

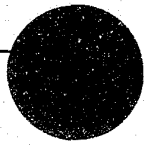
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Drug Crime and The Criminal Justice System:  
The Situation in the State of Michigan and  
Cities of Detroit and Adrian

Statement of  
Lowell Dodge, Director  
Administration of Justice Issues

Before the  
Permanent Subcommittee on Investigations  
Committee on Governmental Affairs  
United States Senate



U.S. Department of Justice  
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DRUG CRIME AND THE CRIMINAL JUSTICE SYSTEM:  
THE SITUATION IN THE STATE OF MICHIGAN  
AND CITIES OF DETROIT AND ADRIAN

SUMMARY OF STATEMENT BY  
LOWELL DODGE  
DIRECTOR, ADMINISTRATION OF JUSTICE ISSUES  
U.S. GENERAL ACCOUNTING OFFICE

The Senate Permanent Subcommittee on Investigations asked that we assess drug crime and its impacts on criminal justice systems, noting the steps state and local officials are currently taking to address the problem, and identifying policy options. Today's testimony presents preliminary findings; we plan to address policy options in our final report.

Arrests for drug crime in the Detroit metropolitan area reached almost 11,000 in 1988, up 156% over 1985. In Adrian, Michigan the comparable increase is 133%. Statewide, Michigan drug crime arrests reached 27,000 in 1988, up 70% over 1985.

These increases in drug arrests increase the workload faced by prosecutors, courts, jails, prisons, probation and parole programs as well as treatment programs. Because jail and prison capacities cannot be expanded overnight, these facilities have become more overcrowded.

Most notably, in Wayne County itself, where the jails hold accused felons from Detroit and its environs awaiting trial, the overcrowding has become the subject of a court order. To maintain compliance with the order, jail officials find it necessary to release accused felons on a weekly basis. In a recent five month period, 900 inmates, mostly felons, have been released under this practice. Wayne County jails have not had room for misdemeanants since 1984. At the state level, half of Michigan's prisons are over their rated capacity.

Not surprisingly, Michigan jurisdictions have responded with a range of programs to cope with these burdens. Under a pre-trial diversion program, offenders deemed unlikely to repeat their offenses are offered probation. To conserve resources, those who commit offenses on probation are processed as probation violators, rather than prosecuted for the actual offense.

Similarly, alternatives to prison, including community service, boot camps, tethering by electronic device to enforce home confinement, and half-way houses, have seen development and growth in Michigan.

Mr. Chairman and Members of the Subcommittee:

I am pleased to be here today to discuss our work on the problems associated with drug crime and state and local criminal justice systems. Mr. Chairman, you asked that we initiate a study that:

- describes the drug problem,
- shows what local enforcement officials are doing to address the problem,
- examines the impact of drug crime on the justice system, and
- identifies policy options, including policies recommended in the National Drug Strategy, for local criminal justice systems.

My testimony presents preliminary results from that work. Today we will focus on data concerning the State of Michigan and the cities of Detroit and Adrian. We expect to complete our final report, including discussing policy options, over the next several months.

My remarks today are based on information we obtained from federal, state, and local law enforcement agencies and offices. We have collected and assessed information on drug crime in Michigan and in the cities of Detroit and Adrian and how these jurisdictions' criminal justice systems have responded.

Before I proceed, I would like to note that when I refer to drug crime, I am referring to arrests for violations of the narcotics laws. Everyone who reads the newspapers knows that a wide variety of violent and property crime including murders, robberies, and assaults are associated with drug trafficking and drug use. However, the crime statistics do not distinguish between, say, a robbery committed to support a drug habit and a robbery committed for a reason unrelated to drugs, making it impossible to get a direct measure of crime that is drug-related. Thus, because we do not include "drug related" crimes, the picture I am about to present is incomplete and most likely understated.

Our work to date shows that arrests for drug crime is a serious problem nationally, in Michigan, in Detroit, and in Adrian. Similarly, there is serious overloading in the Michigan criminal justice systems, particularly in the courts and prisons facilities. Between 1985 and 1988 narcotics arrests have increased about 70 percent in Michigan, 156 percent in Detroit, and 133 percent in Adrian. Michigan officials have responded to

increased arrests and convictions by building more prisons and making greater use of special programs such as boot camps, community correctional centers, and more community service.

NATIONAL PERSPECTIVE  
ON DRUG CRIME

Data on the drug problem in the United States and Michigan show that drug activity and drug arrests are a significant and increasing portion of crime. The extent of the problem can be seen in the following indicators:

- According to the National Institute on Drug Abuse, nationally, drug related emergency room admissions increased by 121 percent between 1985 and 1988.
- During fiscal year 1988, Federal law enforcement officials seized an estimated 198,000 pounds of cocaine, up 41 percent from 1987.
- A December 1989, Drug Use Forecasting Report covering 16 major cities, including Detroit, shows that between 56 and 84 percent of male arrestees tested positive for one or more drugs. Similarly, between 58 and 88 percent of female arrestees tested positive.
- According to data presented in the September 1989 National Drug Control Strategy, about three-fourths of all robberies and half of all felony assaults committed by young people today involve drug users.
- FBI data show that between 1979 and 1988 combined nationwide arrests for drug abuse violations increased 89.9 percent, rising from 394,632 to 749,468, while burglary, rape, larceny and motor vehicle theft, robbery, aggravated assault, and murder rose about 14 percent.
- The Judicial Conference, which governs the U.S. courts, reported that federal drug cases have nearly quadrupled from 1980 to 1989, while non-drug related cases have increased only 33 percent.

-- A 1989 Bureau of Justice Statistics bulletin showed that between 1979 and 1986 there was 90 percent increase in prisoners in state prisons who had been actively involved in drugs, either as users or by conviction for a drug offense.

As you can see, Mr. Chairman, the drug picture nationally is not encouraging. Now let me move to our information on Michigan.

#### DRUG CRIME IN MICHIGAN

Michigan drug crime data reflects the same trends as drug crime data nationally. In Michigan, while arrests for serious non-drug crimes increased 11 percent from 73,048 in 1985 to 81,372 in 1988, during this same period arrests for narcotics law violations increased from 15,942 to 27,154 or 70 percent.<sup>1</sup> (See attachment I.) According to a January 1990 report published by Michigan's Office of Criminal Justice, cocaine is the number one illegal drug in Michigan. The crack form in particular, continues to be an increasingly serious problem.

The state's narcotics enforcement efforts have been performed primarily by cooperative drug teams organized by the Michigan State Police. The typical team consists of state, city, and county police, and prosecutors. Michigan's first cooperative

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<sup>1</sup>The FBI refers to serious non-drug crimes as Part 1 offenses which include murder, rape, robbery, aggravated assault, burglary, larceny, motor vehicle theft, and arson.

drug team was organized in 1970. Today, there are eighteen cooperative drug teams throughout the state covering 53 of Michigan's 83 counties, including Wayne County. In the near future, according to a Michigan State Police official, cooperative drug teams will be instituted for 15 to 20 additional counties. These teams carry out local street level investigations as well as interdiction efforts.

The Department of State Police's budget for drug teams for fiscal year 1990 is approximately \$7.8 million. This represents a \$2.3 million or 42 percent increase over the \$5.5 million budgeted in 1987. In fiscal year 1989 Michigan had 110 full-time narcotics enforcement officers on the drug teams. This is an increase of 6 officers or 5 percent over 1988.

#### DRUG CRIME IN DETROIT

In Detroit, drug arrests are climbing dramatically. Arrests for serious non-drug crimes rose from 19,418 to 22,564 (16 percent) from 1985 to 1988. During the same years, narcotics law arrests increased from 4,285 to 10,959 (156 percent). (See attachment II.) As in the State as a whole, Detroit city officials also report cocaine as the number one illegal drug.

One indicator of the prevalence of illegal drug abuse is its effect on babies. As of last July in Detroit, 39 percent of the

children born at Hutzel Hospital tested positive for exposure to cocaine or heroin.

Narcotics investigations in Detroit are conducted by narcotic division officers of the Detroit Police Department. The narcotics unit is also part of a task force with the Drug Enforcement Administration that targets high level drug conspiracies. In 1989, Detroit's Narcotic Division employed some 188 officers and support staff and had an operating budget of \$12.2 million. This represents an increase of 44 persons (a .31 percent increase) and \$6.1 million (a 100 percent increase) respectively over 1985 levels.

Through several initiatives (see attachment III), officers from the Narcotics Division of the Detroit Police Department conducted 2,533 raids and made 5,700 arrests for narcotics law violations in 1988. They also seized between 6 and 40 pounds of cocaine each month with a year-end total of 193 pounds.

Some of the most highly visible initiatives include:

--Pressure Point - An enforcement operation begun in May, 1989 where several raids are conducted simultaneously within a small area in an effort to maximize police effectiveness.

--Buy And Bust - A drug enforcement tool instituted in December, 1988 where an undercover drug purchase is followed by an immediate entry into the location to arrest the seller and recover the evidence.



--Padlock - After three raids on a drug distribution establishment, it is seized under the "Nuisance Abatement" Act and ownership given to the investigating agency. This program started in May, 1989.

#### DRUG CRIME IN ADRIAN

Although there have been fluctuations in narcotics and other arrests over the years in Adrian, the overall trends are up. Serious non-drug arrests increased from 281 in 1985 to 467 in 1988 or 66 percent. During this same period, arrests for narcotic law violations increased from 39 to 91 or 133 percent. (See attachment IV.)

Unlike Michigan and Detroit, marijuana is reported to be the illegal drug of choice in Adrian. Local law enforcement officials indicated that Lenawee County, which encompasses Adrian, is one of the major marijuana growing regions in the state. According to local law enforcement officials, cocaine use is also becoming a problem.

Narcotic investigations in the City of Adrian are conducted by the Lenawee Adrian Narcotics Crime Enforcement (LANCE) Unit which is operated jointly by the Adrian Police and the Lenawee County Sheriff Departments. In 1989, Adrian's LANCE Unit employed four officers--two from the Adrian Police Department and two from the Lenawee County Sheriff Department. The Unit's 1989 operating

budget was \$164,380 of which Adrian contributed \$67,056 . In addition, the Adrian Police Department provides a part-time juvenile division officer to give lectures on drugs.

During 1989, officers assigned to the LANCE Unit made 179 arrests and seized \$70,811 of drug assets. Since their first forfeiture case in November, 1987, the Adrian Police Department has received \$7,130 from vehicles and cash seizures.

To sum up, arrests for narcotic law violations in Michigan, Detroit, and Adrian escalated substantially between 1985 and 1988. We found that Detroit experienced the largest increase in arrests--156 percent--while the increase was 70 percent in Michigan and 133 percent in Adrian. (See attachment V.)

#### INCREASED-BURDEN ON THE CRIMINAL JUSTICE SYSTEM

Increased drug arrests have contributed significantly to burdening many components of the criminal justice systems: prosecutors, the courts, jail/prison officials, probation/parole officers, and public treatment centers.

On a national basis, we reported in November 1989 that the Federal Bureau of Prisons faces unprecedented crowding in its correctional facilities. We found that in October 1980 the federal prison inmate population was at capacity, but had grown

from 24,162 to 48,017 prisoners, 56 percent over capacity, by May 1989. Thirty-eight percent of the prisoners were serving time for drug offenses in 1989.

Crowding is also a major problem for the expanding state prison systems. According to the Bureau of Justice Statistics, the states had about 577,500 prisoners at the end of 1988 and were operating 23 percent over capacity. The American Civil Liberties Union reported that, as of April 1989, 35 states and the District of Columbia faced court orders and/or consent decrees that related to prison crowding or the conditions caused by crowding.

Our work also shows how the increasing levels of arrests are having significant impacts on the judicial and jail systems. For example, in Detroit:

- Narcotics arraignments increased from 1,511 in 1985 to 4,780 in 1988 (up 216 percent) compared to an 8 percent increase in serious non-drug arraignments for this same time period.
- Since 1986, the Wayne County Prosecutor's Office has added 10 Assistant Prosecuting Attorneys as a result of increased drug arrests. Four of these ten were added in 1989. Also, seven support staff have been added since 1986.

In Michigan:

- 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 2,123 beds short.

-- Latest estimates by the Michigan Department of Corrections project a shortage of approximately 16,000 beds by the end of 1992 (see attachment VI).

-- The Sheriff's Association also reported that one in three jails currently operate at over 100 percent capacity during an average month and all jails are projected to be over 100 percent of capacity within the next ten years.

The recent history of overcrowding in the Wayne County Jails shows how the increasing number of prisoners have overloaded the system. In June 1984, the Chief Judge of Wayne County's Circuit Court ordered that misdemeanants could not be jailed without prior approval from the court. In 1987, Wayne County Jail officials released at least 1,269 accused felons, 53 sentenced felons, and 1,446 misdemeanants because of a lack of adequate jail space. Because of continued overcrowding, on August 4, 1988, the Wayne County Circuit Court ordered a ceiling of 1,552 prisoners at the Wayne County Jail. However, through September 1989, the Wayne County Jail Administrator reported that the average daily jail population was 1,774 or 222 more than the limit established by the August 1988 court order. To lower the population to court-directed levels, less violent felons awaiting trial are released from the Wayne County Jail on Fridays. Between August and December 1989, 900 prisoners were released under this practice--707 by reducing previously set bail and 193 direct release.

As jails have become increasingly overcrowded, Michigan paroles and probations have increased. For example, Michigan's parole caseload increased from 5,669 in 1986 to 6,990 in 1988 (23 percent). In addition, between 1986 and 1988, the probation caseload increased from 32,737 to 34,044. Over 17,150 of Michigan's 1988 probation cases (50 percent), were attributable to criminal justice initiatives undertaken in Detroit/Wayne County. Similarly, 54 percent of the state's parole cases were attributable to Detroit/Wayne County initiatives.

The number of prisoners being referred for substance abuse treatment is increasing. For example, the number of felons recommended for substance abuse treatment by the Detroit criminal justice system increased from 6,891 in 1985 to 7,621 in 1988 (11 percent). According to Detroit officials, individuals seeking drug treatment through public assistance must wait from 2 to 5 months. In Adrian, the wait time for drug treatment is two weeks.

MEASURES TO ADDRESS AN OVERBURDENED  
CRIMINAL JUSTICE SYSTEM

Prosecutors, courts, and prisons are trying different strategies to cope with the increased burden placed on the system by increasing crime, including drug crime. The strategies are intended to eliminate or reduce bottlenecks by providing alternative ways to more efficiently process criminals through

the criminal justice system. These strategies include: pre-trial diversion, probation revocation, community service, boot camps, community residential programs, electronic tethering, and prison construction.

#### Pre-Trial Diversion

The Wayne County Prosecutor's Office whose jurisdiction includes the City of Detroit, has used pre-trial diversion since 1974. The purpose of diversion is to save court and prosecutor time by identifying offenders not likely to have a further "brush" with the law and offering them probation in lieu of prosecution. If they comply with the terms of probation, the criminal charges are dismissed. In Wayne County, only defendants who are first time offenders charged with a non-assaultive crime are considered for diversion. According to the Prosecutor, this procedure results in a swifter resolution of charges and savings in court, prosecutor, and defense attorney time. During 1989, 535 defendants avoided trial by going through the diversion program.

#### Probation Revocation Program

Under this Wayne County program, offenders who violate probation by committing offenses, including drug offenses, are incarcerated under the probation violation rather than being tried on the new offense. The goal of probation revocation is to secure

punishment for the offenders through probation revocation rather than through a new trial. Officials believe this procedure saves court, prosecutor, and defense attorney time. This program started in November, 1989, and as of March 5, 1990, 19 offenders had been returned to prison.

#### Community Service Program

In this Wayne County program, offenders convicted of minor crimes such as carrying a concealed weapon and assault are allowed to perform public service in lieu of a specified amount of jail time. For example, they may perform clean-up jobs that otherwise would not get done for lack of funds, while at the same time saving jail space. During 1989, 3,479 offenders participated in this program.

#### Boot Camp

In Michigan, males between the ages of 17 and 25 can be sentenced to boot camp. The State-run boot camp program is 90 days of strict discipline, hard labor, physical training, and drill modeled after the military. The philosophy of the boot camp program is to develop self-esteem, individual responsibility, and a work ethic. The program objectives include offsetting prison overcrowding, reducing prison costs, and reducing recidivism. During fiscal year 1989, 383 of 630 offenders (61 percent)

successfully completed the boot camp program. According to a Michigan Senate official, the boot camp alternative resulted in a fiscal year 1989 savings of about \$20 million.

#### Community Residential Program

To alleviate overcrowding in Michigan prisons, inmates serving the final two years of their sentences may be allowed to serve their remaining time in halfway houses near their homes in order to make an easier transition back into society. Inmates serving time in these facilities are allowed to leave them only for work and occasional visits. Inmates found guilty of three misconduct violations such as drug or alcohol use are sent back to prison to serve out their remaining time. According to state corrections officials, some 2,669 prisoners were residing in these centers as of February 1990.

#### Tethering Program

Michigan's tethering program allows offenders to serve their time at home. An electronic device is attached to the offender's ankle that emits a signal to a monitoring system. If the offender leaves his home without authorization, the system alerts prison officials. The goal of the program is to minimize time required to monitor parolees, probationers, and half-way house



residents. As of January 1990, some 1,600 offenders were participating in the tethering program.

#### Additional Jail/Prison Construction

Michigan is also building additional jails to alleviate prison overcrowding. In 1989, Michigan added 5 regional prisons to its system and by the end of 1991, 6 additional facilities are scheduled to be opened. However, as discussed earlier, even with these facilities, Officials still expect a shortage of prison space. Other actions being considered by the State of Michigan to alleviate prison overcrowding include the following:

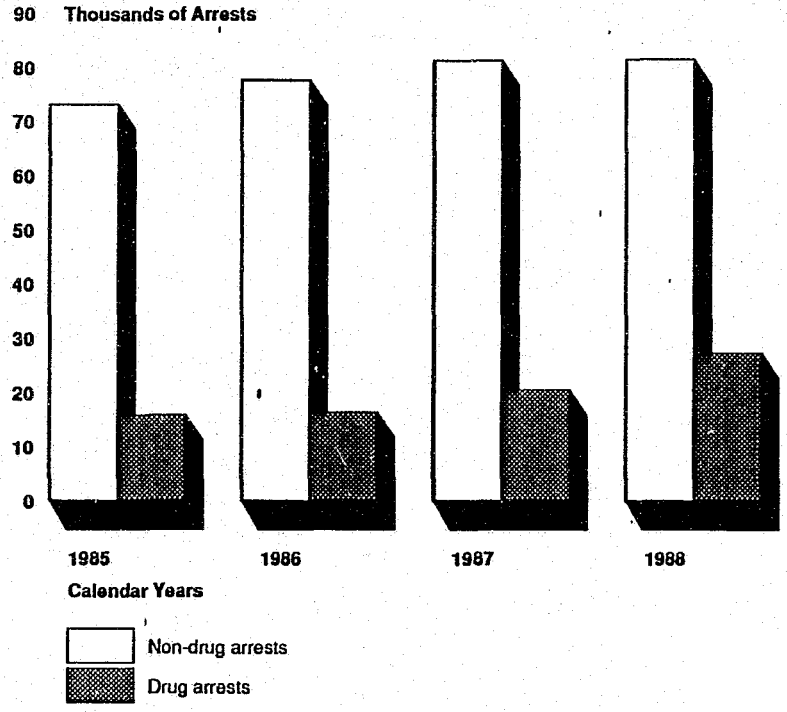
- providing financial assistance toward the construction of county jails or regional jail camps,
- reducing the length of prison terms. This action would require changing the statutes governing sentences.

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Mr. Chairman, despite these efforts, the judicial and prison systems have become increasingly clogged, imposing ever-greater costs on society. Building the effectiveness of law enforcement, while a critical priority, will increase the burdens on courts and prisons. We will be considering policy options for Congress to consider in our final report.

Mr. Chairman, this concludes my remarks. I would be happy to answer any questions that you or members of the Subcommittee may have.

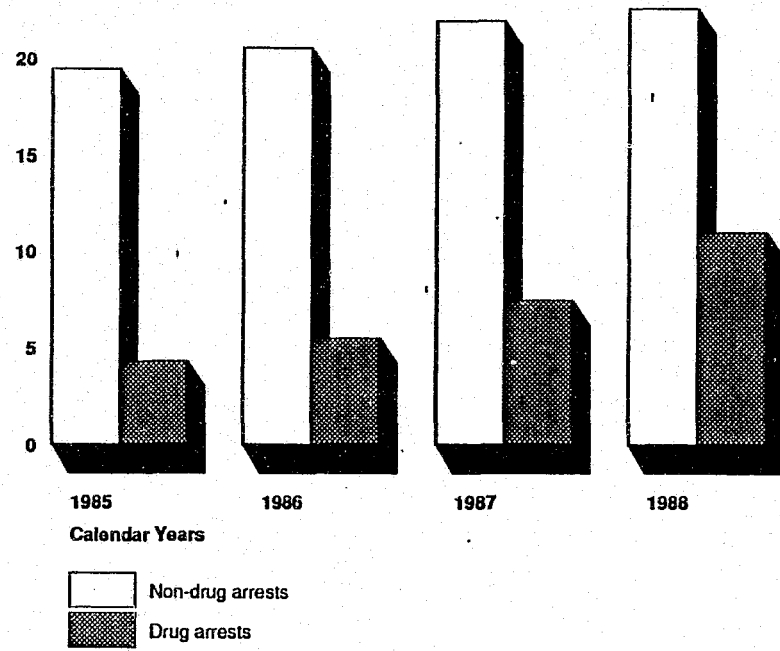
**UCR Drug and Non-drug Arrests - Michigan (1985-1988)**



Source: FBI's Uniform Crime Reports (UCR)

**UCR Drug and Non-drug Arrest - Detroit  
(1985-1988)**

25 Thousands of Arrests



Source: FBI's Uniform Crime Reports (UCR)

DETROIT POLICE DEPARTMENT  
DRUG ENFORCEMENT STRATEGIES

BUY AND BUST

The investigation of an alleged narcotics distribution location where an undercover narcotics purchase is made and followed by an immediate arrest of the seller and recovery of the evidence.

CONSPIRACY CASE

A prolonged investigation to determine those responsible for the source and distribution of illegal drugs within an organization in order to prosecute those persons on charges of operating a continuing criminal enterprise. This strategy is aimed at mid and higher level drug traffickers.

CRACK DOWN

A massive enforcement effort conducted by local, state, and Federal law enforcement agencies whereby a series of arrest and search warrants are executed on a specified day in an effort to dismantle the illegal drug distribution network of a particular individual or organization. This effort usually marks the conclusion of a conspiracy investigation.

PADLOCK

The seizure of a drug distribution establishment after three consecutive enforcement efforts. The establishment is seized under the "nuisance abatement" act and control and ownership of property is given to the investigating agency. The property can later be forfeited over to that agency's use. Padlocking is the actual securing of the establishment to prevent entry by unauthorized persons.

PRESSURE POINT

An enforcement operation where several planned raids are executed simultaneously within a targeted geographical area in an effort to maximize police effectiveness. This tactic is performed in response to complaints and information received from various community based sources i.e., police-community relations meetings, telephone complaints, and other sources.

RIP RIDE OPERATION

An enforcement strategy conducted in areas of high illegal drug activity where, while under police surveillance, customers that make drug transactions while using a vehicle are detained. Upon recovery of the purchased drug, the customer is arrested and the vehicle is confiscated and forfeited for police department use.

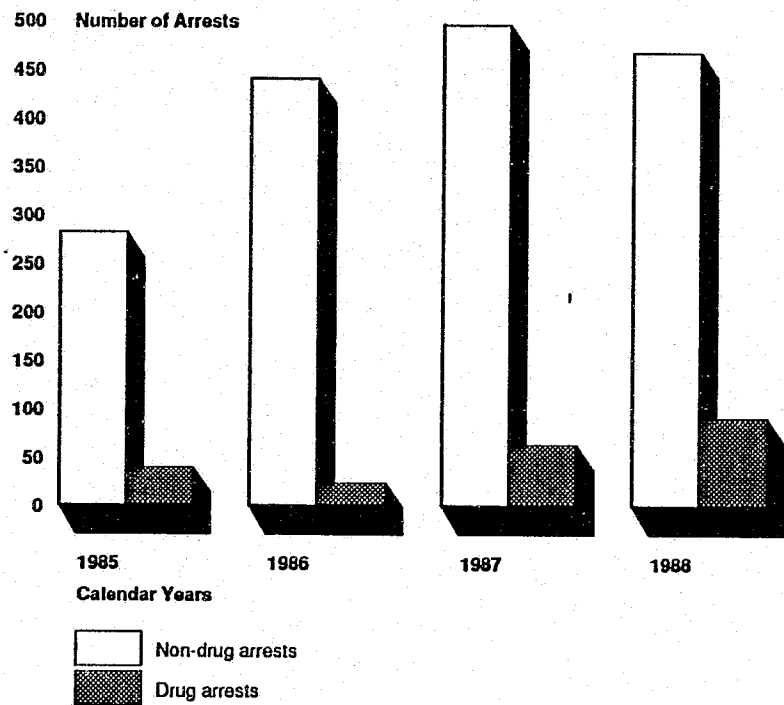
STREET ENFORCEMENT

The application of the various provisions of the controlled substances act against the "open air" street corner merchant who distributes illegal drugs from street locations.

WRAP AROUND OPERATION

A follow-up action taken by the regular police patrol force in the aftermath of a recent enforcement action at a drug distribution establishment to insure that there is no resumption of illegal drug activity.

**UCR Drug and Non-drug Arrests -  
Adrian (1985-1988)**



Source: FBI's Uniform Crime Reports

**Percent of Increase in Arrests for Drug Law and Other Violations from 1985 through 1988**

