

GAO

Report to the Chairman, Permanent  
Subcommittee on Investigations,  
Committee on Governmental Affairs,  
U.S. Senate

April 1991

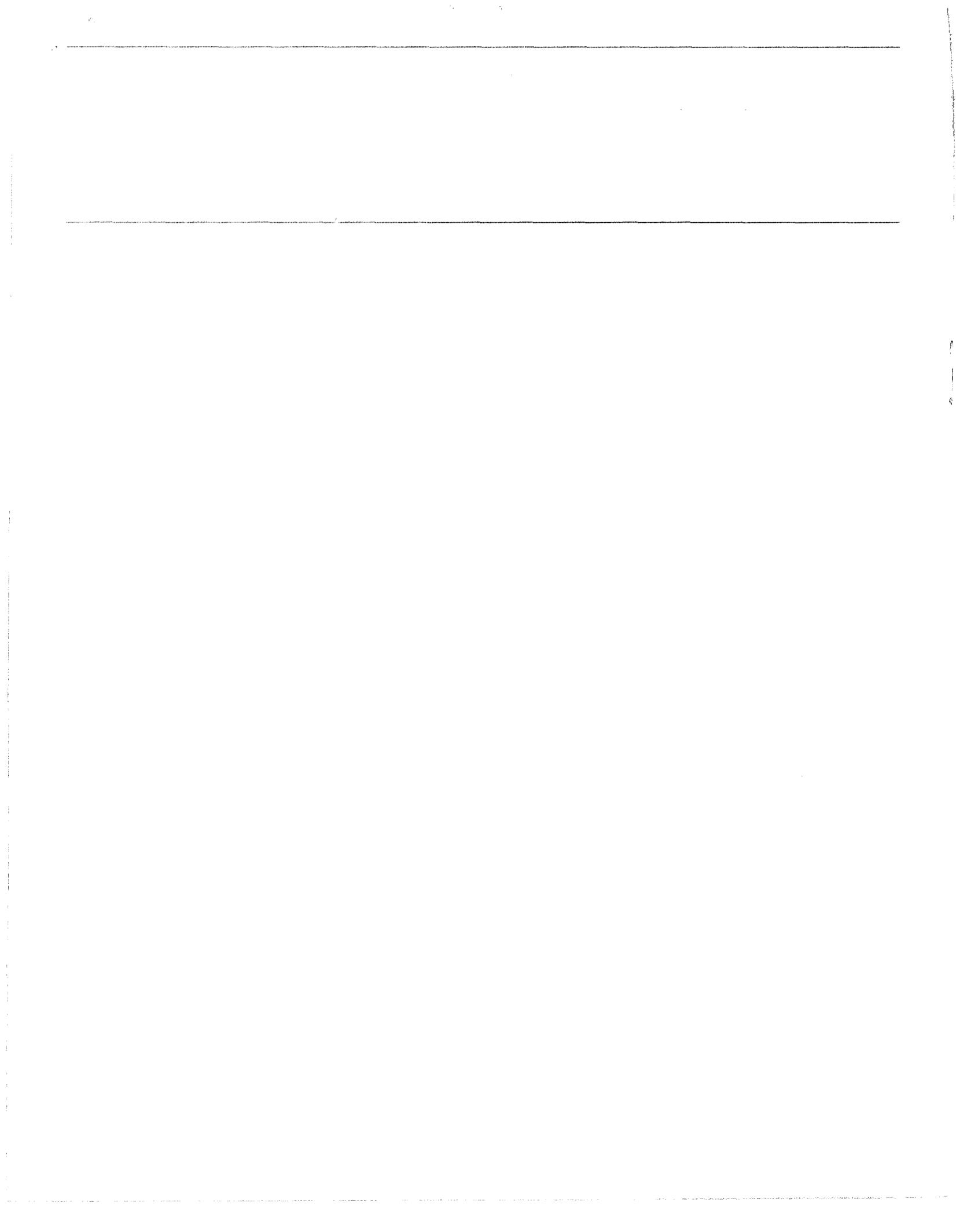
# THE WAR ON DRUGS

## Arrests Burdening Local Criminal Justice Systems



143832





**General Government Division**

B-242910

April 3, 1991

The Honorable Sam Nunn  
Chairman, Permanent Subcommittee  
on Investigations  
Committee on Governmental Affairs  
United States Senate

Dear Mr. Chairman:

Your January 19, 1989, letter asked that we examine (1) efforts being taken to address drug crime problems in selected cities, (2) limitations of the local criminal justice systems in each of the cities, and (3) options and implications for government policy to address the situation. The cities we chose for our review were: Los Angeles and Madera, California; Atlanta and Waynesboro, Georgia; Boston and North Adams, Massachusetts; and Detroit and Adrian, Michigan.

Subsequent to your January 1989 request, we were also asked to provide the information we had collected in several of the above cities for hearings that were held by the Subcommittee in those cities. This report contains the information we previously provided the Subcommittee and also the information we collected concerning the other cities. In this letter, we present an overview of the eight cities; detailed information is contained in appendixes I through IV.

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**Results in Brief**

Criminal justice officials in the eight cities we surveyed expressed concern with what they considered to be a significant increase in drug and drug-related crimes during the 1980s. Most of the cities had substantially increased local law enforcement efforts against illegal drugs, resulting in more arrests for drug crimes. These arrests, however, greatly increased the burden on already strained courts, correctional facilities, probation and parole offices, and substance abuse treatment centers.

Various methods have been tried to cope with the situation. These include the increased use of plea-bargaining, parole, and probation; early release programs to reduce overcrowded jails and prisons; downgrading certain offenses to misdemeanors or prosecuting for lesser charges; constructing new prisons and jails; and providing alternatives to imprisonment. News articles and reports by special interest groups indicate that other cities are using these same means to deal with the crowded criminal justice system.

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The effect of these actions on the Nation's war on drugs has yet to be determined. It seems clear, however, that increasing arrests without also increasing the capacity of the criminal justice system to accommodate the expanded workload is neither effective nor efficient. Federal, state, and local responses to the country's drug problem must reflect a balanced and integrated approach that addresses all aspects of the criminal justice system.

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## Background

Although federal statistical indicators of the national drug abuse situation show that the number of Americans who use illegal drugs is decreasing slightly, drug availability and use remain widespread. According to the September 1989 National Drug Control Strategy: "Undeniably, the fact remains that here in the United States, in every state—in our cities, in our suburbs, in our rural communities—drugs are potent, drugs are cheap, and drugs are available to almost anyone who wants them."

The federal drug strategy calls for increased arrests of drug users and sellers by local law enforcement agencies. However, according to statistics reported by the Federal Bureau of Investigation (FBI), arrests for drug crimes—possession, sale, manufacturing, etc.—have already increased dramatically over the past decade. In 1980, there were 377,175 arrests for drug offenses in the United States. By 1989, this figure had climbed to 852,105, greatly exceeding the national total of 682,434 arrests for burglary, robbery, aggravated assault, and murder for that year.

The extent to which drug crimes and drug abuse are responsible for or contribute to other crimes is unknown, but many law enforcement authorities believe there is a direct relationship between drugs and crime. The National Institute of Justice reported in June 1990 that in the 21 cities where data were collected, the percentage of males testing positive for a drug at the time of arrest ranged from 53 percent to 82 percent. The percentage for female arrestees in the 17 cities where data were collected ranged from 45 percent to 82 percent, with 8 cities having 70 percent of arrestees or more testing positive for a drug. About 20 percent of the male and female arrestees tested positive for two or more drugs.

In a study of the relationship between drugs and crime, the Interdisciplinary Research Center concluded that one-fourth of the homicides reported in the United States were related to drug trafficking. Similarly,

in a fiscal year 1988 report, the Bureau of Justice Assistance reported that "Violence related to drugs has increased significantly in the past couple of years, with many jurisdictions reporting one-third to over one half of their homicides as drug-related."

The increased arrests for drug offenses have had a substantial—although unmeasured—impact on the criminal justice system. In November 1988, the American Bar Association reported that the "extraordinary" efforts to arrest and prosecute drug offenders have not controlled the drug problem in the country, instead the efforts have overwhelmed and distorted a criminal justice system that was already starved for resources. The report found that the increasing numbers of drug cases brought by police into the system were crowding court dockets, burdening prosecutors and defense lawyers with caseloads that defied effective representation, magnifying court delays, crowding jails and prisons, rendering parole and probation officers incapable of dealing with the number of people placed under their supervision, and diluting law enforcement and judicial efforts to deal with other major criminal cases.

Similarly, a report prepared in April 1989 by an executive symposium involving judicial leaders of the Nation's nine most populous states concluded that the courts were facing a "profound emergency" brought on by law enforcement efforts to control the use and sale of illegal drugs and concomitant criminal behavior problems:

"The general sense of the conference was that most trial courts are being overwhelmed by drug cases but hard data, collected on a broad and systematic basis to demonstrate the extent and scope of the problem on a nationwide basis, were unavailable."

One of the better summations of the situation appeared in a July 10, 1989, article in The New Republic:

"Many cities...are concentrating on street-level dealers...but they have done so at a cost, what Aric Press of Newsweek calls the criminal justice equivalent of bulimia. The police go on an arrest binge, and then, 'overwhelmed and overfed, the rest of the system—prosecutors, defenders, judges, and jailers—has spent its days in an endless purge, desperately trying to find ways to move its population before it gets hit with another wave tomorrow.' The purgatives included granting early release to some inmates and trying to shift other city prisoners to state penitentiaries; pressuring the governor to authorize the appointment of more judges while encouraging faster plea bargaining to clear the crowded dockets; and building 'temporary' holding facilities for new arrestees."

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## Objectives, Scope, and Methodology

Our objectives were to examine (1) efforts being taken to address drug crime problems in selected cities, (2) limitations of the local criminal justice systems in each of the cities, and (3) options and implications for government policy to address the situation. As agreed with the Subcommittee, we limited our review to four large cities and four small cities: Los Angeles and Madera, California; Atlanta and Waynesboro, Georgia; Boston and North Adams, Massachusetts; and Detroit and Adrian, Michigan.

These cities were selected so that a perspective could be developed regarding the elements of the state and local criminal justice systems. The conditions we describe are not intended for projection nationwide; rather, they serve to provide an overview of the interplay among various elements of the criminal justice system within these eight case studies. The cities we selected have a range of characteristics, such as geographic, demographic, and socio-economic conditions, that can be viewed as a cross-section of differences among cities throughout the United States. Population figures for the selected cities and states are based on Bureau of Census provisional estimates as of July 1, 1989, as provided in the FBI Uniform Crime Reports for 1989.

Complete and comparable data did not exist to measure precisely or conclusively the extent of drug and drug-related crimes that occurred and the impact of these crimes on the criminal justice systems in the eight cities we examined. Consequently, we relied on the informed opinions of the criminal justice system officials we spoke with, and we supplemented this with available data. We did not verify any of the information or data that we obtained.

In each of the cities we examined, we met with local officials representing the police department, sheriff's office, prosecutor's office, courts, jails/prisons, probation and parole offices, and public health departments. In some cities, we also met with representatives of the mayor's office, the U.S. Attorney's office, the Drug Enforcement Administration, and the FBI.

We met with officials in the capital of each of the four states and with state officials located in selected cities. These included representatives of state law enforcement agencies, criminal justice planning departments, corrections departments, parole agencies, and drug treatment offices.

In making our observations on how cities are dealing with the crowded criminal justice system, we drew upon the experiences gained in previous assignments dealing with law enforcement issues. We also obtained information from the FBI's Uniform Crime Reports (UCR) Program; The NNICC Report 1989 issued in June 1990 by the National Narcotics Intelligence Consumers Committee; the September 1989 and January 1990 volumes of the White House's National Drug Control Strategy; the FY 1988 Report on Drug Control issued by the Bureau of Justice Assistance, U.S. Department of Justice; the 1989 Drug Use Forecasting Annual Report, Drugs And Crime 1989, prepared by the National Institute of Justice, U.S. Department of Justice; Overview of Selected Drug Trends, prepared by the National Institute on Drug Abuse, January 1990 and August 1990; June 1989 and December 1989 proceedings of the Community Epidemiology Work Group sponsored by the National Institute on Drug Abuse; the November-December 1989 volume of the CRS Review issued by the Congressional Research Service; and the November 1988 report, Criminal Justice In Crisis, issued by the Special Committee on Criminal Justice in a Free Society of the American Bar Association.

We did our review from May 1989 through December 1990 and in accordance with generally accepted government auditing standards. During our review, we provided information to the Subcommittee in support of three hearings that were held in Atlanta, Detroit, and Portland, Maine.<sup>1</sup> We have not included Portland in this report since the scope of the work that was done there is not as extensive as that done in the eight cities discussed in this report.

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## Arrests for Drug Offenses Have Increased Greatly

Without exception, officials with whom we spoke in the eight cities selected for review expressed concern about increased drug and drug-related crimes. Table 1 shows the arrests for drug offenses in these cities reported by the FBI for the 10-year period ending in 1989.

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<sup>1</sup>Letter to the Honorable Sam Nunn, Chairman, Permanent Subcommittee on Investigations, Senate Committee on Governmental Affairs, June 21, 1989; Drug Crime and the Criminal Justice System: The Situation in the State of Michigan and Cities of Detroit and Adrian (GAO/T-GGD-90-25, March 19, 1990); Illegal Drugs: Observations and Selected Data Concerning Portland, Maine (GAO/GGD-90-86, May 14, 1990).

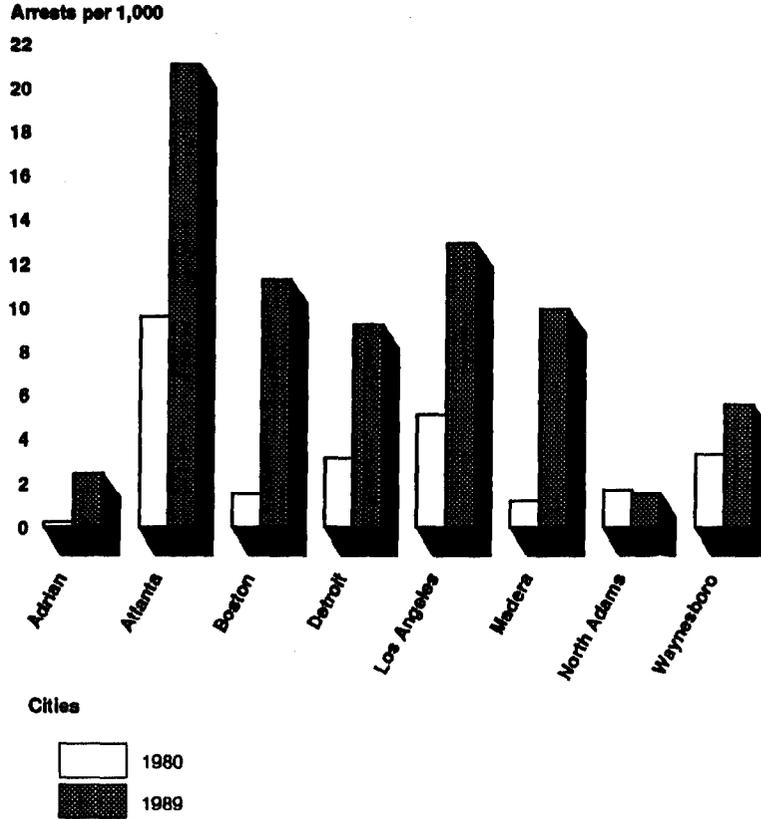
**Table 1: Drug Arrests in Eight Selected Cities**

	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989
Atlanta	4,052	3,865	3,688	3,090	3,476	3,059	3,790	4,318	6,393	8,985
Boston	857	782	1,186	2,390	3,197	2,600	1,857	3,766	3,937	6,539
Detroit	3,746	4,382	4,437	4,397	3,723	3,956	4,893	6,399	9,618	9,557
Los Angeles	15,161	11,887	12,095	21,314	21,140	37,313	26,401	32,106	29,246	44,442
Adrian	5	19	4	6	11	37	17	60	83	51
Madera	26	40	30	42	48	49	60	162	216	280
North Adams	31	25	31	18	33	35	22	25	27	26
Waynesboro	19	17	12	5	7	25	32	16	9	34

Source: FBI Uniform Crime Reporting Program.

Although Los Angeles had the largest number of arrests, on a per capita basis it ranked second to Atlanta. Madera, with a population slightly over 28,000, ranked fourth. Figure 1 shows the arrests per 1,000 population for 1980 and 1989 for each of the 8 cities.

Figure 1: Per Capita Drug Arrests, 1980 and 1989



Source: FBI Uniform Crime Reporting Program.

### Many Believe That Increased Drug Arrests Threaten to Overwhelm the Criminal Justice System

Officials in all eight cities saw increased arrests for drug offenses as adding a substantial burden to already badly strained criminal justice systems. Officials in some of the cities expressed concern that some drug offenders were not being held accountable. Almost all of the cities had implemented new procedures and programs in an attempt to meet the increased workload. Detroit, for example, has attempted to decrease the number of felony charges in the criminal justice system. We were told that first-time offenders apprehended for the sale, possession, or use of small amounts of heroin or cocaine are now charged as misdemeanants under a city ordinance rather than prosecuted as felons under the state's drug laws. According to police officials, this has essentially decriminalized the offense since misdemeanants are rarely, if ever, sentenced to jail.

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## Prosecutors and Courts

Many of the prosecutors with whom we spoke were concerned about the increase in caseloads due to drug crimes. Narcotics cases filed by the Los Angeles County District Attorney's central office, which represents about half of the city's filings, increased over five times the rate of general case filings between 1984 and 1988. According to the District Attorney who serves Waynesboro, the percentage of cases directly or indirectly involving drugs increased from 36 percent of all cases in 1985 to 59 percent in 1988. Similarly, the District Attorney who serves North Adams calculated that between 1982 and 1989 drug cases increased at a rate almost three times that of other cases.

In Atlanta, the Fulton County District Attorney said that the increase in drug and drug-related crimes has created a backlog of felony indictments awaiting processing. While total indictments increased 57 percent from 1980 to 1988 (from 6,604 to 10,378), indictments for drug violations increased 342 percent (from 920 to 4,067). We were told that this increase made it impossible to try all cases in court and necessitated extensive use of pleabargaining. Officials in three other cities also told us that they depended heavily on plea bargaining to cope with increasing workloads, and they said that drug and drug-related cases have contributed to the increases.

Of the cases going to trial, many involve drug or drug-related crimes. Judges from Boston's Municipal and Superior Courts estimated that between 50 and 70 percent of the cases tried in their courts were drug-related and that the percentage has been increasing. In Waynesboro, 20 percent of all criminal cases heard before the county Superior Court in 1986 involved drug charges. By 1988, 47 percent involved drug charges; in the first 8 months of 1989, 72 percent involved drug charges.

In Los Angeles County, the presiding Municipal Court Judge estimated that 75 to 85 percent of all pretrial felony cases on the court's calendar were drug possession cases, most involving cocaine. The increased criminal caseload resulted in several Superior Courts in Los Angeles County temporarily closing their civil divisions to expedite criminal cases. The American Civil Liberties Union has sued 102 Superior Court Judges because of alleged court inefficiencies and the granting of excessive continuances that have allegedly contributed to jail overcrowding.

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## Corrections

Court officials in several cities told us that because of prison overcrowding, more prisoners were being released pending the outcome of their trials. We were told that in many of these cases the defendant

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failed to show up in court. The Los Angeles Superior Court reported a 25-percent default rate for 1989, while a Municipal Court judge estimated that 50 to 90 percent of lower court defendants failed to appear. In Boston, it was estimated that defendants failed to appear in court in 40 to 50 percent of all drug cases. The District Attorney in Atlanta told us that about 40 percent of defendants in drug cases failed to appear.

Severe overcrowding in prisons and jails tended to limit offender accountability since some served shortened sentences or never served time at all. Officials in all eight cities reported that their local jails or state prisons were currently overcrowded or had been before increasing their capacity. Only Madera correction officials no longer considered overcrowding a problem. Jails in four of the cities have been under court orders to reduce their inmate population due to overcrowded conditions. All eight cities have either expanded their capacity, built new jail facilities, or were in the process of building new facilities to house increased numbers of offenders.

The average daily inmate population of the Los Angeles County Jail increased 138 percent from 1980 to 1988, from 9,186 to 21,867. Officials told us that the entire system of 8 facilities, with a rated capacity of 13,464 beds, has been under federal court order since 1987 to limit the population to 22,383 inmates. To help ease the overcrowding, between June 30, 1988, and June 25, 1989, the county released over 134,000 misdemeanor offenders under two programs that included those awaiting trial or sentencing and those who had received jail sentences. As of June 26, 1989, the inmate population was 21,812—under the court-ordered limit, but still at about 162 percent of capacity. In May 1989, the L.A. County Sheriff reported that drug abuse was the primary cause of jail overcrowding—he said that 44 percent of the county jail inmates were incarcerated with a primary charge relating to illegal drugs.

In Atlanta, both the Pre-Trial Detention Center and the Fulton County Jail were overcrowded. Although the detention center more than doubled its capacity between 1980 and 1988, its inmate population still reached 205 percent of capacity in 1989.

The population of the Fulton County Jail grew from 1,014 to 1,901 inmates between 1986 and 1988, or from 101 percent of capacity to 189 percent of capacity. The jail was placed under federal court order in April 1989 to reduce its population, and it complied by providing early release for 1,395 inmates over the next 4 months. In November 1989, the jail was replaced with a new one with over twice the capacity. Four

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months later, it was already operating at 111 percent of capacity, with 2,500 inmates.

The Burke County Jail, which serves Waynesboro, has a capacity of 22 inmates. Despite an August 1984 federal court order to alleviate overcrowded conditions and admit a new inmate only when another one is released, the jail has held more than twice its capacity at times. The Chief Jailer told us that because of the court order, many inmates are released either on bond or their own recognizance. He said that offenders guilty of misdemeanors are released first and then drug offenders because they are generally not considered violent. In June 1990, over half (23 of 39) of those incarcerated were serving sentences for drug offenses. The situation is expected to improve when construction of a new jail with four times the capacity is completed, but officials expect it to be at or above capacity shortly after opening.

The Berkshire County Jail serving North Adams had an average daily population of 131 in 1989, 110 percent of its capacity of 120 inmates. Jail officials were coping with the overcrowding problem by doubling the number of inmates per cell. Officials estimated that drugs are a factor in 50 to 60 percent of the incarcerations.

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## Probation, Parole, and Treatment Centers

Overcrowded jails and prisons have resulted in more offenders being placed in the probation and parole systems in the eight cities we reviewed. This, in turn, has generally decreased the level of supervision of probationers and parolees.

In Atlanta, the average caseload for probation officers increased from 147 probationers in 1985 to 216 in 1989. A parole official in Atlanta said that parole officer caseloads in November 1989 were double the preferred caseload of 45 parolees. Boston officials reported that the number of parolees increased from 4,684 in 1979 to 8,321 in 1988, a 78-percent increase. A parole department official said that drug and drug-related crimes were the major contributing factor. In Madera, according to the Chief Probation Officer, increased felony probation and drug diversion referrals were overloading the probation department. As a result of escalating caseloads, the department was actively supervising only 16 percent of its caseload. The department also shortened the normal 3- to 5-year probation period to 18 months and expanded its electronic monitoring/house arrest program.

Many of those convicted of drug crimes are referred to public drug treatment centers. In five of the cities, officials complained of lengthy waiting lists for treatment. Estimates of the waiting periods ranged from up to 5 months in Adrian to 1 year in Atlanta. In Madera, where only outpatient counseling services are provided, the number of cases handled by the clinic receiving criminal justice referrals increased from 38 cases in fiscal year 1984-85 to 205 cases in fiscal year 1988-89, an increase of nearly 440 percent. Public health officials in Atlanta told us that many of those referred to publicly funded treatment never receive adequate treatment or do not receive any treatment at all.

## Observations on How Cities Are Dealing With the Crowded Criminal Justice System

The strategy of the war on drugs issued by the Office of National Drug Control Policy stipulates the crucial role that state and local governments must play if a national drug strategy is to work. It views the drug problem as chiefly a state and local responsibility augmented in certain areas by federal funds, support, and guidance. The National Drug Control Strategy acknowledges that effective policies to reduce supply and demand are inseparable. An approach that addresses law enforcement, prevention, and treatment is required.

Our study shows that the eight cities we reviewed are taking various actions to cope with overcrowding in their criminal justice systems. On the basis of the conditions we found in these cities, as well as other past and ongoing assignments dealing with the criminal justice system, we are making some observations regarding the implications of these actions. The focus of our observations is limited to the criminal justice system. In this report, we have not addressed alternatives to dealing with the Nation's drug problem, such as prevention, education, treatment, and other actions that concentrate on reducing the demand for drugs.

The actions taken to deal with the crowded criminal justice system can be usefully categorized into three groups that are not mutually exclusive. The first category includes those approaches that endeavor to expand the system through the construction of new prisons and jails and requires a larger budget outlay. Incarceration is the most stringent means available to ensure offender accountability.

The second set of approaches attempts to maintain the system, including jails and prisons, at its present size while minimizing any additional cost. We believe that front-end law enforcement efforts that result in increased arrests are counteracted by such measures as (1) downgrading

of certain offenses to misdemeanors or prosecuting offenses at lesser charges, (2) increased use of plea bargaining, (3) increased use of probation and parole, and (4) early release programs. These kinds of measures cost less than construction of new facilities in terms of budget outlay but, in our opinion, have disadvantages from the point of view of offender accountability. The increased use of plea bargaining and reduction of charges alleviate to some extent crowded court dockets by reducing the number of trials. Emergency prison release programs are intended to ameliorate conditions in overcrowded jails and prisons. However, each of these options has the potential of decreasing offender accountability since individuals are not prosecuted or incarcerated to the extent possible in criminal justice systems that are less constrained. Thus, jurisdictions attempting to maintain the system at current levels may find that vigorous law enforcement activity runs the risk of being negated by other elements of the criminal justice system. This is what happens when misdemeanants and felons are released from custody before their terms have expired to relieve overcrowding. Ultimately, such options may weaken public confidence in the criminal justice system.

The third approach is to employ alternatives and nontraditional methods that aim to make the system more efficient while maintaining effectiveness. These options fall under the category of providing alternatives to imprisonment, e.g., house arrest with electronic monitoring, boot camps, work furloughs, and pretrial diversion to community service or treatment centers. The cost implications for these options might differ from jurisdiction to jurisdiction. For example, where the main options used have been the downgrading of certain offenses, plea bargaining, and emergency release programs, the introduction of such alternatives might increase costs rather than lower them because action would now be taken where none had been before. Nevertheless, although the per capita cost of intermediate sanctions programs is less than that for operating a prison, the programs may actually increase the total cost for corrections in that more offenders would receive some form of sanctions resulting in the need for additional resources to supervise offenders. On a per offender basis, however, we believe that the cost of the various alternatives would be less than the cost of incarceration in prisons and jails, whether existing or yet to be constructed. As previously reported, there is little data on the use of these alternatives.<sup>2</sup>

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<sup>2</sup>Intermediate Sanctions: Their Impacts on Prison Crowding, Costs, and Recidivism Are Still Unclear (GAO/PEMD-90-21, September 7, 1990).

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The eight cities we reviewed have explored a variety of regulatory sanctions to deal with the crowded criminal justice system. These sanctions range from emphasis on the punitive nature of incarceration on one hand and the deemphasis of accountability on the other. In between are programs that seek to try and balance offender accountability with supervision and concomitant efforts to reintegrate the offender back into the community as a productive member of that community. We believe that jurisdictions considering these options need to weigh the relative importance of four fundamental purposes of corrections and sentencing: deterrence, punishment, public safety, and rehabilitation. Weighing them will not be easy, however, without additional research and programmatic evaluations that measure the effectiveness of these options in achieving these purposes.

In our opinion, increasing arrests without also increasing the capacity of the system to deal with added arrestees is not the most productive or effective means of fighting the Nation's war on drugs. For the criminal justice system to have an impact, it should convey to potential drug offenders that they will be held accountable for their illegal activities. Although generating additional prison capacity would appear to be the simplest solution, it is becoming a less feasible option as fiscal constraints are imposed at every level of government. Funds need to be allocated with a balanced and integrated approach that addresses all aspects of the criminal justice system.

Emphasizing any one segment of the criminal justice system without considering the impact on other segments is not likely to improve overall efficiency. In any event, the police departments in our towns and cities, through making arrests, cannot be expected, on their own, to turn the corner in the war on drugs. Similarly, acquiring more prosecutors to try more cases serves little purpose unless additional resources are made available to handle the resulting increased workload in the courts and corrections.

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As arranged with the Subcommittee, unless you announce its contents earlier, we plan no further distribution of this report until 30 days from its issue date. At that time, we will send it to interested parties and make copies available to others upon request.

The major contributors to this report are listed in appendix V. If you have any questions concerning the report, please contact me at (202) 275-8389.

Sincerely yours,

A handwritten signature in black ink that reads "Lowell Dodge". The signature is written in a cursive, slightly slanted style.

Lowell Dodge  
Director, Administration  
of Justice Issues

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**Abbreviations**

ACLU	American Civil Liberties Union
DEA	Drug Enforcement Administration
FBI	Federal Bureau of Investigation
LAPD	Los Angeles Police Department
UCR	Uniform Crime Reports Program

# Los Angeles and Madera, California

## State Overview of Drug Situation

According to a January 1989 report of the California Council on Criminal Justice, "increasing gang involvement in drug-trafficking has resulted in violent struggles for drug sales territories, in both inner-city areas and in smaller communities, where, too often, innocent citizens fall prey to these street battles." Officials of the Governor's Office of Criminal Justice Planning said that California is a major drug distribution area for the entire Nation. To combat this, there are federally assisted drug suppression activities in 38 areas of the state. Criminal justice planning officials told us that law enforcement, the courts, and corrections currently cannot keep pace with the number of drug cases being processed through the system and that most drug treatment programs are overloaded.

Statewide adult felony drug arrests increased over 180 percent between 1980 and 1989, from 57,682 to 163,742. This represented about one-third of all adult felony arrests in 1989, compared to about one-fifth in 1980. Total adult felony arrests nearly doubled from 274,814 to 501,259 during the same period. Adult misdemeanor drug arrests increased over 130 percent (from 52,887 to 123,326), while total juvenile drug arrests (felony and misdemeanor) decreased slightly from 20,465 to 19,044.

In a February 1990 State of the Judiciary address, the Chief Justice of the California Supreme Court stated that drug-related cases were swamping the courts and that the judicial system was floundering. A 1990 Report of the Chief Justice showed that the number of drug-related cases, other than marijuana, nearly doubled from 1983 to 1987 and accounted for a majority of criminal proceedings in state trial courts.

According to a 1988 California Department of Corrections report, the number of felon drug admissions to state prisons reached an all-time high of 10,445, which represented a 418-percent increase over 1983. Drug offenders accounted for over 35 percent of all new felon admissions in 1988 and 22 percent of the total inmate population. According to U.S. Department of Justice data, California led the Nation with a 256-percent increase (from 23,264 to 82,872 inmates) in prison population from December 1980 to June 1989. A weekly population report showed that as of October 15, 1989, the state corrections system was operating at 173 percent of capacity. The inmate population was 82,311, while design capacity for institutions and camps was 47,567. Currently, no state facilities are under court orders that mandate population caps. However, a Corrections official said that 18 of 57 counties with county jails are under federal court orders to maintain population caps.

According to state drug treatment officials, not enough drug treatment slots are available in the state to manage the number of probationers referred to treatment as part of the criminal justice process. State data shows that 18 percent of drug treatment admissions are criminal justice referrals. However, state officials said that this data does not include 30,000 annual probation diversions to treatment. State data shows that drug treatment admissions for cocaine increased 190 percent between fiscal year 1982-83 and fiscal year 1987-88, from 4,427 to 12,871. As of June 30, 1989, a preliminary state waiting list survey showed 7,587 persons on formal waiting lists, 6,499 (86 percent) of whom had been waiting more than 7 days.

## Los Angeles

Los Angeles is California's largest city, both in population (3,441,449) and in territory (465 square miles). Its population ranks second among U.S. cities, and the population of the greater metropolitan area—8,815,101—represents over 30 percent of the state's 29 million inhabitants. The city is a center for tourism, world trade, and highly diversified industries—predominantly entertainment, finance, oil, and defense.

The problem of drugs and drug-related gang activity in Los Angeles has reached crisis proportions, according to a January 1989 state task force report. June 1989 Los Angeles Police data show gangs responsible for over 30 percent of the city's homicides, and gang-related crime has increased over 40 percent over the previous 12 months. The County Sheriff reports that gangs were responsible for over 1,400 murders in the last 5 years. Police officials said much gang crime is drug-related. They told us that 70 to 75 percent of all crime is drug-related, based on the drug testing of arrestees. Los Angeles drug arrests reported to the FBI's UCR Program increased nearly three-fold from 1980 to 1989, while combined arrests for burglary, robbery, aggravated assault, and murder increased by 51 percent. The Chief of Police said that by increasing police efforts he could overload the city's criminal justice system at any time.

Increased drug arrests have strained the Los Angeles criminal justice system. For example, drug cases filed by the Los Angeles County District Attorney's Central Office have increased over five times the rate of general case filings between 1984 and 1988. This created a backlog of cases in the courts, and some courts were forced to temporarily close civil divisions to expedite criminal cases. Drug abuse is the leading cause of jail overcrowding according to the County Sheriff, who noted that nearly half the inmates in the county system are incarcerated under

some form of drug charge. Jail overcrowding has resulted in the emergency release of over 130,000 inmates to comply with a federal court order to reduce population. Both probation and parole have been used as mechanisms to reduce jail overcrowding and have become increasingly strained. Public drug treatment is also being used as a criminal justice alternative, but county health officials told us that public drug treatment centers currently have 5- to 6-month waiting lists and are not capable of treating all those persons desiring treatment.

## Extent of the Drug Problem

Los Angeles is a major drug importation and transshipment center for the United States, with massive amounts of drugs flowing into and through the city, as evidenced by a record single seizure of over 20 tons of cocaine in September 1989. Cocaine continues to be the "drug of choice" in Los Angeles as reflected in drug testing, hospital, and treatment data. Due to the widespread popularity of cocaine, especially crack cocaine, local DEA officials labeled Los Angeles the "cocaine consumption capital of the country."

The problem of gangs and drugs in Los Angeles has reached crisis proportions, according to a state task force report. Daily media reports describe drug dealing, turf battles, drive-by shootings, and increasing random violence taking the lives of innocent bystanders, including women and young children. Gang-related homicides have doubled, from 150 in 1985 to 303 in 1989, according to police data. The Los Angeles County Sheriff reports that gangs were responsible for over 1,400 murders committed in the last 5 years. Los Angeles Police June 1989 data show over a 40-percent increase in gang-related crime over the prior 12 months, with gangs responsible for over 30 percent of the city's homicides (estimated to be nearly 58 percent of all county homicides). According to a January 1989 State Task Force report, there are approximately 250 gangs in the city with a total membership in excess of 30,000. Gang membership for the county is estimated to be 60,000 to 80,000.

According to a police official, 70 to 75 percent of all crime has a drug-related motivation. During 1989, 70 percent of males and 78 percent of females arrested in Los Angeles tested positive for drug use, according to available data. The data also showed that 52 percent of males and 65 percent of females tested positive for cocaine.

The number of reported drug-related hospital emergencies in Los Angeles fluctuated between 1985 and 1989, decreasing overall by 3 percent from 9,841 to 9,556. Cocaine-related emergencies increased 88 percent (from 1,586 to 2,984) during the same period. Drug-related deaths fluctuated between 1985 and 1989, increasing overall by 9 percent (from 880 to 960), while cocaine-related deaths increased 254 percent (151 to 534).

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## Drug Enforcement Efforts

The Chief of Police said that by increasing police efforts he could overload the city's criminal justice system at any time and that he must balance any increased efforts against the system's ability to handle more arrests. City and County officials have developed numerous suppression and prevention programs to address the growing drug and gang problem. The Governor's Office of Criminal Justice Planning funds over 20 gang prevention and suppression programs in Los Angeles County, according to a state task force report.

The number of officers in the Narcotics Division of the police department was fairly constant from 1980 to 1987 at about 235, but it increased to 285 in 1988 and 411 in 1989. The police drug strategy consists of three elements: enforcement, diversion, and prevention. In January 1988, the police launched the Gang-Related Active Trafficker Suppression program, which targets street sales and gang-related narcotics activity throughout the city. Since inception the program has accounted for 17,000 arrests, closed 600 crack houses, and reduced open-air drug market locations from 198 to 141, according to a police official. Operation "Hammer," a specially formed 200-officer task force, was initiated under the program to conduct street "sweeps" against suspected gang members. Special CRASH (Community Resources Against Street Hoodlums) units located in geographically dispersed police bureaus investigate gang activity. The Gang Reporting Evaluation and Tracking (GREAT) system is a multiagency information system established to track and identify individuals actively involved in gang activities. The police department's Drug Abuse Resistance Education (DARE) program is a primary prevention program that contains an anti-gang component and serves as a national model for school-based anti-drug education programs.

County drug and gang programs often combine the resources of various departments and agencies. The Sheriff's Task Force Against Rock (STAR) program combines the resources of the Sheriff with the County Probation Department and Municipal and Superior Courts to target

crack cocaine traffickers. County Sheriff street suppression programs established to address the growing drug/gang problem include Gang Enforcement Teams and the Operation Safe Streets Unit. L.A. County's Probation Violation Task Force coordinates with the District Attorney's Hardcore Prosecution Unit to remove repeat offenders from the street. Under the Sheriffs Department Substance Abuse Narcotics Education (SANE) program, law enforcement officers assist school teachers in teaching drug prevention.

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## Drug Arrests Have Increased

Arrest data for the city of Los Angeles, reported by the FBI UCR Program, show that arrests for drug abuse violations fluctuated between 1980 and 1989. Overall, drug arrests increased 193 percent during the period, from 15,161 to 44,442. During the same period, combined arrests for burglary, robbery, aggravated assault, and murder increased overall 51 percent, from 20,299 to 30,687.

Drug arrest data reported by the Los Angeles Police Department were higher than data reported by UCR, with LAPD reporting nearly twice as many narcotic arrests in 1988 (57,651 compared to 29,246). LAPD data showed that drug arrests increased 144 percent overall from 24,516 in 1980 to 59,757 in 1989. Neither LAPD nor the FBI could explain the differences in the data.

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## Criminal Justice Overloading

Many criminal justice officials in Los Angeles told us that the system has become overloaded and that increased drug arrests have contributed to the situation. In response, various elements of the system have attempted to better manage the workload. The Prosecutor's Office has taken several steps to expedite the processing of cases through the system, including reducing the charge for possessing small quantities of drugs from a felony to a misdemeanor. Both the Los Angeles Municipal and Superior Courts have tried several approaches to help alleviate the strain of increased drug and other cases. For example, the Municipal Court has used pretrial diversion to drug counseling for first-time offenders as a way to reduce jail overcrowding, and the Superior Court has formed a drug crises task force to help coordinate activities throughout the criminal justice system. The Sheriff's Department is trying to cope with jail overcrowding with several emergency release programs and jail construction projects, while the Probation Department has implemented a variety of programs to handle increased caseloads because of the releases. And, although county parole officials do not

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believe the system is overloaded, they do believe jail overcrowding has led to the practice of prematurely releasing offenders on parole.

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## Prosecutor

According to the Los Angeles County District Attorney's Central Office,<sup>1</sup> narcotics cases filed by the office increased five times the rate of general case filings between 1984 and 1988. At the time of our review, there was no backlog of cases to be filed, according to a DA official. Rather, we were told that the backlog in the system occurs in the courts after the cases are filed. Overcrowded dockets at the Los Angeles County Superior Court have created a backlog of cases awaiting preliminary hearings. According to the official the court's backlog was estimated to be between 100 to 200 cases in October 1989.

The official said that the increased number of cases filed has contributed to this backlog, with narcotics cases comprising 55 to 60 percent of all felony cases filed by the central prosecutor's office. The prosecutor's office has implemented several measures to expedite cases through the system, including prosecuting certain probation violations in lieu of filing new charges to reduce required criminal justice proceedings, reducing charges from felony to misdemeanor for some small quantity drug possession cases, and attempting to obtain guilty pleas at the earliest possible point in the proceedings.

The number of narcotics cases filed has risen in recent years. According to data provided by the Central Complaint Division of the Los Angeles County District Attorney's Office, narcotics cases filed between 1984 and 1988 increased 143 percent from 4,803 to 11,687, compared to a 74-percent increase in total new cases filed during the same period. Narcotics cases, as a percentage of all cases filed, increased from 43 percent in 1984 to 60 percent in 1988 and dropped to 59 percent for the first 10 months of 1989. The Central Complaint Division handles about 400 to 500 drug cases per week, according to a DA official.

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## Courts

Los Angeles is served by 1 municipal court with 13 branches citywide and 1 superior court with 11 districts countywide, 5 of which directly serve the city. The Los Angeles Municipal Court District is the largest of 24 districts in Los Angeles County and the largest of its kind in the Nation. The county court system handles about 35 percent of the state's

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<sup>1</sup>This is the only office division for which data were available. Filings for the office are about one-half of the county's total complaint filings.

total caseload. Both the Municipal Court and the Superior Court have experienced problems related to drug crime, according to judicial officials.

Since 1987, the Los Angeles County Municipal Court has experienced a backlog in processing civil court cases due to the increase in drug-related crime cases before the court, according to the Presiding Judge. He estimated that 75 to 85 percent of all pretrial felony cases on the Municipal Court calendar are drug possession cases and that most of these cases involve cocaine. Total felonies filed in Municipal Court increased 60 percent from 1982 to 1988 (37,955 to 60,558). In addition, he said that overcrowded conditions at the County Jail have affected the court economically. Defendants are increasingly opting for jail time instead of paying fines because they know they will spend little or no time in jail due to a federal court order to reduce the inmate population. In July 1989, inmates served only 1 day for each 37 days of their sentences due to jail overcrowding. The Judge said that the court is receiving less revenue from fines at a time when it is spending more money to repeatedly process defendants released on their own recognizance by the County Sheriff and later rearrested for another crime.

The Municipal Court has utilized several measures to help alleviate the increased burden drug cases have placed on the criminal justice system. These include diversion of resources from civil court to the criminal court, pretrial diversion to drug counseling for first-time offenders to reduce jail overcrowding, and use of special disposition courts to expedite the flow of cases.

The Los Angeles Superior Court is also experiencing numerous problems related to drug crime, according to a judicial official. He said that the court has experienced a backlog in the processing of both criminal and civil cases and that several Superior Courts in Los Angeles County have temporarily closed their civil divisions to expedite criminal cases. The number of Superior Court felony cases filed increased 65 percent from 1984 to 1988 (27,225 to 44,851). The judge noted that due to the congestion of criminal cases in Superior Court, the American Civil Liberties Union has sued 102 Superior Court judges individually for court inefficiencies and granting of excessive continuances that have contributed to jail overcrowding. An ACLU official said that due to excessive continuances, some inmates go to court 30 to 40 times before they are sentenced.

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In October 1987, the ACLU also sued the County of Los Angeles over the busing of inmates to county courts. An ACLU official said that a federal court order mandates no more than 753 inmates be bused per court shift, yet the County is sending over 2,000 a day to county courts. According to a January 1989 magazine article in the California Lawyer, of the average 1,600 to 2,000 inmates bused to county courthouses each day, only about 35 actually stand trial.

The Los Angeles Superior Court has implemented a number of programs to manage the increasing caseloads, according to the supervising judge. Courts have modified proceedings to expedite criminal cases, such as establishing same-day arraignments. The court has established a task force in response to the drug crisis to enhance communication and coordination between elements of the criminal justice system. The District Attorney has established a program to streamline court procedures, and the court has attempted to decrease criminal and civil court congestion by shifting caseloads to less burdened courts.

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## Corrections

The Los Angeles County Jail is the largest maximum security jail in the free world, according to County Sheriff officials responsible for jail operations. The Los Angeles County Jail system houses about 20 percent of the total inmate population of the state. According to a County Jail fact sheet, the Los Angeles County Jail's average daily inmate population increased 138 percent between 1980 and 1988, from 9,186 to 21,867. Officials told us that the entire system of 8 facilities which have a combined rated capacity of 13,464 beds, has been under a federal court order since December 1987 mandating a population cap of 22,383. As of June 26, 1989, 21,812 inmates were housed in these facilities. While this number was under the population cap, it was 162 percent of rated capacity.

Substance abuse is the leading cause of jail overcrowding, according to a May 19, 1989, letter from the County Sheriff to the County Board of Supervisors. The letter noted that 44 percent of the inmates in the County Jail have some form of substance abuse as their primary charge. Another factor contributing to overcrowding is the extended length of stay of unsentenced inmates (pretrial and in-trial) resulting from court delays, according to a jail fact sheet. As of May 9, 1989, unsentenced inmates accounted for approximately 58 percent of the total inmate population. Other factors cited by jail officials include the following:

- The state legislature has passed tougher criminal laws without providing for additional jail space.
- Corrections officials have not adequately predicted the extent of overcrowding.
- Mentally ill persons have been displaced from hospitals to jails.
- Complying with stringent jail construction standards has been expensive and difficult.

The Sheriff's Department is attempting to manage jail overcrowding through a combination of emergency release programs and jail construction projects. In just under a year, about 134,000 misdemeanor offenders were released under two programs that include both presentenced and sentenced offenders. No felony offenders have been released under these programs. The county currently has underway 3 major jail construction projects that will add about 5,500 beds by mid-1993 at a cost of over \$500 million. Nevertheless, in a May 1989 letter to the Board of Supervisors, the county Sheriff said that the county cannot build its way out of the jail overcrowding dilemma because construction and housing costs are prohibitive. He added that if all jail facilities needed through the year 2010 magically appeared, paid for and ready for occupancy, the county still could not afford the maintenance.

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## Probation

The Los Angeles County Probation Department is overwhelmed by the increase of probationers with drug abuse problems, according to a department official. He said that 65 to 75 percent of all probationers have drug abuse problems. Furthermore, because of insufficient resources, probation officers' caseloads have doubled from 50 to 100 since 1981. The number of adult probation cases supervised by the department increased 75 percent from 45,876 in December 1980 to 80,467 in May 1989. Approximately 80 percent of all county offenders are on probation at any one time. The Chief Probation Officer told us that because of increased caseloads, probation officers can not actively supervise their cases. He said that the Department is conducting extensive drug screening for only 300 to 400 probationers per month, but it should be conducting an additional 3,000 per month. The department has implemented a variety of programs aimed at the prevention, reduction, and control of crime, including district attorney liaison initiatives, electronic monitoring, work furlough, probation camps, gang alternative and prevention programs, and juvenile placement programs.

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## Parole

In 1985, the Los Angeles County Sheriff began encouraging parole as a way of reducing jail overcrowding at the County Jail, according to county parole officials. Overall county parole data show that the number of paroles granted fluctuated between 1986 (the first year for which statistics were available) and 1989. Paroles granted were 142 in 1986, 301 in 1987, 249 in 1988, and 207 in 1989. County parole officials said that the system is not overloaded, but they believe that people are being released on parole earlier than is prudent because of jail and prison overcrowding.

According to the officials, the parole board has been decreasing the number of people released on parole because of poor quality parole candidates. Also, many inmates are not opting for parole because early jail release programs provide an alternative that does not hold them accountable for their actions. The officials estimated that one-third to one-half of all parolees are referred to drug treatment programs as a condition of parole. In 1989, nearly 73 percent of the applicants for parole were identified as having a substance abuse problem.

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## Treatment

A County public health official said that approximately 40 percent of Los Angeles County drug treatment clients are referred by the county courts. However, not enough county drug treatment slots are available to serve the increasing demand for these clients. She noted that all public drug treatment programs have long waiting lists, and there is currently a 5- to 6-month waiting period for services. Furthermore, court-diverted drug treatment clients are not given priority on county drug treatment waiting lists, which are reserved for pregnant, homeless, and HIV-positive abusers. She said that drug treatment fees are based on ability to pay and that there are limited slots for indigent clients diverted by the courts. It is possible that inmates who cannot pay for treatment may not receive treatment, according to the official.

We were told at one treatment center that contracts for county drug treatment slots that funding for the slots is based on a sliding scale ability to pay; consequently, the center gives clients with some ability to pay priority over those clients who cannot. We were told that 90 percent of the center's clients were involved with the criminal justice system in one way or another.

According to a January 1989 conference paper presented by the Drug Program Administrator for Los Angeles County, the county treatment system capacity has declined by about one-third since 1982 due to lack

of funding—from about 7,000 persons in publicly subsidized treatment programs on any given day in 1982 to about 5,000 in 1988. The paper also noted that 2 out of 5 client referrals were from the criminal justice system, and 19 out of 20 did not have any private health insurance. The paper said that as of November 30, 1988, 1,700 persons were waiting to get into various treatment programs. According to county hospital health officials, current treatment systems are not capable of treating all those addicts who desire treatment. The officials stated that treatment on demand should be the number one funding priority.

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## Madera

The city of Madera is an agricultural community located in central California's San Joaquin Valley approximately 250 miles north of Los Angeles. The area is one of the Nation's agricultural leaders. The city has a population of 28,259.

A state narcotics official considers Madera a regional center for drug distribution. Drug and drug-related crime has increased significantly during the 1980s, with cocaine being the main problem, say city officials. Madera County has taken a harsh attitude toward crime in terms of pursuing cases through the criminal justice system, and it ranks first in the state in prison commitment rate.

Most local officials we met with believe that increased arrests, including increased drug arrests, have put pressure on segments of the local criminal justice system. Some officials believe their segments have been overloaded; others say that although workloads have increased, they have been able to cope with them through a variety of special measures. Still others have expressed concern that some of these measures are not holding offenders accountable. For example, a self-imposed jail reduction program has increased the burden on probation and parole officers, who have expressed concern that escalating caseloads are resulting in decreased levels of supervision and accountability.

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## Extent of the Drug Problem

Madera is a regional center for drug distribution, according to a state Bureau of Narcotics Enforcement official. She said that crack cocaine and heroin are the main problems in the city, and methamphetamine labs are a problem in the mountains of the county. Drug and drug-related crime has increased significantly during the 1980s, according to the Police Chief and other local officials. The Chief said that Madera has had drug problems since the 1960s, mostly involving PCP and heroin. However, cocaine started becoming a problem around 1984, and it is

currently the major drug problem of the city. According to the County Sheriff, the county is losing the war on drugs, as greater quantities of cocaine are available at prices lower than in the early 1980s. City and county law enforcement officials estimate that 50 to 60 percent of Madera's crime is drug-related. Madera has a high concentration of migrant farm labor residents, many of whom are illegal aliens. According to local law enforcement officials, illegal aliens are the primary source of cocaine distribution in Madera County, and the County Sheriff estimates that 50 percent of all street dealers arrested are illegal aliens.

## Drug Enforcement Efforts

The Madera Police Department employed 36 officers in 1980. The number of officers was reduced to 32 in 1981, where the size of the force remained until November 1989 when it was increased to 38. According to the Chief of Police, at least 50 officers are needed. He said that because of insufficient staffing, the department has had to limit and prioritize its work. For example, response times have been delayed, check forgery cases are not investigated, and very little is done in the way of traffic control.

The Madera Police target lower level street dealers for apprehension and conduct several street sweep drug operations per year. They participate in the Madera County Sheriff's Narcotic Enforcement Team, a local city/county task force that targets mid-level dealers throughout the county and also assists with some city street operations. The Task Force does not receive any state or federal funding, although the state Bureau of Narcotic Enforcement provides some assistance to help eradicate drug labs. The Madera police have not received any federal monies since the 1970s, according to the Chief.

## Drug Arrests Have Increased

According to Madera city officials, the police department has stepped up drug suppression law enforcement activities. FBI UCR data show a 977-percent increase in drug arrests between 1980 and 1989, from 26 to 280. The number of drug arrests gradually increased (with the exception of 1982) until 1987, when they came close to tripling over the previous year, and they nearly doubled again the following year. During the same period, combined arrests for burglary, robbery, aggravated assault, and murder increased about 87 percent, from 136 to 254.

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Drug case data reported by the Madera Police was higher than the UCR data, showing 76 cases in 1983 and 431 in 1988. Arrests for cocaine violations account for about 80 percent of all drug arrests, with 15 to 20 percent of the cocaine arrests involving crack, according to the Police Chief. He also said that 30 to 40 percent of all felony drug arrests made by the Madera Police are illegal aliens.

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## Criminal Justice System Overloading

Some Madera city and county officials believe that the criminal justice system is overloaded as a result of increased arrests, many of which are drug charges or drug-related. The Madera Police Chief stated that the entire system is backed up and not able to keep pace with the drug problem. He said that the problem is overwhelming because 80 to 90 percent of all arrests are processed through the system. Probation and parole officials believe that escalating caseloads are straining the system and result in a decreased quality of justice. However, prosecutor, court, and corrections officials indicated that they are not experiencing any problems from the increasing numbers of drug cases. They attribute this to a variety of coping measures taken to relieve their individual burdens. However, when not coordinated, these measures may simply shift the burden from one segment to another. For example, jail reduction policies increased the burden on probation and parole.

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## Prosecutor

According to a Madera County District Attorney official, the office is not affected by the increase in the number of drug cases because 90 to 95 percent of the cases are plea-bargained. He stated that the office has not implemented any new policies to reduce caseloads but has always made it a policy to plead out as many cases as possible to prevent overloading of the courts. He said the office has a good working relationship with the contract Public Defender, and both parties have agreed to emphasize plea-bargaining at the earliest possible point in the criminal justice process to quickly dispose of cases.

The Madera County District Attorney's workload, consisting of felony and misdemeanor cases filed in Justice Court, increased by more than half between 1980 and 1988 from 4,049 to 6,170. In addition, about half the cases set for preliminary hearing in Superior Court during the week of December 1, 1989, involved drug charges.

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## Judges/Courts

Madera is served by four county Justice Courts, which handle initial arraignment and preliminary hearings, and a county Superior Court,

where felons are bound over for trial and sentencing. We met with a judge from each court system, and both said that neither of their courts had experienced any significant delays due to drug cases or drug-related crime. Neither court compiled drug charge or drug-related statistics.

A Madera Justice Court judge told us that all presentenced misdemeanants have been released on their own recognizance since a 1984 Superior Court order went into effect to alleviate overcrowding at the Madera County Jail. He said that the failure rate to appear in court for misdemeanor cases is "atrocious." On the basis of his own tabulations from 1982 to 1986, the judge estimated that 40 to 50 percent fail to appear. Although he did not have specific information on failure rates for drug offenders, he estimated that it was about the same percentage as for the other offenses. He noted that a number of the released offenders are back in court within a few weeks on new charges. The Justice Court judge noted that due to Probation Department overloading, the court no longer receives probation and sentencing reports, which affects the court's ability to make proper sentencing recommendations.

According to the Presiding Judge of Madera Superior Court, his courts are overloaded because the caseload has increased without additional staff to process the work. He said that drug cases were not a factor in the overload. Nevertheless, he noted that 60 percent of all felonies in Madera County are drug cases. In addition, no docket delays have resulted from the increased caseload. He attributed this to three factors: the Superior Court (1) has expanded its hours, (2) has implemented a plan to bring in judges from outside the Superior Court, and (3) has implemented a "fast track" program to expedite the judicial process through cooperation among criminal justice agencies in resolving cases at the earliest possible point in the criminal justice process.

Madera County Superior Court judges have adopted a harsh attitude in sentencing, according to a local judge. He said that most first-time felony drug offenders are sentenced to state prison. We found that Madera had the highest admission rate of all counties in the state in total felon commitment rate. The Madera commitment rate to state prison was 249.7 felons per 100,000 of the county's population, compared to an overall rate for the state of 104.4 felons per 100,000 population. In 1988, Madera County sent 206 felons to state prison.

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## Corrections

According to county corrections officials, the Madera County Department of Corrections is not overloaded. They said that this was due to a

new jail and a number of special programs to alleviate jail overcrowding. These programs include work alternative sentencing, work furlough, weekend work program, and electronic monitoring/house arrest programs.

Prior to April 1988, persons sentenced to jail in Madera County were sent to the old Madera County Jail which had a rated capacity of 239. Each year since 1983, the average daily population has exceeded capacity, reaching a high of 313 in 1986 (131 percent of capacity). The old jail continued to be overcrowded despite the fact that it was placed under a Superior Court order in July 1984 that prohibited the housing of unsentenced misdemeanants as a crowding-reduction measure. In April 1988, a new county facility was completed with a rated capacity of 296, and the old jail closed down. A corrections official stated that as of December 1989, 224 inmates were housed in the new county jail, 140 (63 percent) of whom he estimated were incarcerated for drug-related crimes. Another official estimated that 200 (89 percent) of the inmates had been incarcerated for drug-related crimes.

Although the new jail is not overcrowded, the Madera Department of Corrections continues a self-imposed population reduction program in order to meet eligibility requirements for state jail construction funds. A corrections official stated that a total of 681 inmates, including misdemeanor and felony offenders, had been released on their own recognizance in 1989.

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## Probation

Increased felony probation and drug diversion referrals are overloading the Madera Probation Department, according to the Chief Probation Officer. He said that the Department is unable to keep up with escalating caseloads, and as a result actively supervises only about 16 percent of the caseload during a 6-month period. Furthermore, the Department is not adequately screening first-time felony drug offenders nor apprehending all probation violators because the caseload volume is too high. According to the Chief, the Department's caseload would triple without the Justice Courts' cooperation in not placing some defendants on formal probation.

Dramatic measures have been taken to counter the overload and resulting problems. For example, the normal 3- to 5-year probation has been shortened to just 18 months as a result of overloading, according to the Chief. He said that individuals in the work furlough program were placed in the electronic monitoring/house arrest program, which

expanded from 20 cases in 1987 to 140 in 1989. He told us that in June 1987, Madera Superior Court authorized the Department to stop providing presentencing probation and sentencing reports to the four Madera Justice Courts, except for drug, domestic violence, and mentally retarded diversion cases. A year later, the Probation Department's workload for the Justice Courts had dropped by 67 percent, although Probation still handled 98 percent of the drug diversion cases. However, at the time of our visit, the problem was as bad as ever since felony probation and drug diversion referrals equaled the total number of cases the Department handled prior to ceasing probation and sentencing reports. The Chief said without the Justice Courts' cooperation in not placing defendants on formal probation, the caseload would triple to 3,000 instead of the current 1,133.

Due to our request for information, the Madera County Probation Department analyzed its data and found that total probation referrals (felony and misdemeanor) increased 25 percent, from 910 in fiscal year 1979-80 to 1,133 in fiscal year 1988-89. Total drug charge referrals increased 10-fold (from 41 to 412) during the same period. Moreover, drug charge referrals, as a percent of total referrals, increased from 5 percent in fiscal year 1979-80 to 36 percent in fiscal year 1988-89. The Chief added that about 35 to 45 percent of adult probationers have drug treatment as a condition of probation, and about 85 percent of probation violations are due to positive tests for drug abuse.

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## Parole

Madera is served by parole units of both the county and state. Officials of both units describe their systems as close to if not actually overloaded, and they expressed concern about increased caseloads resulting in decreased levels of parole supervision.

According to Madera County Parole/Corrections officials, the county parole system is overloaded and drug crime is a contributing factor. However, a County Parole Board official described the system as approaching the overloading threshold, but not yet overloaded. Although the officials did not agree on the exact caseload per month, they agreed that the caseload is straining the system. One official noted that as a result of jail reduction policies, more inmates are being released to parole earlier than they would otherwise. Under one of those policies, the Parole Board now considers each inmate for parole immediately following sentencing, rather than waiting for inmates to apply after a specified period of time. About 55 percent of all parolees are placed in the electronic monitoring program, which is a form of house

arrest. About 15 percent of all county parolees have drug counseling as a condition of parole.

According to state parole officials in Madera, their unit is also overloaded. They said that the caseload has doubled since 1980, rising from about 25 cases per officer in 1980 to over 50 per officer in 1989. As a result, the unit has revised its classification scheme for parolees, which has meant an increased caseload for parole officers and a decreased level of supervision of parolees. Members of the unit feel uncomfortable with the revised system and decreased level of supervision. The officials see drug crime as a factor contributing to the unit's overloading, because 50 percent of all parolees have at least one narcotics charge. They said that over 65 percent of parolees have a drug abuse problem and require drug testing and special monitoring as a condition of parole.

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## Treatment

Madera County has only one contract provider for alcohol and substance abuse services, and its drug treatment facility provides only outpatient counseling services. Individuals in need of detoxification or residential services are referred to clinics in surrounding counties. The number of counseling cases handled by the Madera clinic increased nearly 440 percent, from 38 cases in fiscal year 1984-85 to 205 cases in fiscal year 1988-89. However, the clinic is able to treat all referrals, and there is no waiting list. An official estimated that the facility receives 50 to 55 new case referrals per month, about 80 percent of which are exclusively drug-related. An estimated 70 to 75 percent of all referrals are from the Madera criminal justice system. Of the estimated 205 served by the program in fiscal year 1988-89, only 40 percent successfully completed the program. Officials noted that criminal justice clients are not easy clients to deal with, and counseling is most effective when participation is voluntary.

# Atlanta and Waynesboro, Georgia

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## State Overview of Drug Situation

Cocaine, especially crack cocaine, is the illegal drug of choice in Georgia and the single most destructive drug, according to the 1989 Statewide Drug and Violent Crime Control Strategy. The drug crime and violence problem is as significant in rural areas as it is in urban areas in terms of impact on the community, according to members of the Georgia Chiefs of Police Association we interviewed.

Increased statewide drug arrests accompanied by the increase in statewide drug convictions have had a dramatic effect on the Georgia prison system. A November 1989 state report found that the number of drug/alcohol offenders admitted to the state system increased six-fold in the 10 years between 1979 and 1989. It also noted that about 75 percent of the incoming prisoners in 1988 had a history of drug abuse. GAO reported in November 1989 that Georgia's 25 state prisons were operating at about 140 percent of their total design capacity (16,060 inmates were housed in space designed for 11,500). This did not include inmates housed in county facilities waiting for space in state prison, whose numbers have increased 266 percent from 1980 through April 1989 (from about 1,000 to 3,666). About one-half of the county jails in Georgia are faced with lawsuits or some form of legal action to reduce overcrowding, according to an official of the Georgia Department of Community Affairs. Overall, the jails were 29 percent over capacity, with one jail operating as much as 167 percent of capacity.

According to state health officials, publicly funded residential drug treatment centers throughout the state are full, and the average waiting time for residential treatment is 6 months to 1 year.

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## Atlanta

Atlanta is the largest city in Georgia with a population of about 426,482. The city is located in the northern central part of the state, primarily in Fulton County, but a portion of the city reaches into DeKalb County. There are 3.7 million people (over 40 percent of Georgia's 6.4 million people) residing in the greater Atlanta Metropolitan Area. Metropolitan Atlanta is a heterogeneous mix of urban, suburban, and rural communities. Atlanta leads the South in commerce and industry and is a major commercial and transportation hub for much of the Southeast.

Drug use in Atlanta is considered a serious problem, with cocaine the drug of choice. Drug trafficking has created combat-like conditions in some public housing communities. According to local officials, the city's law enforcement, court, correctional, and treatment resources are strained because of the impact of drugs and drug-related crime. Drug

arrests have increased by 137 percent since 1986. The jails and prisons are seriously overcrowded. In fact, the local county jail released 1,395 inmates in about a 3-month period because of a court order to reduce overcrowding. Even after a larger county jail was opened in 1989, the new facility was overcrowded within 4 months.

A state public health official said many of those referred to drug treatment centers from the criminal justice system never receive adequate treatment. The official said publicly funded residential treatment centers throughout the state are filled due to the prevalence of crack cocaine use.

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## Extent of the Drug Problem

A 1989 report of the Atlanta Bureau of Police Services categorized the city's drug problem as serious. The same year, the Atlanta Centers for Disease Control reported that cocaine was the most widely used drug.

According to a March 1989 U.S. Attorney's report, crack cocaine traffic started in 1985 in Atlanta's inner-city and low-income neighborhoods. By 1987, crack traffic threatened to engulf the city's more than 47 housing projects in a wave of street shootings and warring street gangs. In a December 1989 letter to the Atlanta Public Safety Commissioner, the Atlanta Housing Authority Executive Director stated that drug-related crime in public housing communities had reached epidemic proportions. Residents were sleeping on the floor and hiding under beds and in closets to dodge stray bullets from gunfire. They were afraid to let their children play outside, and public service and utility workers were afraid to enter the area.

In testimony before the Senate Permanent Subcommittee on Investigations in June 1989, the Director of the Surgical Emergency Clinic at Grady Memorial Hospital in Atlanta stated that drug abuse was having a major impact on the city's health care system. He stated that stab and gunshot wounds constituted more than 60 percent of the trauma injuries handled by the clinic, and many of these patients had ingested illegal drugs or were involved in drug-related incidents leading to their injuries. An official in the Fulton County Medical Examiners Office cited an increase in the number of homicide victims testing positive for drugs, increasing from 17 percent in 1985 to 49 percent in 1989.

The Drug Abuse Warning Network reported that the number of drug-related hospital emergencies in Atlanta increased 115 percent between 1985 and 1989, rising from 1,367 to 2,943. Cocaine-related emergencies

dramatically increased 1,214 percent (from 125 to 1,643) during the same period. Overall, drug-related deaths increased 163 percent (from 40 to 105).

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## Drug Enforcement Efforts

The Atlanta Bureau of Police Services spring 1989 report on illegal drugs concluded that the city had a shortage of police officers, and this shortage inhibited the Bureau's ability to devote adequate resources to drug enforcement. Although the city's major nondrug crimes reported to the FBI UCR system increased over 61 percent between 1983 and 1988, the total number of police officers increased from 1,315 to 1,395, or 6 percent.

Until January 1990, the Atlanta Bureau of Police Services' drug enforcement efforts were centered primarily in two sections—the Special Investigations Section of the Criminal Investigations Division and the Red Dog Squad of the Field Operations Division. The Special Investigations Section contains several units that investigate narcotics and organized crime at all levels, from street dealing to major distribution. The Red Dog Squad is an all-volunteer, uniformed, and highly motivated group that concentrates on street dealers throughout the city. The unit's main purpose is to make drug arrests, but an additional goal is to alleviate the concerns of residents who live in drug-plagued areas. In January 1990, in response to residents' drug concerns, 200 police officers were temporarily reassigned from various duties for 3 months to patrol drug-plagued housing projects.

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## Drug Arrests Have Increased

According to FBI UCR data, drug arrests in Atlanta have increased markedly since 1986. Moreover, arrests for murder, aggravated assault, robbery, and burglary—all of which law enforcement and justice system officials believe are heavily related to drugs—have increased during the same period, but not to the extent of drug arrests.

Following a period of generally decreasing drug arrests in Atlanta from 1980 to 1985, the number of drug arrests grew nearly 137 percent from 1986 to 1989 (from 3,790 to 8,985), according to UCR data. During the same period, UCR data showed that arrests for other crimes were on the rise, but not to the extent of drug arrests: murder increased 28 percent, robbery 72 percent, aggravated assault 52 percent, and burglary 74 percent.

Local police data on drug arrests, which differ slightly from UCR data, show an increase of 65 percent from 1986 to 1988 (from 4,175 to 6,898 arrests). According to local police data, the number of drug arrests for the first 6 months of 1989 increased nearly 50 percent over the same period a year earlier.

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## Criminal Justice System Overloading

The criminal justice system officials with whom we spoke believe that the system is overloaded and that increases in drug and drug-related crime have contributed to the problem. For example, drug cases in the Atlanta Municipal Court increased by 49 percent between 1988 and 1989. Drug violation indictments in the Fulton County Superior Court increased more than 340 percent between 1980 and 1988. Caseloads of prosecutors, judges, probation and parole personnel, and health professionals have increased at all levels. The jails and prisons are overcrowded, causing a correctional system backlog.

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## Prosecution

Atlanta is served by three prosecutors, all of whom cite a substantial increase in drug offender cases. All indicate problems as a result of increased workloads that strain the system, and some have taken measures to reduce this problem, such as pretrial diversion and extensive use of plea-bargaining. One District Attorney described problems of limited accountability for drug offenders who choose trial knowing they will spend little time in jail because of overcrowding.

The Atlanta Solicitor provided data showing the number of counts on drug cases filed in municipal court increased by about 49 percent from 1988 to 1989, compared to a 13-percent increase in the number of counts for all cases filed. He also provided statistics that showed that the number of counts in drug cases, as a percent of the counts for all cases filed, increased from 11 percent in 1988 to 15 percent for 1989. The City Solicitor said that to address the overloaded court system, the office has a pretrial intervention program that has operated since 1979 to divert first-time misdemeanants into counseling and community services.

According to the Fulton County District Attorney, a backlog in the processing of all felony indictments has been created by the increase in drug-related crime and violence. While total indictments increased 57 percent (from 6,604 in 1980 to 10,378 in 1988), the number of indictments for drug violations increased 342 percent (from 920 to 4,067). An Assistant District Attorney said that increasing drug crime necessitates

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extensive use of plea-bargaining to make caseloads manageable, and as a result only 2 to 3 percent of all cases actually go to trial.

The Chief Assistant District Attorney for DeKalb County said that the proportion of the cases based on drug charges had grown from 13 percent in 1985 to 37 percent in 1988. He said that about 15 to 20 percent of all the cases prosecuted by his office were from Atlanta. To reduce court burdens, mass hearings have been held in which 40 to 50 people have their bonds set at one time.

A Fulton County Assistant District Attorney described problems affecting the criminal justice system and limiting accountability for drug offenders. He said that many convicted drug offenders' sentences are greatly reduced because of jail or prison overcrowding. For example, a typical sentence for drug trafficking of 50 to 60 bags of crack would be 15 to 20 years, but actual time served would be only 6 to 12 months. For simple possession of 2 bags of crack, the typical sentence of 1 to 2 years would amount to 3 to 4 months actual time served. The District Attorney said that increased caseloads due to drug offenders choosing trial instead of plea-bargaining, believing they will not spend much time in jail because of overcrowding, has not been a problem to date. He also said that about 40 percent of drug offenders scheduled for trial fail to show up in court, and other than the issuance of a bench warrant, little is done because of system overloading. Such offenders are not usually apprehended until rearrested for another crime.

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## Courts/Judges

Atlanta is served by three local court systems—Atlanta Municipal Court, Fulton County Superior Court, and DeKalb County Superior Court. Officials from the Fulton County Superior Court and Atlanta Municipal Court told us that the number of drug cases prosecuted has been increasing and is clogging the courts' calendars. One judge estimated that 70 to 75 percent of all felonies prosecuted in court are in some way drug-related, and 40 percent of the criminal cases in court directly involved cocaine.

Judges said they use a variety of measures to reduce the impact of increased caseloads, including establishing weekend courts and giving priority to criminal cases over civil cases. The courts have also implemented measures in response to jail overcrowding, including the pretrial release of inmates unable to make bond and pretrial intervention to divert first-time offenders into counseling or community service.

A Fulton County Superior Court judge told us that criminal justice overloading had forced him to double and even triple the court's calendar for criminal cases over the previous 8 years. Other Fulton Superior Court judges were quoted in a local law paper as saying that increases in drug-related crime, coupled with a reduction in guilty pleas, have meant more trials. These trials have so clogged the court calendar that the court's handling of civil cases may have to be postponed.

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## Jails/Prisons

The Atlanta Pre-Trial Detention Center and Fulton County Jail were both over rated capacity, and the old Fulton facility had been under court order to release prisoners. Fulton County moved inmates into a newly constructed jail. However, the Fulton County facility, with more than twice the capacity of the old jail, was operating at over 111 percent of capacity after only 4 months. Pretrial release of inmates continues at the Dekalb County facility to maintain population levels, although the facility is not under court order.

The capacity of the Atlanta Pre-Trial Detention Center increased 123 percent from 234 in 1980 to 521 as of June 1989. During the same period, the occupancy level grew from 99 percent (232 prisoners) to 143 percent (747 prisoners) of capacity, reaching a high of 205 percent (1,067 prisoners). The percentage of inmates that were drug offenders increased from 8 percent in 1980 to 29 percent as of June 1989.

Prior to November 1989, inmates were housed in the old Fulton County Jail facility, which had a rated capacity of 1,008. Our review of jail inmate reports showed that the inmate population in the Fulton County Jail grew from 1,014 in June 1986 (101 percent of rated capacity) to 1,901 (189 percent of rated capacity) in June 1989. In April 1989, the old Fulton County Jail came under a federal court order to reduce the inmate population due to overcrowding. To comply with the court order, a total of 1,395 inmates were released from April 28, 1989, through August 4, 1989.

In November 1989, Fulton County moved the inmates from the old jail into a newly constructed jail with a rated capacity of 2,244—over twice the capacity of the old jail. The old facility was no longer used to house inmates. Within just 4 months of operation, the new jail had 2,500 inmates—111 percent of capacity. A February 1990 survey of inmates showed that 45 percent had been charged with drug violations.

The DeKalb County Jail's inmate capacity increased 211 percent between 1980 and June 1989, from 443 to 1,377 inmates. During the same period, the inmate population increased 140 percent, from 526 to 1,265. According to a DeKalb County Jail official, the overloaded correction system has forced the jail to convert a recreation facility into inmate quarters and to house inmates temporarily in mobile homes.

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### Probation

According to the Director of Metro District Probation in Atlanta, the probation system has a case overload problem, but the problem is no worse than at any other part of the criminal justice system. Between 1985 and June 1989, the District's cases grew 84 percent from 11,280 to 20,777. However, the number of probation officers increased only 25 percent (77 to 96) during this period, bringing the average caseload per officer up from 147 to 216. The Probation Director estimated that about 15 percent of the felony probationers were charged with drug violations.

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### Parole

The authority to parole prisoners in Georgia rests with the State Board of Pardons and Paroles. The Unit Coordinator for the North Fulton County Parole Office told us that, in his opinion, the parole system is overloaded. He said that 45 parolees per parole officer is considered ideal, but most parole officers in his office have from 80 to 90 cases, requiring about 150 field visits per month per officer. He said that he believes drugs and the resulting prison overcrowding are the greatest burden on the parole system. As a result, some individuals are being released on parole before they should be.

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### Treatment

A state public health official estimated that one-third of all referrals to the Fulton County Substance Abuse Treatment Center come from the criminal justice system. A state document shows that approximately 4,000 out of a total of 7,000 people seeking or referred to intensive residential treatment at the center in 1988 were placed in a 6-day ambulatory detoxification program and put on a waiting list for residential treatment. The average waiting time was 1 year, and 4,000 people never received the residential services at all. In addition, the health official said that about five people per day are currently being placed on a waiting list for the detoxification program.

The official said that many of those referred to publicly funded treatment centers never receive adequate treatment and "slip through cracks

in the system.” The official said that publicly funded residential treatment centers throughout the state are filled due to the prevalence of crack cocaine use, and the average waiting period for residential treatment is 6 months to a year. The official said that from 1984 through 1988, admissions to public treatment programs for cocaine use in the metropolitan Atlanta area increased 1,241 percent.

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## Waynesboro

Waynesboro is a small, rural city located in Burke County in east-central Georgia with a population of about 6,110. Local law enforcement officials believe that drug and drug-related crimes increased significantly in Waynesboro during the 1980s. Local officials said these crimes have contributed to the overloading of the criminal justice system. The number of arrests for drug crimes in Waynesboro did not steadily increase between 1980 and 1989, it fluctuated instead. Nevertheless, available data showed that drug cases made up a large portion of the criminal justice system caseload.

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## Extent of Drug Problem

The Waynesboro Police Chief said that crack cocaine presented the city with its biggest drug problem. In March 1989, the U.S. Attorney for the Southern District of Georgia, which includes Waynesboro, reported that crack cocaine was quickly reaching epidemic proportions throughout southern Georgia.

The Police Chief said that drug-related crimes increased significantly in Waynesboro during the 1980s. The number of drug arrests reported by the FBI UCR Program for Waynesboro fluctuated during the 1980s, reaching a high of 34 in 1989. Overall, drug arrests increased about 80 percent between 1980 and 1989, from 19 to 34. During the same period, UCR data showed that arrests for murder, robbery, aggravated assault, and burglary also fluctuated.

The Waynesboro Police Department and Burke County Sheriff’s Office did not keep statistics on the number of drug-related crimes occurring. Police and Sheriff’s officials estimated that 80 to 95 percent of all crimes were related to drugs in some way.

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## Drug Enforcement Efforts

From 1980 through 1989, the Waynesboro Police Department employed from 14 to 17 officers. The Waynesboro Police Chief said his department’s primary drug enforcement activities consist of undercover investigations and frequent patrols of streets in areas where drugs are openly

sold. The Chief said his department was currently receiving assistance from the Drug Enforcement Administration on undercover investigations, but the department receives no federal funds and does not participate in any federal task forces.

The Chief said his department's efforts have been successful in partially cleaning up some of the worst areas in Waynesboro. According to FBI UCR data, the number of drug arrests for Waynesboro fluctuated from 1980 to 1989, ranging from 5 drug arrests in 1983 to 34 in 1989. The overall increase was 79 percent, from 19 in 1980 to 34 in 1989.

The Burke County Sheriff's Office, which also provides drug law enforcement in Waynesboro, increased the size of its force from 23 officers in 1981 to 36 officers in 1989. The Sheriff's Office coordinates with the Waynesboro Police Department, participates in the federally funded Metro Drug Task Force, and works closely with the Georgia Bureau of Investigation and the Georgia State Patrol.

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## Drug Problem Has Contributed to Criminal Justice System Overloading

Law enforcement and other criminal justice officials in Waynesboro and Burke County believe drug-related crime has contributed to criminal justice system overloading. The data available indicates that cases involving drug violations made up a large portion of the criminal justice system caseload. No data were available to determine the portion of cases that were drug-related.

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### Prosecutor

According to the Burke County District Attorney, the number of drug and drug-related cases prosecuted by his office has dramatically increased in recent years. One official in the office calculated that the number of cases directly or indirectly involving drugs increased from 36 percent of all cases in 1985 to 59 percent in 1988.

In May 1989, the Burke County District Attorney requested funding for additional prosecutors, citing "skyrocketing" drug-related cases, among other problems. The District Attorney told us that he uses plea-bargaining extensively (80 to 90 percent of all cases except for repeat or violent offenders), and because of jail and prison overloading, he reduces charges to avoid mandatory sentences.

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### Judges/Courts

Superior Court officials for Burke County said that the number of criminal court cases has significantly increased in the 1980s, due in part to

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the drug problem. They estimated that 50 to 80 percent of all crime was related to drugs. Superior Court records showed that the number of cases with drug charges increased from 20 percent of all criminal cases in 1986 to 47 percent in 1988. In the first 8 months of 1989, 72 percent of the cases included drug charges.

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## Corrections

The Burke County Jail, which has a rated capacity of 22 inmates, has been under federal court order to alleviate jail overcrowding conditions since August 1984. The situation is expected to improve when a newly constructed jail is opened with four times the capacity. However, the Chief Jailer said the new facility was expected to be at or above capacity shortly after opening because of the state's jail and prison overcrowding problem. Burke County Jail officials estimate that 90 to 95 percent of the crimes in the county are drug-related. According to the Chief Jailer, as of June 11, 1990, 23 of a total of 39 inmates were charged with drug offenses.

The Chief Jailer told us that because the jail is operating above capacity, and to comply with the federal court order, a new inmate cannot be admitted unless another inmate is released. Inmates are released from jail either on bond or on their own recognizance. He estimated that four to five inmates were released each month in 1988. He said that the first priority for release is generally given to misdemeanor offenders, and drug offenders who are considered nonviolent may be released.

A Court Administrator for the Augusta Judicial Circuit said that the greatest problem facing law enforcement is the lack of space to house inmates. He cited an example of one criminal who was sentenced to 5 years in jail but was paroled after serving less than 30 days to relieve jail overcrowding. The Chief Judge for Burke County Superior Court said that a variety of sentencing alternatives are used because of jail and prison overcrowding. These include increased use of various forms of probation; diversion centers; detention centers; and shock incarceration, similar to military boot camps.

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## Probation

Data for the Augusta Judicial Circuit, which covers three counties including Burke County, showed that the office's caseload increased 382 percent from 1982 to November 1989, from 1,111 to 5,356 probationers. The office did not have data available showing the number of probationers charged with drug offenses, nor were data available by county.

One probation officer said that jail and prison overcrowding has affected the probation office. He noted that getting probation revoked for offenders is very difficult because the jails and prisons are overcrowded. In addition, some drug offenders have been put on probation instead of being incarcerated. For example, 13 drug offenders who had been sentenced and were serving time in jail for the sale of or intent to distribute cocaine had their sentences remanded by a judge to 5 years' probation, a \$750 fine, and 100 hours of community service.

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**Parole**

The Area Manager for the Augusta Judicial District Parole Office told us that his office was overloaded due, in part, to drug crime, as well as two vacant parole officer positions. The parole officer responsible for supervising parolees in Burke County estimated that 10 to 25 percent of his current parolees were drug offenders, but he expects the percentage to increase to 50 percent.

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**Treatment**

The Ogeechee Mental Health Clinic in Waynesboro provides substance abuse treatment on an outpatient basis. The Ogeechee Clinic in Swainsboro provides the only inpatient treatment available to Burke County parolees and probationers. Both clinics treat individuals who are ordered by the courts to receive treatment or are referred by probation or parole officers. According to a clinic official, neither facility is overloaded.

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# Boston and North Adams, Massachusetts

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## State Overview of Drug Situation

Until 1987 marijuana was the most widely trafficked drug in Massachusetts; however, since then, relatively pure and inexpensive cocaine has become readily available across the state. Powder cocaine is now the most commonly abused drug, with crack cocaine becoming an increasing problem.

Massachusetts is experiencing shortages of judges, courtrooms, jail and prison space, and drug treatment availability for criminal justice referrals, according to the Fiscal Year 1989 State Drug Enforcement Strategy. The Boston Bar Association reported that the state's criminal justice system is in a desperate condition. Local criminal justice officials stated that greater statewide drug law enforcement activity has placed an increasing burden on an already overloaded criminal justice system. For example, narcotic complaints filed in district courts increased by 85 percent—from 25,903 to 48,018—between 1985 and 1989. One Superior Court Justice estimated that between 1988 and 1989, felony narcotics trafficking cases disposed of in the state's superior courts increased by 50 percent from about 1,000 to 1,500 of the approximately 6,000 total cases disposed of in each year.

In addition, nearly two-thirds (4,129 of 6,265) of state inmates incarcerated on January 1, 1988, had a present offense or criminal history involving drugs or alcohol, and many of the substance abusers lacked adequate treatment. About two-thirds (4,901 of 7,326) of the adults placed on probation between July 1987 through February 1988 were identified as having a serious drug or alcohol problem.

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## Boston

Boston, located in Suffolk County, is the most urban and densely populated city in Massachusetts. With 580,095 people, it represents about 10 percent of the state's 5.9 million residents. The greater Boston area (the Boston Standard Metropolitan Statistical Area) contains 2,868,381 people and represents nearly 50 percent of the state's total population.

Boston's entire criminal justice system appears to be overloaded. City police reported over 7,496 drug arrests in 1988, yet a May 1989 Boston Bar Association report observed "There is no way that 7,000 people can be tried each year in the courts of Suffolk County, or jailed or treated, should it turn out that they warrant or need one or the other." Local criminal justice officials stated that because the justice system is overloaded, some criminals who should be incarcerated are not, and others are prematurely released. Thus, in their view, the system does not hold

a sufficient number of criminals accountable for their actions and has little if any deterrent or punitive effect.

Local criminal justice officials with whom we spoke said that part of their dilemma is that no systemwide approach has been taken to respond to the local drug crime problem. Nevertheless, individual elements of the criminal justice system have taken some action. Prosecutors have established special prosecution drug units, courts have mandated jail inmate population caps and developed a system for release of pretrial detainees, prisons have begun to double- and triple-bunk inmates while additional facilities are being built, and probation and parole officers are finding ways to increase their supervision of high-risk probationers and parolees.

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## Extent of the Drug Problem

Cocaine continues to be the most frequently abused drug in Boston and throughout Massachusetts. Local criminal justice officials told us that drug traffickers use Boston as a distribution point for the entire New England area. They said that until 1987, marijuana was the most widely trafficked illicit drug in Boston, but now powder cocaine has taken its place, especially in inner city areas. Crack cocaine is available but is not as prevalent as the increasing volume of powder cocaine. Heroin use and trafficking have been identified as growing problems in the south Boston area. Police officials said that open-air drug markets do not exist in Boston, but there are areas of the city where drugs are more actively sold. In 1988, police estimated that 33 percent of all homicides in the city were drug-related.

The number of drug-related hospital emergencies reported in Boston increased by 71 percent between 1985 and 1988, rising from 2,353 to 4,029, then decreased to 3,999 in 1989. From 1985 to 1989, cocaine-related emergencies increased dramatically by more than 360 percent, from 292 to 1,348. Drug-related deaths fluctuated between 1985 and 1989 increasing overall nearly 100 percent, from 129 to 257. Cocaine-related deaths also fluctuated during the same period, increasing overall by 108 percent, from 51 to 106.

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## Drug Enforcement Efforts

City police officials stated that drug law enforcement efforts are primarily accomplished through their Drug Control Unit and Narcotics Task Force. According to these officials, the Drug Control Unit was established in 1984 as a direct result of the growing drug crime and violence

problems in Boston. The unit was initially staffed with 23 officers and subsequently increased to 60 in 1985, where it still remains.

According to a February 1990 police report, the Drug Control Unit investigates drug offenses of all types and uses both traditional and innovative investigative techniques to achieve its enforcement goals. The unit targets street-level and mid-level dealers for apprehension and prosecution. Sixty-seven percent of the unit's arrests involved cocaine and cocaine derivatives such as crack, 18 percent involved heroin and opiates, and 14 percent involved marijuana. Since 1984, the unit's cocaine arrests have increased 472 percent, while its overall drug arrests have increased by 267 percent (from 523 to 1,919). The unit was responsible for 15 percent of the department's total 3,534 drug arrests in 1984 and for 23 percent of those made in 1989.

Significant law enforcement programs include the participation of the Drug Control Unit in a multiagency Drug Enforcement Administration Narcotics Task Force and special assignment to the Attorney General's Office and the FBI. In addition, a drug hotline was established to inform police about drug activity, and police say they are so overwhelmed by the number of calls that they generally cannot respond until after the third or fourth call. Also, Operation Padlock was implemented. Under this program, police seize and forfeit an establishment where drug activity is occurring and also enforce the state's Public Nuisance Law, which permits landlords to evict tenants convicted of drug offenses.

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## Drug Arrests Have Increased

Arrest data for the city of Boston, reported by the FBI UCR Program, show that drug arrests fluctuated between 1980 and 1989 increasing 663 percent overall, from 857 to 6,539. During the same period, combined arrests for burglary, robbery, aggravated assault, and murder increased about 74 percent.

However, arrest data reported by the Boston Police Department were higher in all categories than data reported by the UCR. For example, in 1988, the number of drug arrests reported by the Boston police was nearly twice the number reported by the UCR—7,496 compared to 3,937. A police official explained that the UCR tends to undercount the number of arrests for any given crime category because it records only the most serious charge of a multiple-charge offense. He said that most drug arrest cases involve multiple charges, and the least serious tends to be the drug charge. Boston police arrest data show that between 1984 and 1989, drug arrests increased about 133 percent—from 3,534 to 8,244.

Sixty percent of all controlled substance arrests in 1989 were cocaine arrests, compared to 49 percent of all such arrests in 1987 and 52 percent in 1988, according to a 1989 paper on drug abuse trends by the Community Epidemiology Work Group.

## Criminal Justice System Overloading

In recent reports (May 1989 and March 1990), the Boston Bar Association concluded that Boston's criminal justice system was in a "desperate condition." The reports characterized the city's criminal justice system as "abandoned" and said resources were desperately needed at all levels.

A number of programs and policies have been implemented to address the strain on Boston's criminal justice system. Prosecutors have established special prosecution drug units, courts have mandated jail inmate population caps and developed a system for release of pretrial detainees, prisons have begun to double- and triple-bunk inmates while additional facilities are being built, and probation and parole officers are reorganizing their supervision methods. However, no systemwide programs or policies have been implemented to address the problem. Local criminal justice officials with whom we spoke agreed that part of their dilemma is that no systematic approach to the local drug crime problem exists, and drug crime has compounded the problems of an already overburdened system.

## Prosecutor

According to an official of the District Attorney's office, the number of drug-related cases tried in the 1980s increased significantly. He estimated that 60 to 70 percent of all cases prosecuted by the office were drug-related. Data provided by the official showed felony drug cases as a percentage of all other felony cases increased from 22 to 36 percent from 1980 to 1989.

The official told us that in approximately 40 to 50 percent of all the felony drug cases tried by his office the defendant defaults or fails to show up for court, and a bench warrant is issued for his or her arrest. He said that very few fugitives are apprehended because of the bench warrants, which do not seem to be a high police priority. He said that the fugitives are more likely to be apprehended committing another crime.

The official cited several factors that are slowing down the judicial process. First, the District Attorney's office has had to request numerous

continuances from the court because of 6- to 8-week delays in getting analyzed drug samples back from the state drug lab. The office has solicited the governor's help in resolving this problem. Second, defendants in cases involving larger amounts of cocaine (over 8 grams) increasingly request trial because of the state's mandatory minimum sentencing laws. Finally, defendants found guilty in district court have a right to a trial de novo, or completely new trial that adds to the District Court's caseload. Some jurisdictions in Massachusetts are currently experimenting with abolishing the two-trial system.

Additional data provided by the official showed total cases pending at year's end were reduced from 1,526 to 919 between 1980 and 1989. He said that the office was able to reduce the backlog of all its pending cases by taking a number of special measures, including (1) shifting judges from courts with lighter workloads, (2) establishing a special drug prosecution unit, (3) setting up a priority arrangement with the state drug lab, and (4) aggressively contesting defense continuance motions.

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## Courts

Boston is served by nine lower courts (eight district courts and the Boston Municipal Court) and the Suffolk County Superior Court. The number of narcotic charges filed in the eight district courts increased by 110 percent between 1985 and 1989, from 5,197 to 10,931 cases. Neither the Boston Municipal Court nor the Suffolk County Superior Court could provide drug case statistics for this period. However, both the Administrative Justice of the Boston Municipal Court and the Chief Justice of the Superior Court attributed an increasing caseload to a rise in the number of drug offenses being committed. They estimated that the drug-related cases tried in both courts account for between 50 and 70 percent of their caseload.

According to the Chief Administrative Justice of the Massachusetts Trial Court, the courts have initiated only one program to address jail overcrowding. A Jail Judge was established at the Suffolk County's Charles Street Jail (similar programs have been established in Essex and Norfolk Counties) to determine which pretrial detainees will be released when the jail reaches its mandated population cap. Essentially, the Jail Judge releases the less serious, nonviolent, and first-time nonviolent detainees. Since most drug charges, by definition, are less serious offenses, these detainees are commonly let go first. They are generally released on their own recognizance, and some do not have to post bail.

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## Jails/Prisons

According to corrections officials, Suffolk County Jail at Charles Street (which serves the greater Boston Metropolitan area) is one of two county correctional facilities in the state under court order as of January 1, 1990, to limit inmate population because of overcrowding. The 1985 court order established a population cap of 342 and mandated the release of pretrial inmates only. The releases are made on a weekly basis. According to the Chief Superior Court Judge, in one instance 70 detainees had to be released. (In 1987, the only year for which data were available, 11 of the 13 county correctional facilities were over their design capacity. The average daily inmate population for all facilities was 130 percent of capacity, ranging from a low of 90 percent of capacity to a high of 205 percent of capacity.)

State corrections officials provided jail and prison information for perspective on the overcrowding problem. They stated that although 18 of the state's 22 prisons were overcrowded, none were under a court order to cap or reduce their inmate populations at any time during the 1980s, and no convicted felons have been released early because of overcrowding. As of July 7, 1989, the designed capacity for all 22 of the state-operated prisons was 3,605; and the inmate population was 6,619, or 184 percent of the designed capacity. Individual prison populations ranged from a low of 36 percent of capacity to a high of 516 percent of capacity. Corrections officials stated that drug and drug-related crime and violence were the major contributing factors to overcrowding of state prisons and county facilities. According to Department of Corrections reports, 14 percent of the entire prison population in 1988 and 26 percent of offenders sentenced to prison in the same year were convicted of a drug offense.

Although the Massachusetts Department of Corrections is at 184 percent of capacity, Corrections officials stated that no specific programs have been implemented to reduce overcrowding in the state's prisons because more prisons are being built. Also, house arrest is being considered as an alternative to incarceration. According to state correction officials, two new facilities that are part of a massive renovation project will be completed early in the 1990s. However, a local official believes that because of the state's current economic crisis, funding may not be available to complete these projects.

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## Probation

Both the Chief Probation Officer of Suffolk County and officials from the state Office of the Commissioner of Probation stated that although their caseloads have not increased significantly, they do not believe that

the level of supervision is adequate. They further stated that inadequate supervision will only lead to continued criminal activity on the part of the probationer. The Chief Probation Officer for Suffolk County estimated that 90 percent of the adults on probation in 1989 had committed a drug- or alcohol-related crime. A statewide study conducted by the Office of the Commissioner of Probation revealed that two-thirds (4,901 of 7,326) of the adults placed on probation from July 1987 through February 1988 had a drug or alcohol abuse problem. In response to general prison overcrowding, state probation officials said they have increased the time between visits for probationers under minimum supervision from 60 to 90 days to allow probation staff more time for increased supervision of higher risk probationers.

## Parole

According to a state Parole Board official, drug crime and drug-related crime were the major factors contributing to a significant increase in the department's caseload. A state parole report indicated that the department's adult parole caseload increased over 78 percent from 1979 to 1988 (from 4,684 to 8,321 parolees). The official stated that diminishing resources and increasing caseloads have reduced the quality of supervision provided by the department, and this will, in turn, lead to continued criminal activity on the part of the parolees.

The official also stated that because of prison overcrowding, the courts are taking risks by placing on probation some convicts whom they would have incarcerated if prison space had allowed. To reduce the burden on overcrowded prisons, the parole department designed the Intensive Parole Supervision (IPS) program for "high risk" parolees.

## Treatment

According to state public health officials, most admissions for treatment in Massachusetts in the 1980s were in the Boston metropolitan area, and residential treatment centers throughout the state are full. In 1988 and 1989, about 30 percent of their clients were referrals from the criminal justice system, and about another 30 percent were self-admitted.

State public health officials stated that many of the people referred to them have to wait for treatment because programs are full, and a substantial number never receive adequate treatment. They estimated that as of December 1989, between 1,000 and 1,500 people were on waiting lists. The average waiting time for residential treatment was 4 to 12 weeks, with 1 to 3 weeks for cocaine and alcohol detoxification. Health

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officials stated that their department was not designed to provide services to the current number of drug abusers/addicts. The department is developing transitional care programs, which are similar to halfway houses, to help relieve the burden; however, it has not yet begun operating these programs.

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## North Adams

North Adams is located in predominantly rural Berkshire County in the extreme northwestern corner of Massachusetts, about 40 miles east of Albany, New York, and about 140 miles northwest of Boston. The city's population is 16,757. Although the area is generally rural, a large industrial manufacturing establishment is its main economic base. The area's large number of remote landing strips has attracted a number of drug traffickers, with a large amount of the drugs being smuggled in from Albany.

Drugs are readily available in North Adams, and drug-related street crime is a growing problem. Cocaine and marijuana are the primary drugs of abuse. Drug arrests by city police remained stable throughout the 1980s; however, arrests throughout the county by the County Drug Task Force have increased. The County District Attorney said his office is coping with the increased workload that has resulted, although the backlog of cases is increasing. As a result, nondrug crimes are receiving less attention. According to officials of the various courts making up the Berkshire County judicial system, drug-related cases are taking up an increasing share of the courts' workload. Partly because of drug cases, the Northern District Court has had a slowdown in processing civil and child custody cases. Probation officers work unpaid overtime to cope with an increased caseload due, in part, to drugs. It is estimated that criminal justice referrals to drug treatment facilities have doubled in the last 6 years and that these referrals now represent at least 30 percent of all drug treatment clients.

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## Extent of the Drug Problem

According to North Adams police officials, there are lots of drugs in the city, and the problem appears to be growing in the streets. The police estimate that about 70 percent of burglaries, robberies, and aggravated assaults in North Adams are drug-related.

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## Drug Enforcement Efforts

During the 1980s, only one North Adams police officer was assigned to narcotics investigations. The Commissioner of Public Safety said that because of a lack of police officers to work drug cases, the one narcotics

officer concentrates on drug dealers and does not look for drug possession cases. The Berkshire County District Attorney also has a drug task force made up of state police and officers from various police departments in the county. The county drug task force receives about \$80,000 in federal grants a year, with about \$3,000 going to North Adams police, according to local officials.

Drug arrests reported by the FBI UCR Program for North Adams ranged from 18 to 35 arrests each year from 1980 through 1989. According to the Commissioner, arrest statistics represent the efforts of North Adams' one narcotics investigator and do not include drug arrests made in North Adams by the District Attorney's drug task force. Arrests in North Adams and throughout Berkshire County made by the county drug task force increased from 17 in 1980 to 39 in 1989.

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## Criminal Justice System Overloading

Criminal justice officials estimate that 60 to 70 percent of criminal cases in the county are drug-related and that drugs are contributing to increased workloads. Although the various elements of the criminal justice system are able to cope with the increases for the most part, some officials acknowledge certain impacts on the system, such as a general slowdown in case processing, increasing backlogs, and unpaid overtime.

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## Prosecutor

Despite an increasing backlog of cases, officials at the District Attorney's office say they are coping with the increased workload. According to the DA, his office has enough attorneys to handle around a 30-percent increase in prosecutions, but he does not think the courts or correctional facilities could handle the increase. He believes that non-drug crimes receive less attention by police because of the efforts to enforce drug laws. He said that if drugs could be totally eliminated, his office's caseload would be reduced by 60 to 70 percent.

Between 1982 and 1989, drug cases handled by the District Attorney's Office in the Berkshire County Superior Court increased at a rate almost three times that of other cases. While total cases increased just over 115 percent, from 59 to 127, drug cases increased 300 percent, from 11 to 44. Drug cases in 1989 made up about 35 percent of the District Attorney's caseload, compared to only about 19 percent in 1982. The backlog of cases is also increasing, as is the time it takes for case disposition. Ten years ago it took about 125 days from indictment to sentencing; now it takes about 205 days. According to the DA, the real

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bottleneck in the system is that only one Superior Court judge is assigned to the county on a rotational basis.

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## Courts/Judges

Court officials for the Northern Berkshire County District Court said that drug cases have contributed to an increased court caseload. One judge said that the Northern Berkshire District Court has had a slow-down in processing civil and child custody cases partly due to the drug caseload.

A Berkshire County Superior Court judge said the court's caseload is very heavy and drug cases have been taking up an increasing share of the court's cases. According to the Superior Court Clerk, about half (73 out of 143) of the defendants indicted in 1989 were charged drug offenders, compared to about one-third (32 out of 108) of the defendants indicted in 1987. According to the Superior Court judge, it is the lack of cell space that is "the real bottleneck in the system." He said that because cell space is sometimes not available, offenders who would not ordinarily merit bail are sometimes set free on bail before trial; consequently, the number of people failing to appear in court has increased.

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## Corrections

The Berkshire County Sheriff considers the county jail to be overcrowded, but not to the extent of other jails in the state. In fact, his facility has taken the overflow from other county jails. In 1989, the average daily population in the jail was 131, although its maximum capacity was 120 inmates. However, the jail has experienced periods of severe overcrowding. For example, in February and March 1989, the jail housed 157 and 156 inmates, respectively. Jail officials said that they were coping with the overcrowding problem by doubling the number of inmates per cell. No class action suits have been filed because of the overcrowding, primarily because other county jails are much worse than Berkshire County, according to the Sheriff.

Berkshire County Jail officials said that drugs were a factor in many of the cases for which offenders are being incarcerated. For example, they said that on May 19, 1990, about one-fourth of the inmates (31 out of 123) were in jail because of at least 1 drug charge.

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## Probation

Felony drug cases have significantly contributed to Superior Court probation caseloads, while misdemeanor drug offenses are not a major part

of District Court probation caseloads, according to probation officials from the respective court jurisdictions.

An increase in the number of drug cases has contributed to an increase in the overall caseload, according to a probation official of the Berkshire County Superior Court Probation Office. For example, of 108 probation cases handled in 1984, about 20 percent involved drug offenders. As of May 1990, about 34 percent of 143 cases involved drug offenders. The overall caseload has fluctuated during the last 3 years, first decreasing, but most recently increasing. Pending cases before the courts indicate that the number of probation cases will continue to increase, according to the probation official. He said probation officers are currently providing what they believe to be adequate supervision of persons on probation, but this has made it necessary for the officers to work some unpaid overtime.

The Chief Probation Officer for the Northern Berkshire District Court, who supervises persons sentenced to probation for misdemeanor offenses, said that drug offenders are not a major part of his caseload. For example, of the 231 persons sentenced to probation in 1989, only 10 percent were drug offenders.

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## Parole

A Massachusetts Parole Board officer who supervises parolees in northern Berkshire County and other bordering counties said he has experienced only a slight increase in his caseload and was not overloaded. He said that drug cases had not caused a significant increase in his caseload. Of the 25 parolees in Northern Berkshire County whom he was supervising on May 22, 1990, 4 were drug offenders, 5 were involved in drug-related crimes, and another 15 were alcohol or prescription drug abusers.

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## Treatment

The Berkshire Council on Alcoholism and Addictions and a special unit of the Hillcrest Hospital in Pittsfield, Massachusetts, receive criminal justice system referrals from Berkshire County for substance abuse treatment. The drug treatment facilities did not have waiting lists. The Executive Director of the Berkshire Council on Alcoholism and Addictions estimated that criminal justice referrals had doubled in the last 6 years, and 30 to 40 percent of the patients at the Council's outpatient clinic were referred by the courts. According to the Executive Director, about 90 percent of the clinic's referrals are billed to the state. He said the clinic ran out of state contract funds in April 1990; thus, no state

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funds were available to pay for court referrals until July 1990, when the contract was renewed.

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# Detroit and Adrian, Michigan

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## State Overview of Drug Situation

Cocaine remains the number one illegal drug in Michigan, with crack—the most encountered form of cocaine in Detroit—steadily spreading throughout the state, according to the January 1990 Michigan Drug Strategy. The Strategy states that this has resulted in an upsurge in crime, which has choked the judicial system, overcrowded jails and prisons, and burdened the drug treatment network throughout the state.

Statewide drug arrests increased over 70 percent from 1985 to 1988, from 15,942 to 27,154, at the same time that other serious crimes increased only about 11 percent, from 73,048 to 81,372. Felony drug convictions increased 127 percent, which resulted in a 285-percent increase in prison commitments during the same period.

The increase in prison population in Michigan over the last 3 years has been the highest in the state's history and has made jail and prison overcrowding a major problem throughout the state. A 1988 report by the Michigan Department of Corrections stated that 12 of the state's 26 prisons were overcrowded, including one facility that was over 2,000 beds short. An October 1989 Department analysis projects a shortage of approximately 16,000 beds by the end of 1992, despite the fact that the state has increased capital outlays for new prison construction by over \$102 million, or 483 percent, from fiscal years 1979 to 1990, and prison capacity has about doubled in the past 3 years.

Substance abuse is a statewide health problem that is compounded by a lack of adequate treatment. According to the 1990 Michigan Drug Strategy, an estimated 750,000 people in the state experience problems with substance abuse each year, but only 8 percent receive services. More than 4,000 people seeking treatment are currently on waiting lists, with up to a 6-week wait for outpatient care and up to 8 months or longer for residential care. One-half of all substance abuse clients had some involvement with the criminal justice system at the time of admission. State corrections data show that 83 percent of inmates entering the corrections system (prisoners, parole, probation) have a substance abuse problem that requires treatment, and 80 to 90 percent do not receive adequate services.

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## Detroit

Detroit, located in Wayne County in the southeastern corner of Michigan, is the state's largest city, with 1,039,559 residents, representing 11 percent of the state's 9.3 million population. Detroit's population ranks seventh among major U.S. cities. The Detroit greater metropolitan area

population of 4,370,346 represents nearly 50 percent of the total state population.

Detroit is experiencing an epidemic rise in drug abuse, drug trafficking, and crimes that support drug operations, according to local police and criminal justice officials. Since 1985, arrests for drug law violations have increased at a much faster rate than for nondrug crime, and these arrests have increasingly strained the local criminal justice system. Police have expressed concern regarding the lack of consequences for drug criminals. For example, lacking the resources to adequately police, prosecute, and detain drug criminals, the City of Detroit has enacted a city ordinance charging small-quantity drug offenders as misdemeanants rather than felons in an attempt to cope with the increasing volume of drug cases. This has essentially decriminalized possession for those who are selling drugs on street corners, according to a local police official. In addition, the Wayne County Jail has been forced to release both accused and convicted felons because of jail overcrowding.

## Extent of the Drug Problem

Detroit Police Department officials describe the city's drug crime problem as being at crisis proportions and getting worse because of the lack of punitive consequences for drug criminals. Despite personnel increases, the Police Department has been unable to keep pace with the deluge of citizen complaints on crack house activity. According to the region's U.S. Attorney, Detroit has experienced an epidemic rise in drug crimes and drug-related crimes. And, although Detroit has experienced extraordinarily high levels of violent crime for some time, violence has substantially escalated as a direct function of drug abuse. Detroit ranks second in murders per capita among the Nation's 35 largest cities, according to an Associated Press report.

Police report that crack cocaine is the drug of choice in Detroit, and heroin is also a problem, but to a lesser extent than cocaine. Sixty-eight percent of males and over 81 percent of females (highest percentage in the Nation for females) arrested for crimes in Detroit tested positive for drugs, according to 1988 Drug Use Forecasting data. The data also showed that 51 percent of males and 71 percent of females sampled tested positive for cocaine.

The number of drug-related hospital emergencies reported in Detroit fluctuated between 1985 and 1989, increasing overall only about 1 percent from 9,300 to 9,427. Cocaine-related emergencies dramatically increased over 330 percent (from 933 to 4,000) during the same period.

Drug-related deaths fluctuated, showing an overall decrease of 28 percent (from 331 to 237); cocaine-related deaths also fluctuated, increasing 144 percent overall (from 41 to 100). A public health study shows that as of July 1989, 39 percent of babies born at Detroit's Hutzel Hospital tested positive for exposure to cocaine or heroin.

## Drug Enforcement Efforts

The Narcotics Division of the Detroit Police Department is the city's primary drug enforcement unit. In fiscal year 1988-89, the division had an operating budget of \$11.7 million and employed 198 personnel. This represented increases of \$5.3 million (83 percent) and 54 staff (38 percent) over 1985 levels. Funding and personnel for the entire police department increased by only 14 and 3 percent, respectively, during this same 4-year period.

The Narcotics Division has employed a number of initiatives to combat escalating drug and drug-related crime. These include (1) Buy and Bust investigations, where an undercover police drug purchase is followed by immediate arrest; (2) Pressure Point operations, where geographical areas are targeted with simultaneous police raids; (3) Padlock measures, where drug distribution establishments are padlocked after consecutive enforcement efforts; (4) Crack Down multiagency (federal, state, and local) efforts, where a large number of arrest and search warrants are executed on a specific day; (5) Rip Ride operations, where vehicles used in drug transactions are confiscated and forfeited; and (6) Wrap Around operations, where follow-up actions are taken to ensure illegal drug activity does not resume.

During 1988, the Detroit Police Department's Narcotics Division issued 2,744 misdemeanor ordinance notices, of which 1,177, or 43 percent, were for violations of the city's controlled substances act. In 1989, the police issued 2,780 notices, of which 1,094, or 39 percent, were for violations of the city's drug ordinance. According to police, although drug offenders may have been charged with felonies after second and third arrests, they still had little chance of being incarcerated because of jail and prison overcrowding. Instead, they were usually placed on probation.

## Drug Arrests Have Increased

FBI UCR Program data for the city of Detroit show that while arrests for drug abuse violations fluctuated between 1980 and 1989, they increased 155 percent overall, from 3,746 to 9,557. During the same period, combined arrests for burglary, robbery, aggravated assault, and murder

increased 160 percent overall, from 4,669 to 12,129. However, drug arrests have increased at a much faster rate than nondrug arrests in more recent years. Arrests for narcotic law violations between 1985 and 1989 increased 142 percent from 3,956 to 9,557, while nondrug arrests increased 33 percent from 9,098 to 12,129. According to city law enforcement officials, narcotic law violations represented 35 to 40 percent of serious or felony crime.

## Drug Crime and Resulting Arrests Have Strained the Criminal Justice System

As a result of increased arrests, many of which are drug-related, Detroit and Wayne County officials have increased spending and initiated a number of special emphasis programs to address increases in drug crime and drug-related crime. Prosecutors, courts, jails, and prisons are trying different strategies to cope with the increased burden placed on the criminal justice system by the rising level of drug and other crime. These strategies are intended to eliminate or reduce bottlenecks by more effectively processing criminals through the criminal justice system. These strategies include pretrial diversion, probation revocation, community service, boot camps, community residential programs, electronic tethering, and new prison construction programs.

Some of these strategies have resulted in decreased accountability for drug offenders. For example, lacking the resources to adequately police, prosecute, and detain drug criminals, the City of Detroit decided to cope with the increasing volume of drug cases by charging small-time drug offenders as misdemeanants under the city's Controlled Substances Ordinance, rather than prosecuting them as felons under the state's drug laws. This ordinance is enforced for offenders apprehended for the sale, possession, or use of small amounts of cocaine (four cocaine rocks or less) or heroin. According to police officials, drug offenders who are aware of the ordinance purposely carry small quantities of drugs to avoid being charged as felons.

According to a local police official, this practice has essentially decriminalized possession for those who are selling drugs on street corners. He said that since the jail will not keep misdemeanants due to overcrowding, misdemeanants are usually held overnight, arraigned and released the next day, and are likely to be seen selling drugs on a street corner 2 days later. The local police official blamed this situation on a lack of resources at all levels of the local criminal justice system.

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## Prosecution

According to the Wayne County Prosecutor, drug crime and violence in Detroit is at crisis level and is overwhelming every element of the city's criminal justice system. For example, increased arrests by the police in response to the problem have significantly increased the prosecutor's workload, and in 1988 the prosecutor's office was faced with the largest number of felony arraignments in the last 9 years. Nondrug felony arraignments in Detroit decreased 14 percent, from 5,222 in 1980 to 4,498 in 1988. During the same period, arraignments for narcotic law violations alone increased 107 percent, from 2,313 to 4,780. More recently, from 1985 to 1988, narcotic arraignments increased by 216 percent compared to an 8-percent increase for nondrug arraignments.

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## Jails/Prisons

The increasing number of arrests has resulted in the overcrowding of the Wayne County Jail. Responding to jail overcrowding, the Chief Judge of Wayne County Circuit Court ordered in June 1984 that male misdemeanants could not be jailed in the Wayne County Jail without prior approval from the court. In 1987, the county jails released 1,269 accused felons, 53 sentenced felons, and 1,446 misdemeanants because of a lack of adequate jail space. Because of continued overcrowding, in August 1988 the Wayne County Circuit Court ordered a ceiling of 1,552 prisoners at the Wayne County Jail. However, through September 1989, the jail administrator reported that the average daily population was 1,774, or 222 more than the limit established by the August 1988 court order. To maintain the jail population at court-directed levels, less violent felons awaiting trial (including many drug offenders) were released from the Wayne County Jail on a weekly basis. Between August and December 1989, 900 prisoners were released in this manner—707 by reducing previously set bail and 193 by direct release.

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## Parole/Probation

As Michigan's jails and prisons have become increasingly overcrowded, parole and probation caseloads have increased. This has resulted in less than ideal supervision of parolees and probationers, according to a state corrections official.

Michigan's parole caseload increased 23 percent, from 5,669 in 1986 to 6,990 in 1988. In addition, the probation caseload increased about 4 percent, from 32,737 to 34,044, during the same period. In 1988, Detroit/Wayne County accounted for approximately 58 percent of the state's parole cases and about 50 percent of its probation cases.

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## Treatment

Currently, individuals seeking drug treatment through public assistance must wait from 2 to 5 months because of increased demand, according to the Detroit Deputy Mayor. Drug Use Forecasting data collected in Detroit from April through June 1989 show that 32 percent of all male arrestees interviewed said that they need some type of drug treatment. This represents just under half of the male arrestees that tested positive for drug use. The number of prisoners being referred for substance abuse treatment is increasing. For example, the number of felons recommended for substance abuse treatment through the local criminal justice system between fiscal year 1985-86 and fiscal year 1988-89 increased 11 percent, from 6,891 to 7,621.

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## Adrian

Adrian is a rural community located in Lenawee County in the southeast corner of Michigan, approximately 70 miles southwest of Detroit. Adrian's population is 20,674.

Adrian and Lenawee County officials cite increasing drug and drug-related arrests as contributing to an overburdened criminal justice system. Arrests for drug law violations have increased dramatically from 1980 to 1988 and at a much faster rate than arrests for nondrug crimes. This has resulted in increased jail populations, expanded parole caseloads, and an extended waiting period for drug treatment.

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## Extent of the Drug Problem

City officials reported that marijuana is the drug of choice in Adrian, although cocaine is also becoming a problem. According to local law enforcement officials, Lenawee County is one of the major marijuana-growing regions in the state. The Chief of Police stated that his resources are insufficient to effectively deal with Adrian's drug-related crime problem. Accordingly, some aspects of police work, such as traffic enforcement, are being neglected so that resources can be used to fight drug and drug-related crime.

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## Drug Enforcement Efforts and Programs

Narcotic investigations in Adrian are primarily conducted by the Lenawee Adrian Narcotics Crime Enforcement unit, which is operated jointly by the Adrian Police Department and the Lenawee County Sheriff's Department. In 1989, the unit employed four officers, two from each department, and had an operating budget of \$164,380. In 1988 and 1989, the unit received federal funds through tri-county grants from Michigan's Office of Criminal Justice. The unit's efforts are directed at

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conducting drug investigations, but on occasion it participates in marijuana eradication raids.

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## Drug Arrests Have Increased

According to FBI UCR program data reported for Adrian, arrests for narcotic law violations have increased dramatically and at a much faster rate than arrests for nondrug crime. FBI data show that arrests for drug abuse violations fluctuated from a low of 4 arrests in 1982 to a high of 83 arrests in 1988. Overall drug arrests increased 1,560 percent between 1980 and 1988, from 5 to 83, dropping to 51 in 1989. From 1980 to 1989, combined arrests for burglary, robbery, aggravated assault, and murder also fluctuated from a high of 147 arrests in 1983 to a low of 23 in 1985. Overall nondrug crime arrests decreased 47 percent from 1980 to 1989, from 50 down to 34. While specific data on drug-related crime were not available, Adrian officials estimate that about 80 percent of all felony arrests are drug-related.

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## Drug Crime and Resulting Arrests Have Contributed to Criminal Justice Overloading

In Adrian there is a shortage of jail space, an increased parole caseload, and up to a 5-month waiting period for drug treatment for referred offenders. According to Adrian and Lenawee County officials, the criminal justice system is becoming increasingly overburdened, and the rising number of drug and drug-related arrests are major contributors to this situation.

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## Prosecutors

According to the Lenawee County Prosecutor, the volume of drug cases in the county has escalated to the point where two assistant prosecuting attorneys have been assigned to handle drug cases. Total felony and misdemeanor arraignments in the county generally showed a modest increase between 1985 and 1988, with arraignments rising from 2,416 to 2,586. The prosecutor attributes half of this increase in arraignments to drug and drug-related crime. According to the Chief Prosecutor, the system would come to a halt within 2 weeks if all cases had to be tried. He said that 85 percent of his office's cases are plea bargained to a lesser charge, and this occurs at a number of stages in the criminal justice process.

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## Judges/Courts

According to the Chief Judge of the 39th Circuit Court, an increase in drug cases is being controlled by excessive plea-bargaining. This has

kept the number of cases heard by the court relatively stable in recent years. According to the judge, approximately 85 percent of the prosecutor's cases are plea-bargained. The judge told us that the court was sentencing an increased number of offenders to perform community service, but data were not readily available to determine the extent of this practice.

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### Jails/Prisons

The Lenawee County Jail, built in 1954, houses both Adrian and Lenawee County pretrial detainees (felons and misdemeanants) and convicted misdemeanants serving 1 year or less. According to the County Undersheriff, no inmates have been released early because of jail overcrowding. However, the court's increased use of community service in lieu of jail/prison sentences has helped control overcrowding. The Undersheriff said the county has increased the number of beds in the jail through double bunking on two occasions. As a result, the jail bed capacity has grown substantially, from 60 beds prior to 1983 to 136 beds as of December 1989. Statistics were not available to determine the number of jailed inmates convicted for drug offenses, but the Undersheriff estimated that at least half of the inmates had been convicted of drug offenses.

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### Parole

Two parole agents assigned from the Michigan Department of Corrections supervise all parolees residing in Lenawee County. According to one of the agents, the caseload has increased 61 percent—from 70 parolees in 1987 to 179 in 1989. In response to the increased caseload, an additional parole agent was assigned in 1989. The agent estimated that approximately 85 percent of the parolees were convicted of drug-related crimes.

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### Treatment

Convicted county offenders recommended for drug treatment are referred to the Sage Treatment Center at Bixby Hospital. According to the Center's director, 70 percent of the Center's clients are referred by the court system. As a result of increased arrests and individuals requiring more substance abuse treatment, the waiting period for intensive and patient service increased from 1 month to 5 months in July and August 1989. The number of felons treated by the Adrian/Lenawee County criminal justice system increased 173 percent—from 271 in 1985 to 740 in 1988.

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