mothers tested positive for illegal drugs, and by 1990 the percentage of women in drug treatment programs had risen from 20% to 44% (Wilson, 1991), demonstrating a clear need for this type of program, and treatment programs like this are growing as a result of increased funding (DiIulio, 1992). Jurisdictions that once reported no drug problems are now opening treatment programs that are funded by state and federal agencies, and between 1991 and 1994 the number of residential treatment programs that allowed children and mothers to stay together has more than doubled (Wilson, 1991).

The effectiveness of treatment programs is difficult to analyze because most programs do not follow graduates of their programs in an effort to determine recidivism. However, studies of the more successful programs, like New York's Daytop Village, revealed that people who are in treatment for at least 90 days usually reduce their drug use and criminal offending, are more inclined to go back to school or find employment, and the majority of those who

graduate from treatment programs do not return to drug use at all (Wilson, 1991).

Unfortunately, drug treatment programs are very expensive. The PAR Village program is 18 months long and takes up to another year to re-enter the community. According to Wilson, (1991), the average cost for one year of treatment is between $14,000 and $20,000. While more than half of those who complete the program do not return to drug use, only 10% of those entering drug treatment programs nationwide actually complete the program. At PAR Village, more than 50% drop out before graduating. However, while 40% drop out within the first six months, 80% of those who remain longer than six months do not recidivate (Wilson, 1991).

There are some internal factors within drug treatment programs themselves that threaten the effectiveness of program success. Hanlon & Nurco (1999), summarized six major barriers to developing effective treatment programs. They include client identification, assessment, and referral; recruitment and training of treatment staff; redeployment of correctional staff; over reliance on institutional versus therapeutic sanctions; aftercare; and coercion.

One of the problems is that institutions are pressured to keep their treatment programs full. This causes them to fill their vacancies with whoever is available and not

necessarily with the inmates that are in the most need of treatment (Hanlon & Nurco, 1999). This results in a larger number of less severely addicted inmates than might normally be distributed in the program. These inmates do not respond as well to treatment because they do not have as far to go to improve as those who are more heavily addicted, and this causes the results to indicate less treatment effectiveness than would otherwise be evident (Hanlon & Nurco, 1999).

Recruitment and training of treatment staff is difficult because prisons are built in remote economically disadvantaged areas. These areas do not have an adequate job pool of qualified employees, so prisons have to attract people willing to relocate from other areas who may not stay very long when they have no ties to the region, and this leads to high employee attrition (Hanlon & Nurco, 1999).

Follow up treatment after release from custody is an issue because many inmates are compelled to participate in treatment programs only while in custody. When they are released from custody they do not usually continue treatment, and this diminishes the overall effectiveness of the program (Hanlon & Nurco, 1999). According to Hanlon and Nurco, inmates who participate in treatment only while they are incarcerated have similar long-term results as those inmates who did not participate in any treatment at

all. Aftercare is also difficult to obtain because many community-based programs do not want to admit parolees. In addition, many inmates are unwilling to volunteer for programs, because they lose their inmate seniority, it reduces their job opportunities within the institution, and the program imposes additional rules and structure beyond what other inmates experience (Hanlon & Nurco, 1999).

CHAPTER FOUR

Summary And Conclusions

This project has analyzed the nexus between drug use and crime, the pros and cons of legalizing drugs as a method of crime control, how legalizing drugs will affect the frequency of drug use, and what the result has been when legalizing drugs has been attempted in the past. It has also examined the efficacy of drug treatment programs and the expense of incarceration.

Findings have shown that there is a correlation between drug use and crime, including violent crime (Inciardi, 1986; Tunnell, 1992). According to Bureau of Justice Statistics, less than 1% of the U.S. population reports having been booked for any offense during 1998, and most people that were booked report that they were arrested for drunk driving. According to the United States Census Bureau (1997), the total United States population in 1996 was 265.2 million people. Fifteen million people (17.6% of the U.S. population) were arrested in the United States that year. This number included 1.5 million (0.56% of the U.S. population) who were arrested for drug offenses, 2.0 million (0.75% of the U.S. population) who were arrested for property crimes, and 730,000 (0.27% of the U.S. population) who were arrested for violent crimes. This compares to the LAPD and SBPD studies which revealed that approximately 68% of those arrested for drug offenses had

been previously arrested for property crimes, and 62% of those who were arrested for drug offenses had previously been arrested for violent crimes. These findings support the belief that drug users are just as likely to engage in violent crimes as they are to engage in property crimes, and that they do so much more frequently than the rest of the population.

While the correlation between drug use and all other crimes is evident, findings also show that legalizing drugs will not lead to a reduction in crime, but that the reverse is true. Legalizing drugs may lead to an initial decrease in drug use, but this will be followed by a sharp increase in drug use. This is based on the 350% increase in alcohol consumption following the repeal of Prohibition (Scorza, 1990), as well as failed legalization experiments in Alaska (Roth, 1990) and Zurich, Switzerland (Klingemann, 1996).

Findings also suggest that Prohibition was at least partially effective because alcohol use was down when Prohibition was in effect, but rose sharply when it was repealed. If Prohibition and the War on Drugs can be compared, then the War on Drugs may indeed be more effective that it at first appears to be in reducing or limiting the amount of drug use. Califano (1997) points out that there are currently 50 million nicotine addicts, 18 million alcoholics, but only 6 million other drug addicts. The difference in these numbers may be a result

of the strength of the anti-drug message compared to the mixed messages about cigarette and alcohol use. Columbia University's Herbert Kleber concurs, warning that "…with legalization, the number of cocaine addicts alone would jump beyond the number of alcoholics" (18 million) (Califano, 1997).

Having recognized the relationship between drug use and crime involvement, law enforcement agencies have used drug enforcement laws in an effort to reduce overall crime, and the number of inmates in prison for drug related offenses has risen from 25%, in 1981, to 57%, in 1991 (Arcidiacono, 1994). However, there is a limit to how many drug offenders American society can afford to lock up. If drug treatment is effective in reducing drug use, then drug rehabilitation combined with drug enforcement is a way to reduce crime and the prison population at the same time, making more room for other violent offenders.

A brief cost benefit analysis of combining drug enforcement and drug treatment is in order. According to DiIulio (1992), annual drug treatment costs in 1992 were about $300 per prisoner. He estimated that there were approximately 800,000 prisoners in custody, resulting in an annual cost of $250 million to maintain, house, and feed them. He reported that the typical prisoner commits a median 12.5 crimes per year, at an estimated cost of $2,300 per crime. Based on his numbers, if 8,695 prisoners commit

no crime for one year as a result of drug treatment, then the reduction in crime would save $250 million, and the cost of treatment breaks even at that point. If all 800,000 prisoners commit no crime for one year as a result of drug treatment, then the benefit of drug treatment is 100 times greater than the cost. Of course, this assumes that treatment works for 100% of inmates, which is probably not true. However, it would only require that 1% of offenders not commit a crime for one year in order to be cost-effective.

Some programs are much more expensive than these costs cited by DiIulio. One example is the PAR Village program. However, in spite of the expense of the program, the cost of treatment is still less than the cost of one year of offending that results in one year of incarceration. The benefit of reducing the previously discussed 12.5 mean offenses committed by drug users at an average cost of $2,300 per crime, totals $28,750 and the cost of one year of incarceration is $25,000 for a total cost of $53,750. When the $20,000 cost of treatment is deducted from the total cost there is still a net savings of $33,750.

However, in spite of these numbers, the effectiveness of drug treatment programs is still an issue. Generally, successful drug treatment outcomes are dependent on the amount of time spent in the program, and subjects who are ordered to participate in treatment do better than those

who volunteer (Wexler et al, 1990). This suggests that treatment which is court ordered as a result of some type of criminal prosecution may be more effective than waiting for drug addicts to ask for treatment.

The results of the Stay n' Out (TC) treatment program, as well as the PAR Village drug treatment program are promising, and show that drug treatment programs produce better results than no treatment. Recidivism occurred less frequently among treatment graduates than among non-graduates, and among those who did recidivate, the length of time before recidivism was also longer for those who completed the program compared to those who did not complete the program (Wexler et al, 1990).

If drug treatment works, then the approach law enforcement is currently taking regarding drug crimes should be modified. As discussed earlier, based on DiIulio's (1992) cost estimates, the benefit of drug treatment is 100 times greater than the cost, requiring only a 1% success rate to be cost-effective. Since, the real issue is a policy question about the appropriate expenditure of limited resources, then if non-drug crime and drug use is as highly correlated as it appears to be, and legalization will only increase crime, then drug enforcement combined with treatment should be more cost-effective than drug enforcement alone. Aggressive drug enforcement, coupled with successful drug treatment

rehabilitation, will combine the effects of incapacitation and rehabilitation and provide a more effective crime control model.

APPENDIX A: TABLES AND GRAPHS

TABLE 1

LOS ANGELES POLICE STUDY SUMMARY FINDINGS

	Previous Arrests	Previous Convictions	Felony Arrests	Felony Convictions	Violent Arrests	Property Arrests
Total cases	27	44	46	27	29	36
Total %	97	92	96	56	60	75

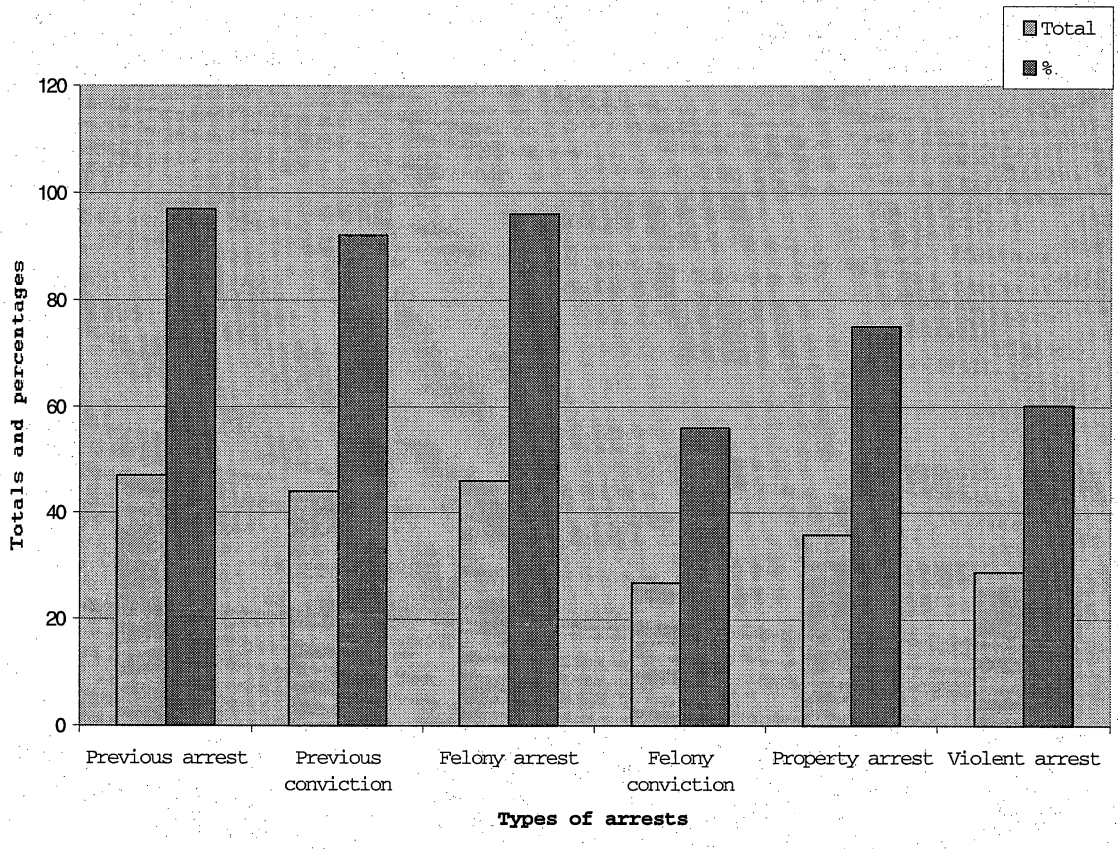
TABLE 2

SAN BERNARDINO POLICE STUDY SUMMARY FINDINGS

	Previous Arrests	Previous Convictions	Felony Arrests	Felony Convictions	Violent Arrests	Property Arrests
Total cases	31	26	28	20	24	23
Total %	84	70	75	54	65	62

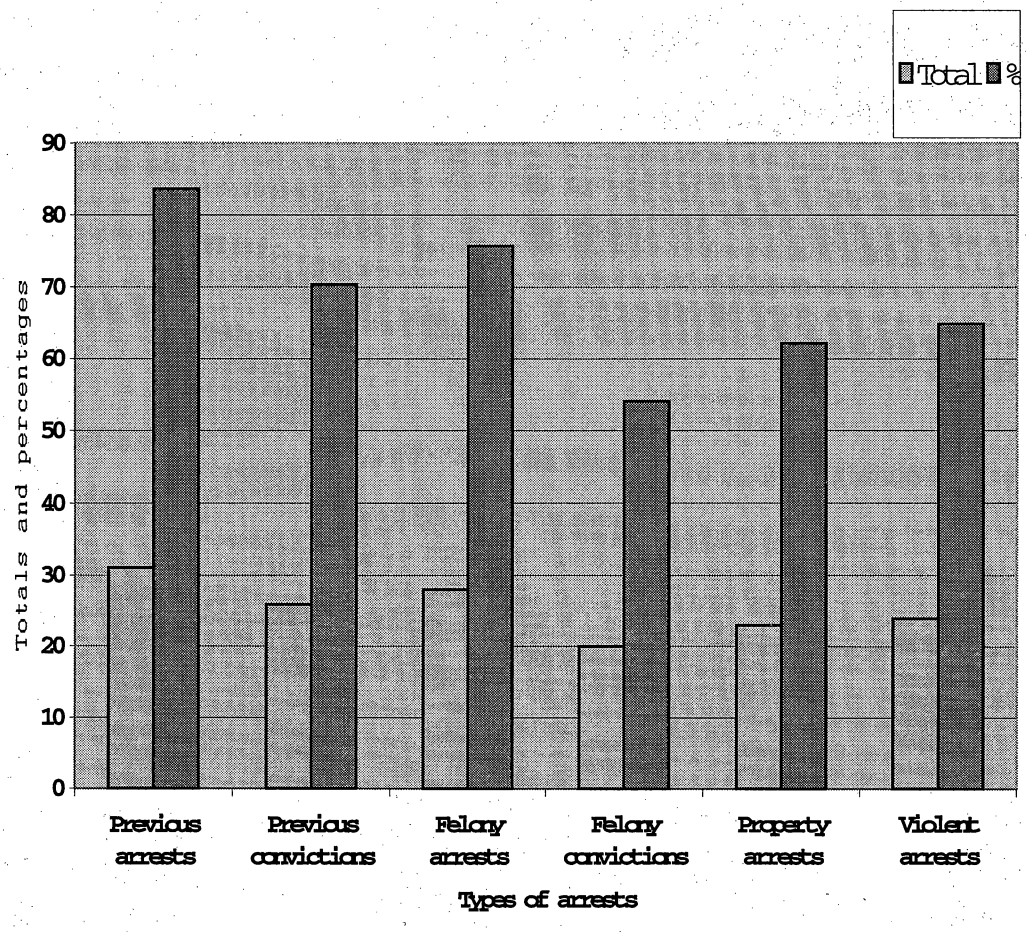
GRAPH 1

LOS ANGELES POLICE STUDY FINDINGS



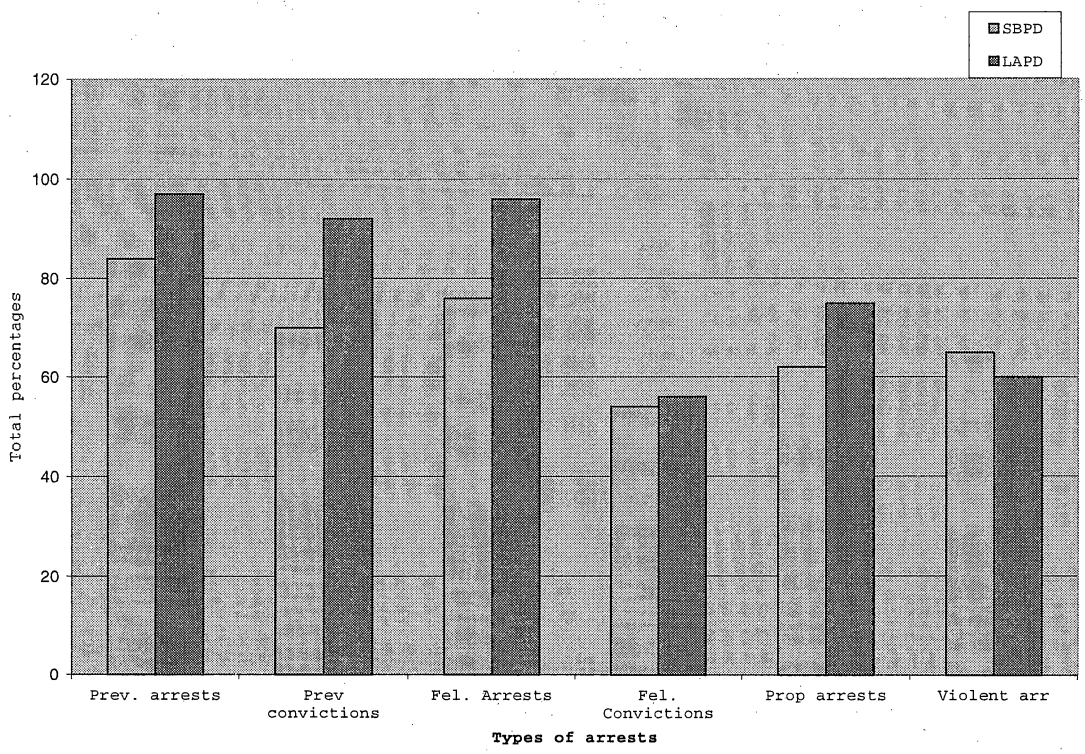
GRAPH 2

SAN BERNARDINO POLICE STUDY FINDINGS



GRAPH 3

LOS ANGELES POLICE AND SAN BERNARDINO POLICE
STUDY COMPARISONS



APPENDIX B: DEFINITIONS

The following distinctions were made to separate casual offenders from chronic drug users and habitual criminals.

No Previous Arrest

This group included offenders who were arrested on this occasion but the absence of any other criminal record suggests this was an isolated incident, or the suspect is not yet well entrenched in criminal and drug activity.

Previous Arrest

This group of offenders has had enough involvement in criminal activity to be arrested before this incident, but their conduct was not sufficiently egregious to result in a criminal conviction.

Previous Misdemeanor Conviction

This group has had enough previous criminal involvement to result in a criminal conviction, although not yet considered to be of a serious nature.

Previous Felony Arrest

This group of offenders has been more heavily involved in criminal activity leading up to an arrest for a serious crime. This indicates that they are more habitual criminal offenders than the previous groups.

Previous Felony Conviction

Most felony cases are reduced to misdemeanors when the offender does not have a fairly extensive criminal history.

In order to obtain felony convictions offenders must have both extensive criminal histories and involvement in very serious criminal conduct. Persons falling into this category may be classified as predatory "career criminals" for the purpose of this analysis.

Property Crime Arrests

This group is identified so the association between drug use and involvement in property crime can be analyzed.

Violent Crime Arrests

This group includes both those subjects previously involved in acts of violence committed against other persons as well as offenders previously arrested for weapons charges. The purpose of this category is to analyze whether or not drug use is a victimless crime.

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