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## THE IMPACT OF METHAMPHETAMINE ENFORCEMENT ON THE CRIMINAL JUSTICE SYSTEM OF SOUTHWESTERN INDIANA

*The impact of increased enforcement efforts against methamphetamine on the jails, prosecutors offices, courts, and correctional resources in 10 counties was assessed by examining caseloads and case processing times over several years before and after the apparent methamphetamine phenomenon arose. The authors concluded that existing data cannot definitively determine if increased methamphetamine enforcement is the root cause of the increased jail populations, prosecutorial and court caseload burdens, or increased correctional caseload. However, the existing data are consistent with such a conclusion (but do not exclude other reasonable explanations).*

### THE NATURE OF THE STUDY

In mid-2001, the authors were contacted by representatives of Knox County, Indiana government with questions about an impending lawsuit, brought by the Indiana Civil Liberties Union, against the county and the sheriff because of conditions in the Knox County Jail. The authors agreed to serve as consultants. After a preliminary effort, it became apparent that the problem of the jail was merely a part of a larger problem experienced by county governments throughout southwestern Indiana: the local systems of criminal justice were experiencing increased enforcement efforts, growing jail populations, larger criminal caseloads for prosecutors and courts, greater demands on correctional supervision resources, and greatly increased costs of operation. Anecdotal reports blamed this situation on the prevalence of methamphetamine-related offenses in the area and the increased effort to enforce against them.

### HYPOTHESIS

Increased enforcement against methamphetamine (or any other kind of offense) will produce an increased caseload which will ripple throughout the criminal justice system, causing increased caseloads for jails, prosecutors, courts, public defenders, probation departments, prisons and treatment programs.

### LIMITATIONS OF THE STUDY

Indiana has no comprehensive database of criminal justice statistics which would allow the analysis of the impact of methamphetamine enforcement directly. This lack of data is not a failing of the criminal justice system of Indiana but rather a reflection that the criminal justice system in the United States is not really a system at all. It is a grouping of law enforcement, adjudication and correctional agencies which all work on the general problem of crime control (but in an uncoordinated fashion). There is no database that would permit the easy discovery of the exact number of methamphetamine-related cases which are now being processed through the criminal justice system of southwestern Indiana. Researchers must use alternative means to obtain information.

## **THE NATURE OF METHAMPHETAMINE**

Methamphetamine (meth) is a powerful addictive stimulant drug that directly effects the central nervous system. A detailed description of the drug is beyond the scope of this paper, but certain characteristics make obvious why law enforcement is so concerned about combating this substance. Methamphetamine is cheap and easy to manufacture and produces effects similar to but more powerful than cocaine. Meth abusers experience dramatic and debilitating physical effects (extreme weight loss, convulsions, and insomnia), psychological effects (paranoia and anxiety), and behavioral effects (aggressiveness and loss of productive activity). Meth abusers are frequently unsanitary, unhealthy, and dangerous; the risk to children present is significant. The Environmental Protection Agency (EPA) and the Occupational Safety and Health Administration (OSHA) are frequently involved in the aftermath of meth lab seizures. The cost of cleaning-up a meth lab can run between \$5,000 and \$10,000 (National Drug Intelligence Center, 2002).

## **EXTENT OF METHAMPHETAMINE ABUSE AND LEGAL/SOCIAL IMPACT**

Various federal agencies support ongoing efforts to measure methamphetamine production, trafficking, sale, and use. Virtually all of these agencies report that methamphetamine manufacture and use (as well as enforcement efforts) are increasing in the United States and in Indiana. The 10 counties in the study region contain only 8.7% of Indianas population but produce about 36% of the methamphetamine laboratory seizures by the Indiana State Police (Indiana State Police 2002). Between the 1990 census and the 2000 census, the state of Indianas population grew at a rate of about 9.7% while the 10 county region gained only 4.6% (with Knox and Vigo Counties actually losing population). Yet Vigo and Knox Counties alone account for 18.5% of all ISP methamphetamine laboratory seizures in the past ten years (Indiana State Police, 2002). It seems fair to conclude that the study region (and particularly Knox and Vigo Counties) have a methamphetamine problem of some significance (see Figure 1).

## **JAIL POPULATIONS**

There is a great deal of anecdotal evidence that rising jail populations are attributable in part to the increased number of persons arrested in methamphetamine-related cases, incarcerated for lengthy pre-trial stays, and often placed back in jail for their first probation or community corrections violation. Figure 2 shows jail populations in the ten counties over time. Note that data for Calendar 2000 and 2002 are not available. Any score over 100 indicates the jail is over its rated capacity for the year. Even with the missing data, it is apparent that nearly every jail in the region has reached or exceeded its rated capacity. There is simply no place left to put the newly arrested and newly convicted offenders (Indiana Department of Correction, 2002a).

## **DRUG SCREENING OF PERSONS UNDER CORRECTIONAL SUPERVISION**

Statewide there are 38 Community Corrections programs which screened 21,049 urine specimens in 2001. Twenty-seven percent screened positive for drugs with 2.4% positive for methamphetamine (see Figure 2). Daviess, Greene, Vanderburgh, Vigo and Wabash Valley (Knox and Pike Counties) all showed rates of methamphetamine above the state average, with Daviess, Vigo and Wabash Valley at 6 to 7 times the state average. Statewide, 8.9% of persons screened who tested positive were positive for

methamphetamine. Daviess, Gibson, Greene, Vanderburgh, Vigo and Wabash Valley testing of persons under community corrections supervision all showed rates of methamphetamine use in excess of the state average (with Daviess, Vigo and Wabash Valley at about 4 times the state average). Although these limited data do not permit a definitive statement, it seems reasonable to interpret the data as showing the possibility that drug offenders in the ten county region tend to use drugs while under correctional supervision at a somewhat higher rate than the state average and that the drug of choice among those offenders is methamphetamine at a rate higher than the state average. (Indiana Department of Correction, 2002b)

## METHAMPHETAMINE AND THE COURTS

If, in fact, the case processing problems in the criminal justice system of southwestern Indiana are attributable in large part to the increase in methamphetamine offenses, we should (hypothetically) be able to see some measurable impact on criminal courts. Although we lack the data to demonstrate empirically any such relationship, we might reasonably speculate that (in light of the strong anecdotal evidence from police, jailers, prosecutors, and judges plus the absence of any other apparent explanation) measurable changes in the number of cases and speed of processing result from the increasing problem of methamphetamine use, possession, manufacture and distribution.

This study examined the Indiana Judicial Services Report, published by the Division of State Court Administration, for 1998, 1999, 2000, 2001 and 2002. The study analyzed data submitted by courts of record (minor courts, such as city courts, lack the jurisdiction to handle methamphetamine cases), and derived indicators of new case filings, case dispositions, and the accumulation of pending cases. Because the data are merely annual totals and because the data do not provide a differentiation among various crimes, it would be pointless to attempt any sophisticated statistical analysis. Rather, the study concentrates on frequencies and percentage changes, and makes some adjustments to equalize rates of filing and disposition for population differences (Division of State Court Administration, 1998, 1999, 2000, 2001, 2002).

Figure 3 illustrates the total new criminal filings (all felonies and misdemeanors) in all courts of record (that is, the numbers filed in circuit court and superior courts are combined). Of course, these cases could be anything from murder to disorderly conduct to operating while intoxicated. These cases, however, should include any methamphetamine-related charges. If methamphetamine-related cases are increasing dramatically (and if other law enforcement activities remain the same), we should expect to see an increase in new case filings in our courts.

Figure 3 shows modest increases in total case filings in almost all ten counties, but there does not seem to be a dramatic or permanent increase. Over the past five years, new filings have fluctuated somewhat, but from year to year some counties have also seen decreases in new filings. Notably, Knox County, Vanderburgh County, and Vigo County seem to be experiencing increasing caseloads at a greater rate than the other counties. These three counties also report more methamphetamine laboratory seizures than the other counties. If methamphetamine-related cases are increasing dramatically (and if other law enforcement activities remain the same), we should expect to see an increase in either the number of pending cases (that is, a growing backlog) or an increase in the number of dispositions (that is, more cases decided than in previous years), or both.

Figure 3 shows that most of the ten counties are experiencing the accumulation of a backlog of cases (alleviated in some years only to be experienced again in subsequent years) and an increase in the absolute number of cases disposed. Again, the counties with the highest numbers of pending cases and dispositions (Knox, Vanderburgh, Vigo) are the counties with the highest reported methamphetamine-related enforcement activity. The unusually large number of pending cases indicated in Knox County prior to the year 2001 were disposed of in that year apparently by merely closing a large number of stale cases. Since that time, a backlog has continued to accumulate, but not in such large numbers.

Although no more sophisticated statistical manipulation of these data would be meaningful (because the data do not reflect sufficiently detailed events), it is sometimes useful to derive a moving average to smooth the annual fluctuations and to give a rough indicator of upward or downward trends over time. The averaging used an interval of 2 (that is, each year was averaged with the previous year). This manipulation of the data suggests also that new criminal filings, dispositions of cases, and case backlogs are all increasing in the counties with the greatest reported methamphetamine-related enforcement activity (see Figure 4). The moving averages suggest that Knox, Vigo, Vanderburgh, and Warrick (and to a lesser extent, Daviess and Greene) Counties are all experiencing a trend toward increased new criminal filings (see Figure 2).

The moving averages in Figure 4 suggest that Daviess, Gibson, Greene, Sullivan, and Vanderburgh Counties are all experiencing a trend toward a larger backlog of cases. Knox County's data are distorted because of the very large backlog of cases prior to 2001, but anecdotal evidence indicates that Knox County is also accumulating a backlog of cases. The remaining counties are either stable (indicating perhaps that dispositions are roughly equivalent to new case filings) or actually trending downward in Pike, Vigo and Warrick Counties (indicating perhaps that dispositions are exceeding the rate of new filings).

The moving averages for case dispositions (Figure 4) indicate either stable rates or decreasing rates in most counties (with the exception of an increasing trend in Warrick County). Stable or decreasing rates of dispositions, coupled with increasing rates in new filings should reflect in future increases in case backlogs. Taken together, these calculations of moving averages provide some statistical evidence to support the extensive anecdotal evidence provided by criminal justice system officials that the absolute number of new criminal cases is increasing, that the absolute number of case dispositions is not keeping up with the number of new filings, and that accordingly a backlog of cases is accumulating in most courts of the ten counties. The anecdotal evidence suggests that the increased effort to enforce against methamphetamine is the explanation for this phenomenon. The data analysis is insufficient to allow this conclusion, but it might be fair to say that the data available are consistent with this conclusion (in the absence of any evidence to the contrary). Although the nature of the available data precludes any scientific conclusion, the data provide at least some evidence that the perceived increasing stress on the courts (whether caused by methamphetamine cases or some other source) has a basis in fact.

We attempted to derive some information about the proportionality of caseloads from county to county by adjusting the data for population. The following figures reflect the use of a multiplier to increase the caseload numbers to reflect the number expected if the county had the same population as the most populous county (Vanderburgh) in the group. The data were multiplied by a number which reflects the ratio between the population of Vanderburgh County and the other counties.

The actual numbers of new cases filed is shown in Figure 3. As we would expect, Vanderburgh County has a much larger number of filings than Pike County, but it is difficult to decide if case filings are actually proportional because Vanderburghs population is more than 13 times greater than Pikes. Figure 5 adjusts the actual data to reflect the expected numbers if each of the other nine counties in the group had the same population as Vanderburgh. Thus, the numbers for Pike County were multiplied by 13.3927 (the ratio of Vanderburgh Countys population to that of Pike County) and a similar ratio was derived for each of the other counties. Any discrepancies among these equalized numbers might then suggest that some counties are proportionally more active than others in criminal case filings.

With the adjustment for population, we can observe that Vanderburgh County remains the highest (and only unadjusted) jurisdiction, but the others grow proportionally. Several observations are of interest. Most of the counties, proportionally, are experiencing new criminal filings at about half the rate of Vanderburgh County (for example, Daviess, Gibson and Greene show roughly 5,000-6,000 adjusted for population cases filed annually, compared to Vanderburghs roughly 10,000-12,000). Most interestingly, Knox County (proportionally) nearly matches Vanderburgh while the second most populous county in the group, Vigo, has the lowest proportional (that is, adjusted for population) rate of filing. Knox, Vanderburgh and Vigo Counties report the highest number of methamphetamine laboratory take downs. The apparent spike in Pike County in 1998 could be the result of an unusual number of arrests (perhaps a major series of drug arrests) which would distort the data in a relatively low population county.

When the most serious felonies are isolated (see Figure 5), we also see a spike for Sullivan County in 1998 and again in 2002. This might be the result of large numbers of arrests (perhaps from a series of drug arrests) which would distort the data in a relatively low population county. As expected, Vanderburgh County has the greatest number of cases, but the remaining counties all seem to show upward trends in filings. When adjusted for population, the trend becomes more distinct with many of the counties approaching 60% of the rate for Vanderburgh County. Whether these data reflect increased methamphetamine enforcement is not knowable because the data do not include this information. One may speculate, however, that increased enforcement efforts in the region (based on anecdotal evidence) coupled with increased criminal penalties for methamphetamine crimes (elevating some methamphetamine offenses to A felonies) might be a reasonable explanation for the data.

The actual data for D felony filings (see Figure 3) seem to be almost exactly proportional to county populations (with the exception of the spike of cases in Pike County in 1998). When adjusted for population (see Figure 5), however, we can see some interesting possibilities: all of the counties except Pike show roughly the same rate of D Felony filings. Why Pike County has such a relatively high proportional rate of filing (or perhaps, why the other most populous counties seem to have a relatively low rate) is unknown. One might speculate, however, that such a differential might be related to the ability of Indiana prosecuting attorneys to choose whether to bring D Felony or A Misdemeanor charges in many cases. Of course, there might be other, equally likely explanations.

When we examine the actual data for misdemeanor filings (see Figure 3), the numbers seem proportional to the population of each county. However, when adjusted for population (see Figure 5), we can see some apparent differences. With the adjusted data, Vigo County shows a disproportionately low rate of misdemeanor filings while the

other counties reflect the same ratio (roughly 60% of Vanderburgh's rate). The exception is Knox County which shows a proportional filing rate nearly equal to that of Vanderburgh (and annual increases). Again, this finding might reflect local policies of the prosecuting attorneys in their professional choices to file certain optional cases as either Class A Misdemeanors or Class D Felonies. There might also be other, equally likely explanations for this phenomenon.

## **IMPACT OF METHAMPHETAMINE ON THE CRIMINAL JUSTICE SYSTEM**

The caseload data cannot show definitively whether or not the methamphetamine enforcement effort directly impacts new case filings, case dispositions or case backlogs in the courts of the ten counties studied. The data can show, however, that there is some evidence for the existence of the caseload situation described in the anecdotal evidence provided by system actors. It is reasonable to conclude from the data that criminal caseloads are tending to increase in the number of new filings, dispositions, and pending cases in most of the counties under study. These increases might reasonably be attributable to increased enforcement efforts against methamphetamine (since there is no other obvious explanation for the data). Accordingly, this situation suggests the need for change in the manner in which the courts handle criminal cases.

One approach is simply unthinkable: stop enforcing (or reduce enforcement of) the law and permit people to use, possess, distribute and manufacture methamphetamine at will. This might alleviate the burden on the criminal justice system and the courts, but it would impose an incalculable burden on the society which these institutions are supposed to protect. One obvious solution would be to increase the number of courtrooms, judges, prosecutors, public defenders and associated staff to accommodate the increased workload. Given the fiscal constraints on state and local government, this solution seems unlikely in even the most prosperous of counties. Courts could increase the efficiency of case processing. Such improvements require the cooperation of other components of the criminal justice system. There must be a coordination of information and work efforts among prosecutors, public defenders, private attorneys, police and probation officers, community corrections and state correctional officials, and the other actors in the criminal justice system. Cases might be diverted from the criminal justice system, but this presupposes the existence of community resources for such diversions and the willingness of private and public health and mental health agencies to accommodate the cases. And even if a non-criminal diversion system could be developed, it would still depend upon the power of the criminal justice system to enforce sanctions against those who would not cooperate with their own treatment.

Methamphetamine manufacturers and users (and substance abusers in general) place an enormous burden on our society and consume public resources all out of proportion to their number. When the police enforce the law, it is for the purpose of protecting the public from the dangerous behaviors of the substance abusers, and for the purpose of protecting the substance abusers and their dependents from their own self-destructive behavior. The necessity of processing these offenders through the criminal justice system imposes a heavy burden on the resources of prosecutors, public defenders, courts, probation departments, community corrections programs, state correctional agencies, and public and private treatment facilities. If the caseload grows too burdensome, courts become the bottleneck because of their obligation to treat the cases individually and to provide the full range of constitutional guarantees to each accused person. An increasing criminal caseload also diverts the attention of the courts from other judicial matters, causing delays in civil cases and prolonging the process of justice for all citizens.

These problems are not just burdens for the courts because the courts do not function in a vacuum. The actions of any one component of the criminal justice system can ripple through the system to either help solve problems or to confound them.

Methamphetamine is about as illegal as a substance can get in Indiana; it can lead to Class A felony charges just like heroin and cocaine. If it were not methamphetamine, it would be some other popular criminal activity which could be blamed for the inability of the criminal justice system to efficiently enforce the law, process the cases, punish the offenders, and change the behavior of the people in our communities who will not or can not conform their behavior to the requirements of the law. There is, however, persuasive anecdotal evidence and suggestive empirical evidence that, at least in southwestern Indiana, methamphetamine is the current culprit.

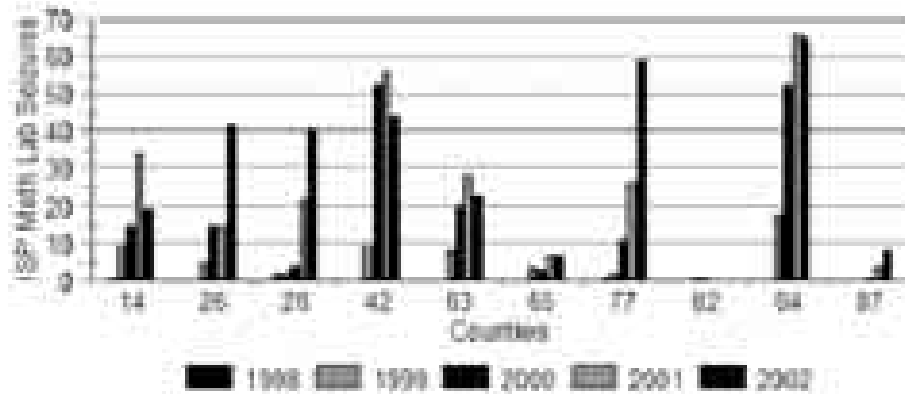
It seems reasonable to conclude that the following items are the result (at least in part) of the dramatic increase in enforcement against methamphetamine in southwestern Indiana in the past few years:

- Increased law enforcement workload because of increased arrests.
- Increased jail populations because of increased arrests.
- Increased jail costs because of lengthy pre-trial incarceration.
- Increased jail populations and costs because of increased numbers of persons sentenced to jail terms.
- Increased probation and community corrections costs because of increased case-loads.
- Increased prosecutors workloads.
- Increased costs of public defenders.
- Increased costs and workload for pre-sentence investigation.
- Increased court caseloads and backlogs.
- Delays in court processing of cases.
- Increased jail costs and population because of probation revocations.
- Increased health care costs for jail prisoners.
- Increased jail costs because of need to hire space in other jails.
- Increased risk of violence in the jails.
- Increased risk of violence in the community.
- Increased highway safety risk.
- Increased fire and explosion risk.
- Increased environmental hazard and cleanup costs.
- Increased risk to children of methamphetamine cooks/users.
- Increased demand for family services and foster care.
- Increased court caseloads caused by neglect of dependents.
- Increased demand for treatment services.
- Increased demand for public health services.
- Multiple prosecutions of same offenders in different courts and counties.
- Family disruption because of arrests/convictions.
- Increased criminal activity motivated by desire to obtain methamphetamine.
- Burden on long-term health care resources.

This list is not exhaustive, but merely highlights some of the major impacts on the criminal justice system of southwestern Indiana reasonably attributable to the problem of methamphetamine use, possession, manufacture and distribution.

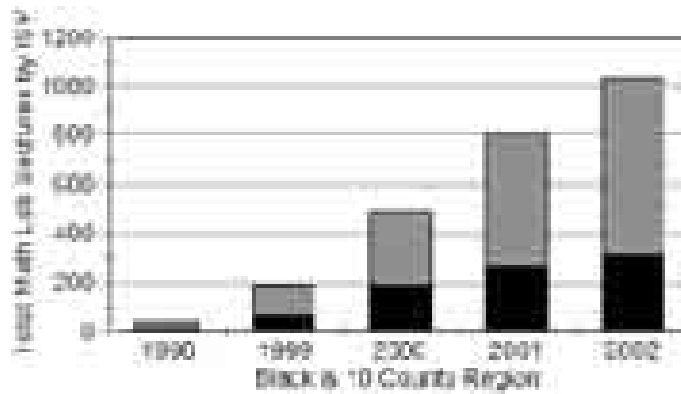


**Figure 1. Indiana State Police seizures of methamphetamine laboratories, 1998-2002.**



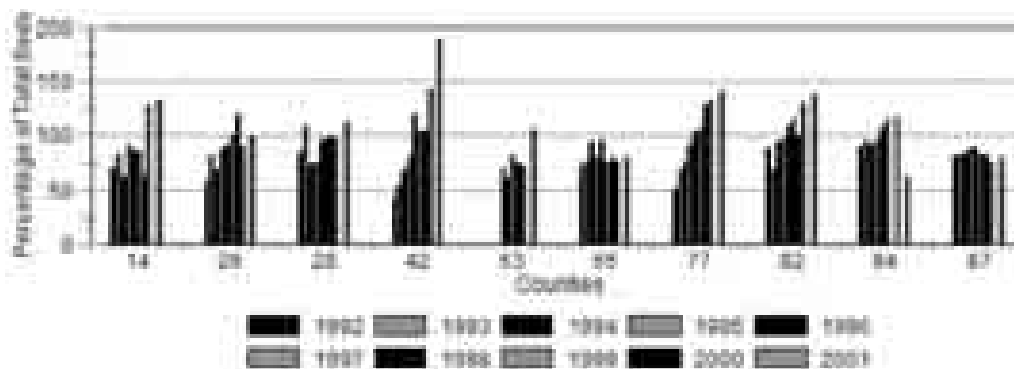
Meth laboratory seizures by county. Vanderburgh (82) lab seizures appear low because local and federal agencies conducted most seizures rather than Indiana State Police.

**COUNTY KEY:**  
 14 - Daviess  
 26 - Gibson  
 28 - Greene  
 42 - Knox  
 63 - Pike  
 65 - Posey  
 77 - Sullivan  
 82 - Vanderburgh  
 84 - Vigo  
 87 - Warrick

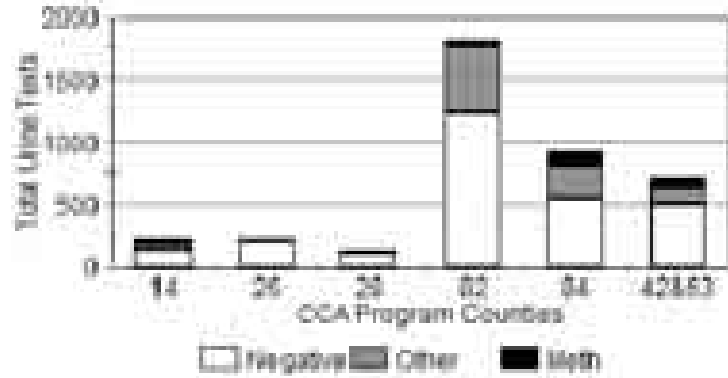


Meth laboratory seizures in 10 county region as proportion of state-wide seizures.

**Figure 2. Indicators of caseload burden on jails and correctional supervision agencies.**



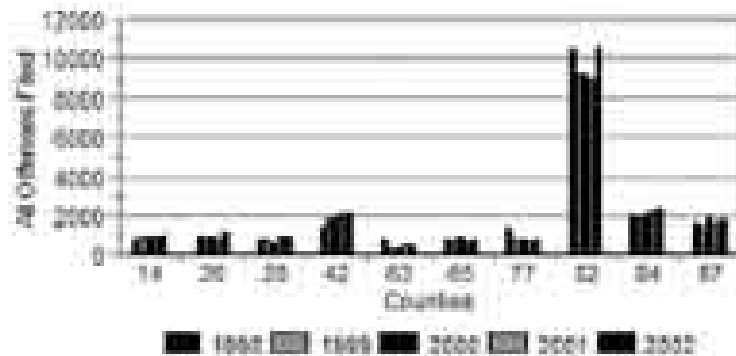
Jail population expressed as a percentage of total beds available. Any indicator over 100% indicates chronic jail overcrowding.



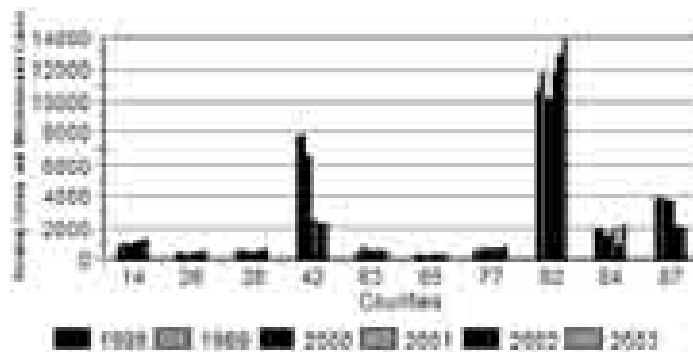
Positive urinalysis for methamphetamine among persons under correctional supervision. Only seven of the ten counties have community corrections programs, and the programs for Knox (42) and Pike (63) are combined.

Figure 3. All cases filed, pending cases, and cases decided, 1998-2002

**COUNTY KEY:**  
 14 - Daviess  
 26 - Gibson  
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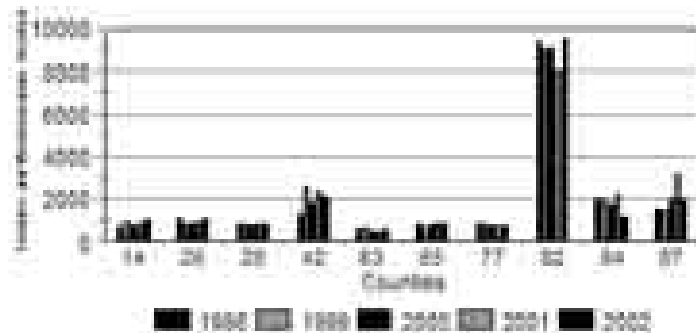


New cases filed during calendar year in all courts of record.



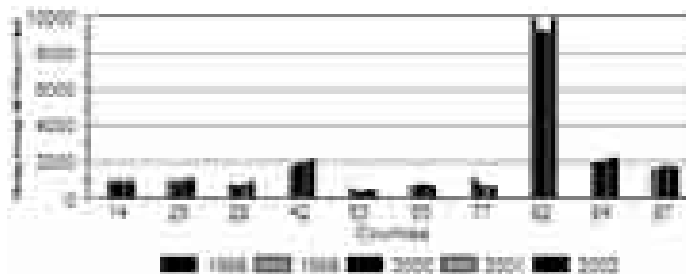
Cases pending on January 1 in all courts of record.

**COUNTY KEY:**  
 14 - Daviess  
 26 - Gibson  
 28 - Greene  
 42 - Knox  
 63 - Pike  
 65 - Posey  
 77 - Sullivan  
 82 - Vanderburgh  
 84 - Vigo  
 87 - Warrick



Cases decided during calendar year in all courts of record.

**Figure 4. Moving averages of cases filed, cases pending and cases decided, 1998-2002.**



Moving average of cases filed in all courts of record (base year is 1998).

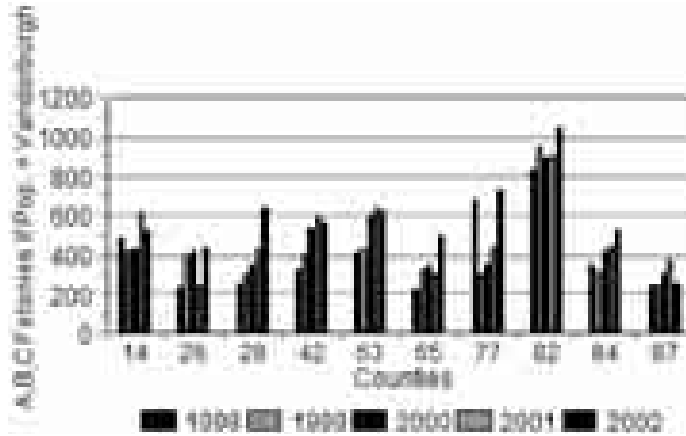


Moving average of cases pending in all courts of record (base year is 1998).



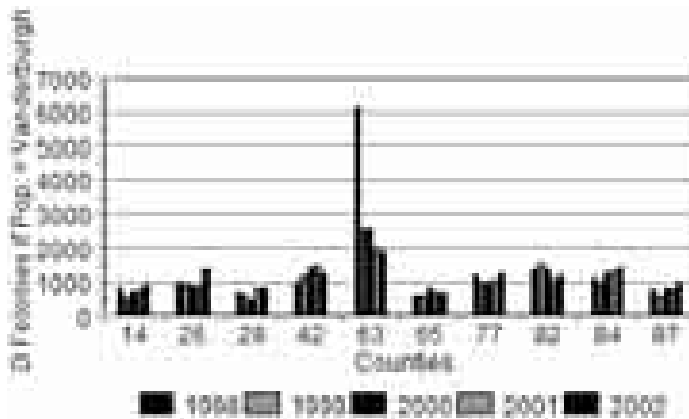
Moving average of cases decided in all courts of record (base year is 1998).

**Figure 5. Cases filed, pending and decided (adjusted for population of county), 1998-2002.**

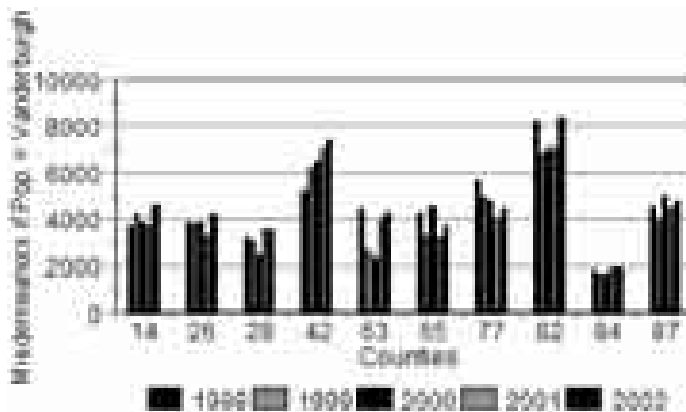


Cases filed in all courts of record.

**COUNTY KEY:**  
 14 - Daviess  
 26 - Gibson  
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 77 - Sullivan  
 82 - Vanderburgh  
 84 - Vigo  
 87 - Warrick



Cases pending in all courts of record.



Cases decided in all courts of record.

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