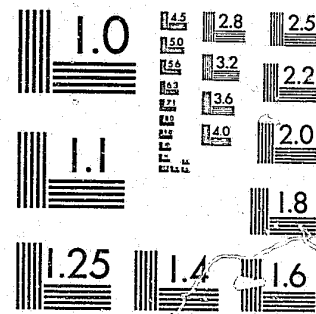


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# NJ National Institute of Justice

## Research in Brief

June 1984

### Drug Use and Pretrial Crime in the District of Columbia

#### From the Director

Drug-abusing offenders are a very significant and highly active segment of the criminal population. According to research, the violent predators who commit hundreds of robberies and burglaries each year are often high-cost users of heroin and other drugs. And research indicates that the intensity of the addicts' criminality increases during periods of heavy drug use.

In short, current drug use is a key indicator of probable criminal activity. Such information is vitally important to the courts in making critical decisions about release pending trial and sentencing. At present, however, judges and other court officials have only limited knowledge of a defendant's prior or current drug history.

The new experiment described in this *Research in Brief* will help fill this information vacuum. It will take advantage of advances in technology that permit more accurate detection, through urinalysis, of drug use by those arrested in the District of Columbia. This information can then be factored into decisions about which defendants can be safely released pending trial and under what conditions.

What we learn from this research will help answer important policy questions: Are drug users rearrested more frequently than non-drug users? How can we control pretrial crime? Is treatment or surveillance of drug abusers the most effective approach to protecting the public and assuring the defend-

ant's appearance at trial? In the meantime, recent findings from an analysis of District of Columbia data offer empirical support for the concern about drug use and its relation to pretrial crime. The findings, summarized in this *Brief*, are striking:

- Drug abusers were more than twice as likely as nonusers to be rearrested before trial.
- Abusers were half again more likely to fail to appear when scheduled for court appearances, although they eventually returned for trial.
- Drug abuse is increasing in the District of Columbia. Reports by defendants themselves show a doubling of the rate of drug abuse in the 3-year period 1979-1981. And, this year, approximately half of the defendants tested in the first 2 months of the experiment showed traces of serious, illegal drugs, such as PCP and opiates.

The National Institute of Justice is pleased to present this new data on drugs and crime in one major city. At the conclusion of the experiment, we hope to offer workable recommendations that will help the courts, the police, the prosecutors, and others in criminal justice in creating effective approaches for controlling drug abusers during the pretrial period. In this way, we can achieve our overriding goal: preventing people from becoming victims of crime.

James K. Stewart  
Director  
National Institute of Justice

Widespread public alarm about crimes committed by defendants released while awaiting trial has been heightened by growing concern over the apparent link between drug abuse and crime. Better understanding of the link between drug abuse and crime is a prime research concern of the National Institute of Justice, and a number of studies on the subject are underway. Two, in the District of Columbia, focus on the relationship of drug abuse and pretrial criminality. A recently completed analysis of data from 1979 to 1981 reveals some striking relationships between drug use and pretrial arrest and failure to appear for court. Its findings highlight the importance of the questions being examined in depth in a major study launched in D.C. this spring.

#### Drug testing in the District of Columbia

In March 1984, under National Institute sponsorship, the D.C. Pretrial Services Agency (PSA) began gathering drug-use data at the time of arrest. The testing uses the Emit™ mechanism, a speedy new automated urinalysis device for which the manufacturers claim remarkable accuracy in detecting drug use. (Other



research is underway to establish the relative effectiveness of different urinalysis technologies in drug detection.) The D.C. research is testing for five drugs—heroin, amphetamines, methadone, cocaine, and phencyclidine (PCP). To date, about half the 600 defendants tested have shown use of one or more of these drugs.

## Supervision before trial

In the District of Columbia, information on drug use is taken into account at the pretrial release hearing. Drug users who are released receive different forms of supervision during the pretrial period.

In the research study, approximately one-half of those defendants Emit identifies as users are referred to a drug treatment agency. These defendants receive treatment before trial, including counseling and, often, for heroin users, methadone maintenance. This group undergoes frequent retesting for drug use.

Other drug-using defendants are required to submit to Emit urinalysis surveillance before trial. A final group of drug users is placed on regular supervision, which may include telephone reporting of activities, employment, residence, and drug use. Occasional spot checks are made by telephone to ensure defendants actually are at the address they have reported.

Analysis of the results of this long-term study should yield dependable measures of rearrest and court appearance rates of drug users on pretrial release, compared with nonusers similarly released. It will also produce important information on the comparative effectiveness of treatment versus surveillance in controlling pretrial drug abusers free pending trial.

## Prior research

Pending findings from the drug-testing program, a D.C. study conducted for the Institute by Mary A. Toborg of Toborg Associates, Inc., of Washington, D.C., reveals some striking relationships between drug use and

pretrial arrest and failure to appear for court. The study found:

- Drug abusers released before trial were more than twice as likely as nonusers to be arrested again before trial.
- Abusers were half again more likely to fail to appear in court **when scheduled**. However, abusers had lower rates of failure to return **eventually** for trial, and
- Abusers were charged with less serious crimes than nonusers when they were arrested while awaiting trial on earlier charges.

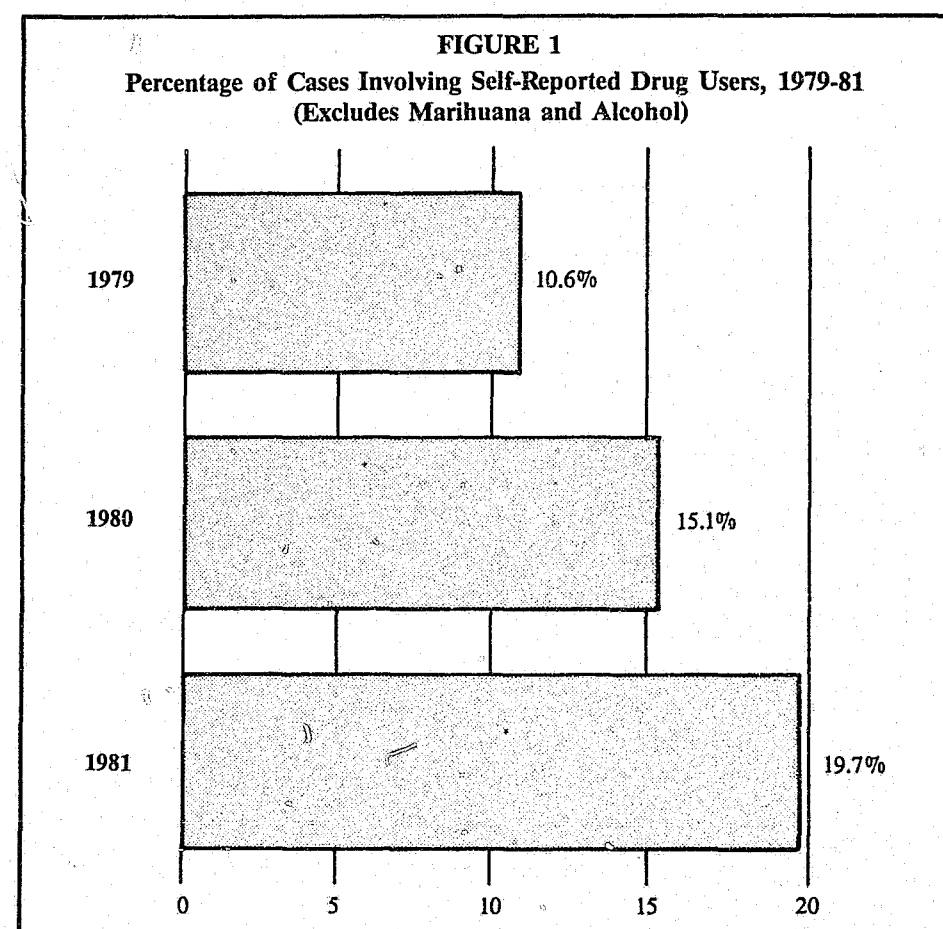
These findings are particularly important in view of the increasing levels of drug use reported by defendants to the D.C. Pretrial Services Agency. Indeed, the rate of self-reported drug use (excluding marihuana and alcohol) among persons arrested almost doubled in only 3 years (Figure 1). And initial results from the early months of urinalysis reveals that

about half the defendants tested used drugs.

The Toborg study is based on data collected by the D.C. Pretrial Services Agency, which interviews each defendant shortly after arrest as one step in developing pretrial release recommendations for the court. Release conditions may range from release on personal recognizance through various levels of supervision and forms of bail to preventive detention. To assess the defendant's likely pretrial behavior if released, the PSA asks the defendant a series of questions, including whether he or she uses drugs or alcohol. The Toborg study analyzed computerized PSA records for the 3 years 1979-1981. These data included defendants' self-reports on drug use and other characteristics, and official records of pretrial arrests and case dispositions for the same defendants.

One of the limitations of such a study is that self-reports may be inaccurate.<sup>1</sup>

<sup>1</sup> Also, pretrial arrests are an imperfect measure of pretrial crime, because of the exclusion of crimes that do not result in arrests and the inclusion of arrests that do not result in convictions.



As noted, initial results of the Emit urinalysis testing program show much higher rates of drug use (about 50 percent). In the Toborg study, only 17 percent of all defendants in the 3-year period **acknowledged** drug use; however, they accounted for 22 percent of all cases because of multiple arrests.

Two forms of analysis

A single defendant may have several arrests over 3 years and respond differently to questions about drug use each time. An important contribution of the Toborg study is its illumination of the difference between analysis of **defendants** who reported drug use at some arrest during the 3-year period (defendant-based studies) and analysis of cases in which the defendant reported drug use at arrest (case-based studies). Defendant-based studies count as nonusers only those who **never** reported drug use during the 3 years.

In defendant-based studies, 42 percent of released drug users were rearrested before trial, compared with 18 percent of released nonusers (Figure 2). In case-based analyses, pretrial arrest rates were 31 percent for users and 19 percent for nonusers. Among defendants who were drug users, 31 percent failed to appear in at least one case compared with 21 percent of released nonusers. Case-based studies, however, showed only slightly higher failure-to-appear rates for drug users: 22 percent for users versus 19 percent for nonusers. Those who **never** returned to court included only 1.7 percent of released drug users compared with 2.6 percent of nonusers; this suggests that drug-using defendants find it more difficult to remain at large.

Case analyses detailed

Figure 3 shows the rates at which users and nonusers were **detained** before trial, were **rearrested**, and **failed to appear**. Case-based studies indicated that the greatest differences in detention rates by type of charge were for robbery (37 percent users detained, 22 percent nonusers), other

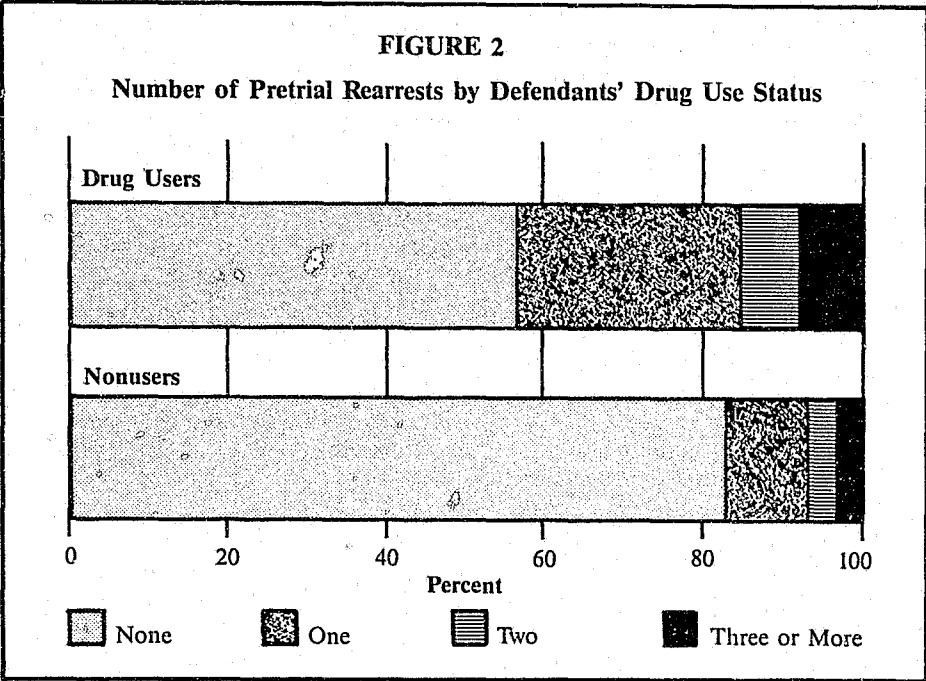
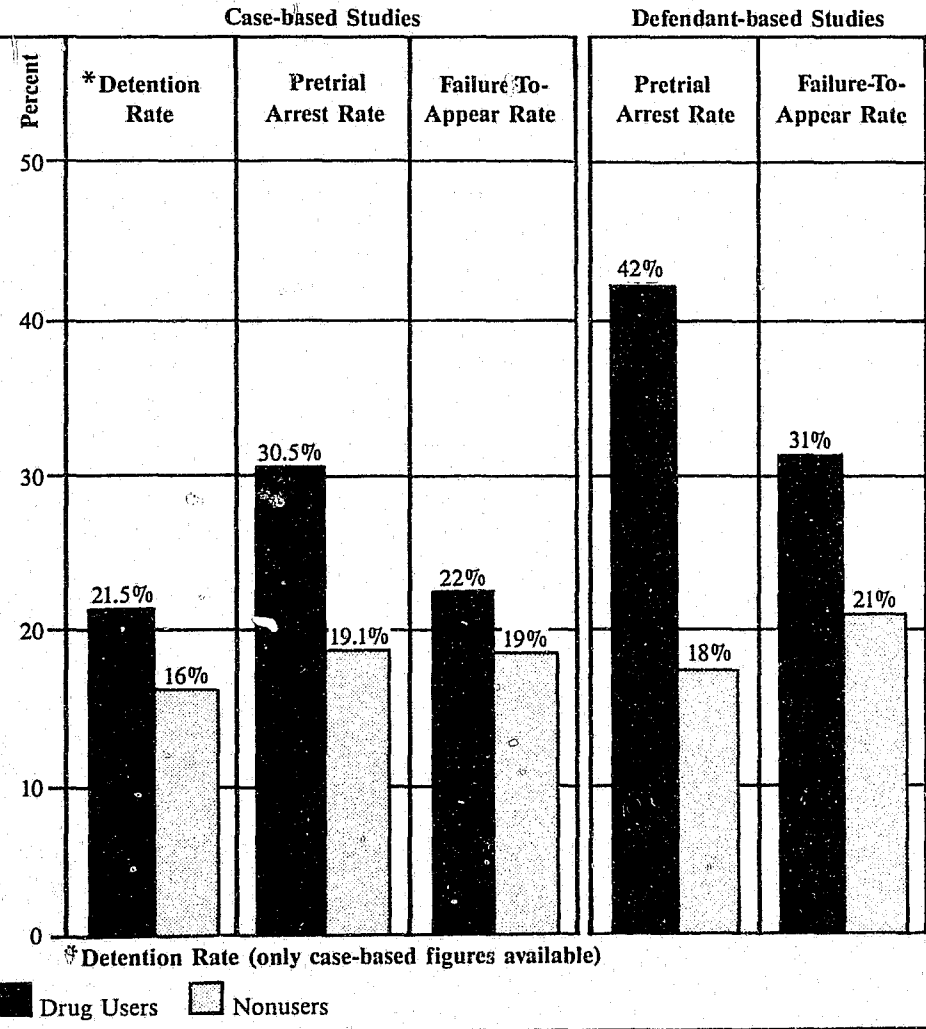


FIGURE 3—Detention, Pretrial Arrest and Failure-To-Appear Rates for Drug Users and Nonusers



crime against persons (23 percent users, 12 percent nonusers), and prostitution (22 percent users, 11 percent nonusers).<sup>2</sup>

Case analysis showed drug users not only were detained more frequently but received more stringent conditions of release if they were not detained. Only half the drug users charged with felonies were released on personal recognizance—a simple promise to appear—compared with 64 percent of nonusers.

Despite fewer users being released—and those under more stringent conditions—released drug users were nevertheless more likely to be rearrested. A case involving a drug user was 50 percent more likely to involve a rearrest before trial than a case where the defendant did not use drugs.

2. The analyses isolated robbery, drug sales, and prostitution for individual attention, and classified remaining charges as follows: Other crimes against persons—murder, rape, assault, arson, and kidnapping. Other economic crimes—burglary, larceny, vehicle theft, fraud, forgery, embezzlement, and possession of stolen property. Miscellaneous crimes—drug possession, weapons, gambling, sex offenses other than rape and prostitution, possession of implements of crime, destruction of property, flight or escape, and other crime.

## Less serious charges

Charges against rearrested drug users, however, were likely to be less serious than charges against rearrested nonusers. Only 30 percent of user rearrests involved felony charges, compared with 38 percent for nonusers. To some extent, this reflects the drug users' greater likelihood of rearrest for drug sales or for "miscellaneous crimes," mainly misdemeanors and including drug possession.<sup>3</sup> This compared with 39 percent of nonusers' rearrests.

## Failure to appear for court

Drug users were somewhat more likely to fail to appear in court, as shown in Figure 3, particularly in felony cases (21 percent to 15). Misdemeanor cases showed a smaller difference in failure to appear overall (24 percent to 22); however, users specifically charged with drug sales, prostitution, or miscellaneous crimes had lower nonappearance rates than nonusers.

3. "Miscellaneous crimes"—see note 2.

Although drug users were more likely to fail to appear for court, they showed lower rates of failure to return for court than nonusers. Failure to return to court was relatively rare for both drug users (1 percent) and nonusers (2 percent).

## Short-term conclusions

The Toborg study suggests that case-based analyses may underestimate the involvement of drug users in over all pretrial misconduct, and that defendant-based analyses, despite being more difficult to conduct, may provide better guidance for public policy and thus merit the additional work they require.

By either form of analysis, drug users in the District of Columbia were rearrested before trial much more often than nonusers. This suggests that efforts to discourage drug use may be effective ways to reduce pretrial criminality and increase public safety. The research recently initiated in the District of Columbia will provide further insight about this possibility and about the relationship of drug abuse to criminality.

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