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The National Drug Strategy: Escalation of the War on Drugs

—John Angell

On September 5, 1989, President George Bush presented his drug control plan, *The National Drug Control Strategy*, to the nation. The plan was developed by the Director of the Office of National Drug Control Policy, William Bennett, as mandated under the Omnibus Anti-Drug Abuse Act of 1988. It is a plan which pursues expanded, but traditional, enforcement strategies

for addressing the national drug problem. Funding these strategies will entail spending an amount equivalent to one-third of the total tax money already spent by federal, state and local levels of government on police operations and services. (See Figure 1.)

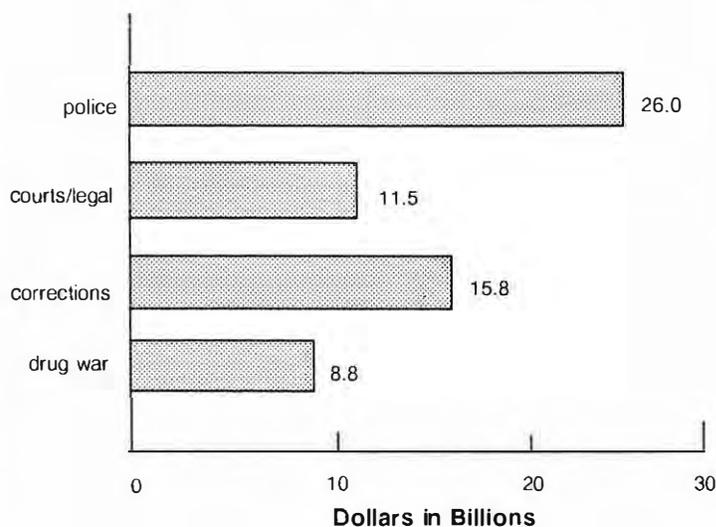
Drug Plan Details

The plan is built on several premises concerning the use and

control of drugs in the United States: (1) society has been too permissive of drug use, and the federal government should fund programs to "galvanize public opinion to make it clear that illegal use of drugs is wrong and harmful;" (2) management of drug control efforts should be centralized in the Office of National Drug Control Policy; (3) the capacity of national, state and local criminal justice officials and agencies to destroy illegal drug businesses and to punish drug users must be substantially expanded; (4) federal principles of accountability should be applied to state and local anti-drug efforts; (5) drug control efforts should be focused on priority areas such as cocaine; (6) the availability and effectiveness of drug treatment should be improved, and both incentives and civil commitment programs should be instituted to get drug dependent users into treatment; and (7) the eligibility of foreign countries, states, localities and citizens for federal funds and assistance should be dependent upon compliance with federal drug policies. The planned strategy entails waging the drug war on several fronts. These include: (1) Criminal Justice; (2) Drug Treatment; (3) Education, Community Action, and the Workplace; (4) International; (5) Interdiction; (6) Research; and (7) Intelligence.

Criminal Justice. The priorities in the criminal justice area are on increasing (1) the
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Figure 1. Comparison of Justice System* and Drug War Costs



* Includes all federal, state and local expenditures for police, prosecution, defense, court, and corrections in the U.S. in 1986. Constructed from Bureau of Justice Statistics, *Justice Expenditure and Employment Extracts: 1986* (Washington, DC: Department of Justice, 1989).

A BJS Report

Criminal Victimization in 1988

U.S. households and persons age 12 or older sustained 35.8 million crime victimizations in 1988, according to the National Crime Survey (NCS). Of this total 5.9 million were violent crimes (rape, robbery, simple and aggravated assault); 14 million were crimes of personal theft; and 15.8 million were household crimes (burglary, household theft, motor vehicle theft).

The NCS measures personal and household offenses, including crimes not reported to the police, by interviewing occupants of housing units selected to form a representative sample.

Personal crime victimizations, which include personal theft and crimes of violence, increased by almost 600,000 to approximately 20 million in 1988 - a one-year increase of 3.1 per cent. This was the second year in a row that the number of personal crimes increased.

Although several categories of crime have shown increases in recent years, the NCS measured at least 10 per cent fewer violent crimes, personal thefts, and household crimes in 1988 than in the peak year 1981.

When adjusted for the changes in population, the number of personal crimes went from a rate of 98 crimes per 1,000 persons age 12 or older in 1987 to 100 crimes per 1,000 persons in 1988 - a statistically insignificant increase. The decrease in household crimes per 1,000 households, from 174 to 170 in 1988, was also not measurably different. Among household crimes, the rate of larceny decreased 6 per cent from 1987 to 1988, while the other two major categories, burglary and motor vehicle theft, had no measurable changes.

Crime rates varied in different regions of the United States; only in the South did personal crimes show a significant increase. However,

Changes in Victimization Levels and Rates for Personal and Household Crimes, 1987-1988

	Number of victimizations (1,000s)			Victimization rates		
	1987	1988	per cent change	1987	1988	per cent change
All Crimes	35,336	35,796	1.3%
Personal crimes	19,371	19,966	3.1 ^a	98.0	100.1	2.2%
Crimes of violence	5,796	5,910	2.0	29.3	29.6	1.1
Completed	2,169	2,180	.5	11.0	10.9	-.3
Attempted	3,627	3,730	2.8	18.3	18.7	2.0
Rape ^c	148	127	-14.2	.8	.6	-14.9
Robbery	1,046	1,048	.2	5.3	5.3	-.7
Completed	698	684	-2.0	3.5	3.4	-2.8
With injury	266	263	-1.4	1.4	1.3	-2.2
Without injury	432	421	-2.4	2.2	2.1	-3.2
Attempted	348	364	4.6	1.8	1.8	3.7
With injury	92	110	19.9	.5	.6	18.9
Without injury	256	253	-.9	1.3	1.3	-1.8
Assault	4,602	4,734	2.9	23.3	23.7	2.0
Aggravated	1,587	1,741	9.7 ^a	8.0	8.7	8.8
Completed with injury	510	571	11.8	2.6	2.9	10.9
Attempted assault with weapon	1,077	1,171	8.7	5.5	5.9	7.7
Simple	3,014	2,993	-.7	15.2	15.0	-1.5
Completed with injury	891	860	-3.5	4.5	4.3	-4.3
Attempted assault without weapon	2,123	2,133	.5	10.7	10.7	-.4
Crimes of theft	13,575	14,056	3.5 ^a	68.7	70.5	2.7
Completed	12,720	13,242	4.1 ^a	64.3	66.4	3.2
Attempted	855	815	-4.7	4.3	4.1	-5.5
Personal larceny with contact	509	489	-3.8	2.6	2.5	-4.6
Purse snatching	189	155	-17.9	1.0	.8	-18.7
Pocketpicking	319	334	4.6	1.6	1.7	3.8
Personal larceny without contact	13,066	13,567	3.8 ^a	66.1	68.0	3.0
Completed	12,276	12,795	4.2 ^a	62.1	64.2	3.3
Less than \$50	5,545	5,642	1.7	28.1	28.3	.9
\$50 or more	6,227	6,681	7.3 ^a	31.5	33.5	6.4 ^a
Amount not available	504	473	-6.1	2.6	2.4	-6.9
Attempted	790	772	-2.3	4.0	3.9	-3.2
Household crimes	15,966	15,830	-.9	173.9	169.6	-2.5
Completed	13,499	13,555	.4	147.0	145.2	-1.2
Attempted	2,467	2,275	-7.8 ^a	26.9	24.4	-9.3 ^a
Household burglary	5,705	5,777	1.3	62.1	61.9	-.4
Completed	4,355	4,585	5.3	47.4	49.1	3.6
Forcible entry	2,002	1,986	-.8	21.8	21.3	-2.4
Unlawful entry without force	2,353	2,599	10.4 ^a	25.6	27.8	8.6 ^b
Attempted forcible entry	1,350	1,191	-11.7 ^a	14.7	12.8	-13.2 ^a
Household larceny	8,788	8,419	-4.2 ^a	95.7	90.2	-5.8 ^a
Completed	8,162	7,896	-3.3	88.9	84.6	-4.8 ^a
Less than \$50	3,565	3,418	-4.1	38.8	36.6	-5.7
\$50 or more	4,174	4,109	-1.6	45.5	44.0	-3.2
Amount not available	423	370	-12.5	4.6	4.0	-13.9
Attempted	626	523	-16.5 ^a	6.8	5.6	-17.9 ^a
Motor vehicle theft	1,473	1,634	10.9 ^b	16.0	17.5	9.1
Completed	982	1,073	9.3	10.7	11.5	7.5
Attempted	491	561	14.3	5.4	6.0	12.4

Note: Detail may not add to total shown because of rounding. Per cent change is based on unrounded figures. Victimization rates are calculated on the basis of the number of victimizations per 1,000 persons age 12 and older or per 1,000 households. The population age 12 and older grew from 197,726,980 in 1987 to 199,412,460 in 1988, an increase of .9%. The number of households grew from 91,823,260 to 93,362,150 between 1987 and 1988, an increase of 1.7%.

... Not applicable.

^a The difference is statistically significant at the 95% confidence level.

^b The difference is statistically significant at the 90% confidence level.

^c There were 1.3 rapes per 1,000 women age 12 or older in 1987 and 1.2 in 1988.

Source: Bureau of Justice Statistics

Juvenile Jailing Monitored

—David Parry

"Confining children in adult jails is not in the best interest of Alaska's children or the public.... The practice of jailing children with adults often leads to depression or suicide attempts. The risk of those children experiencing emotional, physical and sexual abuse is also increased." These words, from an Executive Proclamation released by Governor Steve Cowper in April, echo a sentiment which was incorporated into federal law more than a decade ago and which has begun to dominate discussions among juvenile justice professionals nationwide.

When Congress passed the Juvenile Justice and Delinquency Prevention Act in 1974, it clearly articulated its determination to eliminate the placement of juveniles in facilities which are also used for the incarceration of adult criminals. In addition to this "jail removal" mandate and a related provision calling for complete "sight and sound" separation of any juveniles who must be placed in adult facilities, Congress also mandated deinstitutionalization — removal from any form of secure or locked confinement — of juveniles charged with "status offenses" which would not be criminal if committed by an adult (e.g., drinking, truancy, running away from home).

These three provisions, enforceable through the withholding of federal funds from any state which fails to comply with regulations promulgated under authority of the JJDP Act, form the cornerstone of a national campaign to find alternatives to the jailing of juvenile offenders. Under regulations promulgated by the Office of Juvenile Justice and Delinquency Prevention (OJJDP), each state is required to develop a system for monitoring jails, lockups, detention facilities, correctional facilities and non-secure facilities and to report the number of violations of the jail

removal, separation and deinstitutionalization requirements which occur in these facilities each year.

The Division of Family and Youth Services (DFYS) is responsible for monitoring compliance with the JJDP Act in Alaska. In 1988, the Justice Center at the University of Alaska Anchorage, under contract with DFYS, designed a new monitoring system to improve compliance with the Act.

The Center implemented the new system early in 1989. Violations which occurred in 1987 and 1988 were monitored and reported to OJJDP through DFYS. These reports provide confirmation that the aggressive efforts on the part of DFYS to help communities and law enforcement agencies find alternatives to the unlawful jailing of juveniles are beginning to reduce the number of jail removal, separation and deinstitutionalization violations. However, the reports also illustrate the immense barriers which continue to impede efforts to find satisfactory alternatives, particularly in rural communities.

Alaska has shown remarkable progress in removing status offenders from secure confinement. Although large numbers of status offenders — primarily juveniles who have been drinking alcoholic beverages (an offense which is defined as a crime under Alaska law but which the federal government considers a status offense because only a "limited class" of "adults" can be charged with underage drinking) — continue to be detained in jails and juvenile detention centers, nearly all of these are released within the 24-hour "grace period" permitted in most such cases under federal law. In contrast with the nearly 500 status offenders held in secure confinement for over 24 hours in 1976, the baseline year against which violations of the deinstitutionalization requirement

are measured, fewer than 50 detentions of status offenders exceeded the grace period in each of the past two years. In both 1987 and 1988, about half of the deinstitutionalization violations occurred in juvenile detention facilities operated by DFYS and the remainder were distributed among several rural jails and correctional centers for adults.

Considerable progress has also been realized in the level of compliance with the jail removal mandate. Under this requirement,

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MONITORING

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juveniles accused of criminal-type offenses may not be held for more than six hours in a facility which is also used for incarceration of adult criminals; juveniles who have already been adjudicated delinquent, or who have committed only status offenses, may not be held in such facilities at all. In 1980, the baseline year for measurement of jail removal violations, more than 850 violations were recorded. In contrast, about 600 violations of this requirement were recorded in 1987 and only about 400 in 1988. In both 1987 and 1988, at least one violation of the jail removal violation was recorded at nearly all adult jails and correctional centers, and at just over one-fourth of the "lockups" (holding cells designed for brief detention) in the many small police stations and trooper posts across the state. In each of these years, however, jail removal violations were largely concentrated among a small group of facilities and among one particular type of offender. In 1987, seven rural facilities accounted for over 70 percent of all jail removal violations, and over

half of these violations involved children arrested for possession or consumption of alcohol. By 1988, one of these seven facilities had closed, and some of the others had substantially reduced the frequency of juvenile detention. Nevertheless, five of these facilities accounted for over half of all jail removal violations in 1988 and, again, the majority of violations involved juveniles arrested for alcohol offenses.

Progress toward full compliance with the separation requirement - which mandates that no juvenile may be held for any length of time in a facility which fails to provide complete "sight and sound" separation of incarcerated juveniles and adults - has been far less substantial. There were approximately 800 violations of this requirement in 1987, only a few less than had been reported in the baseline year of 1976. By 1988, though, the number of separation violations had fallen below 600, reflecting the presence of new alternatives to detention of juveniles in adult jails in several Alaska communities. Four rural jails accounted for about half of all separation violations in both years and 40-45 percent of the violations involved juveniles who had been consuming alcohol.

DFYS has employed a variety of strategies in its efforts to reduce violations of the jail removal, separation and deinstitutionalization requirements. Prominent among these are the following:

- Nonsecure attendant care shelters have been set up as alternatives to detention in several communities. Secure shelters for juveniles are also available in some communities;
- A new juvenile detention center was opened in late 1987 in Bethel, and the Nome Youth Facility has been re-opened;
- DFYS has launched an education and training campaign to inform law enforcement officials and the public of the problems inherent

in inappropriate detention and jailing of youth and the availability of effective alternatives;

- Detention policy in juvenile detention centers has been modified to prohibit admission of juveniles charged solely with possession or consumption of alcohol except when the conditions for protective custody as outlined in the state's Uniform Alcoholism and Intoxication Treatment Act are met;
- DFYS officials are working with individual detention facilities to curtail record keeping practices which artificially inflate the number of reported violations and to provide training in record keeping methods for officials at those "lockups" which do not yet maintain adequate detention records.

Despite these efforts, and despite a provision in state law which prohibits detention of any juvenile in a facility which also houses adult prisoners, "unless assigned to separate quarters so that the minor cannot communicate with or view adult prisoners convicted of, under arrest for, or charged with a crime" (AS 47.10.130), juveniles charged with delinquent offenses continue to be detained in adult facilities - and status offenders continue to be detained in both adult and juvenile facilities - when adequate alternatives are unavailable. Most of the facilities that detain juveniles in violation of the Juvenile Justice and Delinquency Prevention Act are in rural communities where alternatives to such detention are absent and where immediate transfer of juveniles from these communities to appropriate facilities is often impossible due to unavailability of air transportation and/or inclement weather. Lack of awareness of the

Justice Center Move

The Justice Center is moving from its present location to new quarters at the northeast corner of the third floor of the College of Arts and Sciences (CAS) building. The move will be complete early in January, 1990.

The mailing address and phone number for the Center remain the same: 3211 Providence Drive; Anchorage, Alaska 99508; (907) 786-1810, fax 786-7777.

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MONITORING

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dangers inherent in inappropriate detention of juveniles - on the part of parents and law enforcement officials in both rural and urban areas - also contributes to the difficulty DFYS faces in its efforts to reduce the frequency of such detention.

Although the importance of the effort to remove juveniles from adult jails and to deinstitutionalize status offenders is becoming increasingly apparent to many throughout Alaska, the barriers to full compliance with the JJDP mandate remain formidable.

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BJS

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the West continued to have the highest rates of victimization for both personal and household crimes. The Northeast retained the lowest rate for both personal and household crimes.

In 1988, approximately 36 per cent of all crimes measured by the NCS were reported to the police. This proportion is consistent with the level recorded throughout the 1980s but is higher than when the survey began in 1973.

Changes in crime rates, 1973-1988

Generally for personal theft and household crimes, the peak rates were reached in the mid to late 1970s. For example, rates of burglary from 1973 to 1975 were about a third higher than the rate in 1988.

Violent crime rates were also lower in 1988 than in any year from 1973 to 1982, but the decline was not as great. The violent crime rate in 1988 was 16 per cent lower than in 1981.

Personal crimes increase

The number of personal crime victimizations increased by more

than a half million from 1987 to 1988. A major component of this increase was the increased number of aggravated assaults and personal larcenies without contact. The number of aggravated assaults went up 9.7 per cent, from 1.6 million in 1987 to 1.7 million in 1988; the number of personal larcenies without contact gained .5 million, a 3.8 per cent annual increase. None of the other major categories of personal crimes exhibited any measurable changes between 1987 and 1988.

When adjusted for population growth, the increase in personal crimes was not measurable. Nor did there occur a measurable increase in any of the major categories of personal crimes.

Number of household crimes

The number of household crimes in 1988, 15.8 million, did not change measurably from 1987. The only significant changes for the numbers in major categories of household crime were for household larceny (a 4.2% decline) and motor vehicle theft (a 10.9% increase).

There were 170 household crimes per 1,000 households in 1988, not measurably different from 1987. The burglary rate remained stable at 62 per 1,000 households. Household larceny decreased significantly from 96 to 90 victimizations per 1,000 households. The 1988 household larceny rate was the smallest recorded in the sixteen-year history of the NCS and was significantly smaller than the rate in every year except 1986. Unlike the increase in the number, the increase in the rate of motor vehicle thefts from 1987 to 1988 was not statistically significant.

Highest crime rate in West

Among the four regions of the country, the West had the highest personal and household crime rates, with 126 crimes per 1,000 persons and 224 victimizations per 1,000 households. The Northeast retained the lowest victimization rates, with 73 personal crimes per 1,000 persons and 115 household crimes per 1,000 households. The

Midwest and the South showed no measurable differences in their rates for personal crimes and household crimes (103 versus 99 per 1,000 persons and 166 versus 173 per 1,000 households).

The South was the only region to have a significant increase from 1987 to 1988 in the overall personal crime rate, which rose from 93.5 to 99.3 personal crimes per 1,000 persons age 12 or older.

The simple assault rate decreased significantly in the Midwest from 18.1 to 15.1 per 1,000 persons while the violent crime rate increased in the West from 36.7 crimes of violence to 40.8 per 1,000 persons. Except for a 12 per cent decrease in the rate of household burglaries, from 43.2 to 38.0 burglaries per 1,000 households, the rates of personal and household crimes in the Northeast remained stable from 1987 to 1988.

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Recent BJS Reports

In addition to the report summarized in the accompanying article, the following recent studies and reports from the Bureau of Justice Statistics are available from the Alaska Justice Statistical Analysis Unit:

"Criminal Cases in Five States, 1983-86," an analysis of prosecution and disposition utilizing Offender Based Transaction Statistics (OBTS) data.

"Police Departments in Large Cities, 1987," an examination of the 59 municipal police departments in cities with 250,000 or more residents, NCJ-119220.

BJS*(continued from p. 5)***No change in police reporting**

In 1988, 36 per cent of all crimes were reported to the police, which was not measurably different from the 37 per cent in 1987. The 1988 rate was a statistically significant increase from the 32 per cent of victimizations reported to police in 1973. Over 3 out of 10 personal crimes and 4 of every 10 household crimes were reported in 1988. Household larceny and crimes of theft, particularly personal larceny without contact, had the lowest levels of reporting, with about 27 per cent of such thefts being reported to the police. Police received reports on nearly three-fourths of all motor vehicle thefts; this crime continues to have the highest reporting rate of any crime measured by the NCS.

(This article was based on the Bureau of Justice Statistics report NCJ-119845, "Criminal Victimization 1988." Copies of the report are available through the Justice Center.)

WAR on DRUGS*(continued from p. 1)*

predictability and severity of the sanctions for drug use or distribution, (2) the ease of implementation of sanctions, and (3) the means of achieving implementation of the sanctions. Among specific proposals for enhancing domestic criminal justice operations are the addition of federal, state, and local law enforcement officers, prosecutors, judges, courtrooms, jails, prisons, bootcamps, and mandatory drug testing within the system. The federal government would expect states to implement legislation and take actions to revoke driver's licenses of first-time drug users, evict drug users and dealers from government-subsidized housing, and ensure "vigorous prosecution of and increased fines for all misdemeanor state drug offenses." Federal law enforcement personnel

evaluation methods would be changed to reward and advance drug agency personnel who cooperate with other drug enforcement employees "within and across various agencies." Federal criminal justice funds would be denied, under the strategy, to states which failed to adopt drug testing programs for their justice systems.

Treatment. The treatment strategy focuses on (1) increasing the range of treatment and the number of spaces available for people needing treatment, (2) providing outreach programs and early treatment for pregnant women who use drugs, (3) expanding state and private insurance coverage to provide for drug treatment, (4) developing and implementing civil commitment procedures for forcing unwilling drug users into treatment, and (5) improving information collection and research, especially in the areas of cocaine dependency and treatment and psychiatric and drug problems. Submission of state plans for resource allocation and systematic improvements in state and local treatment systems will be conditions for receipt of federal treatment funds.

Education, Community Action, and Workplace. The education, community action and workplace strategy includes requiring educational institutions, under threat of loss of federal funds, to implement policies and programs for drug use prevention and punishment. Federal agencies will be forced to implement rules ensuring a drug-free federal workforce, and drug-free workplace policies will be expected or required of "the private sector and state and local government, including clear penalties for drug use, and drug testing where appropriate." Federal support is proposed for programs, which educational institutions and the media will use to "make it clear that the illegal use of drugs is wrong and harmful."

International. The international strategy includes proposals to deter and incapacitate inter-

national production and trafficking organizations responsible for bringing drugs into the United States. Its priority is on providing law enforcement, military, and economic assistance to the three Andean cocaine-producing countries in order to isolate major coca-growing areas, to block delivery of chemicals used for cocaine processing, to destroy cocaine hydrochloride processing labs, and to dismantle the trafficking organizations. Joint Intelligence Collection Centers will be created in the Caribbean Basin to facilitate the disruption and dismantlement efforts.

The strategy for interdiction should, according to the report, concentrate both on drug seizures and on "creating serious personal and financial risk for trafficking organizations and their top level personnel." Included among the proposed strategies are: (1) development of a comprehensive information-based approach to federal air, maritime, land and port-of-entry interdiction which would include enhanced computerized information systems and undercover and intelligence systems; (2) improvement of methods for deterring air smugglers and apprehending money couriers, and of container inspection techniques; and (3) enhancement of border systems, operations and activities through provision of "automatic exclusion authority and general arrest authority to Immigration and Naturalization officers, expanded use of drug detection dogs, anti-vehicle barriers and container inspections, and improved detection systems and secure communications systems."

Research. Research and development to improve the "quality of information, research, and technology available to implement drug control policies and programs" will be funded by the federal government. A Drug Control Research and Development Committee involving directors of research and evaluation and

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technology advisors to all appropriate drug supply and demand reduction agencies will be created to recommend research and development policies and procedures to the Office of National Drug Control Policy, to review and coordinate research and evaluation activities, and to assist agencies in effectively acquiring and using new technologies to prevent and treat drug use, and to detect and suppress the flow of illegal drugs. Not only are research systems, including data collection and analysis techniques, identified for improvements, but attention is also given to the need for developing new medical technology and procedures and new methods for information dissemination.

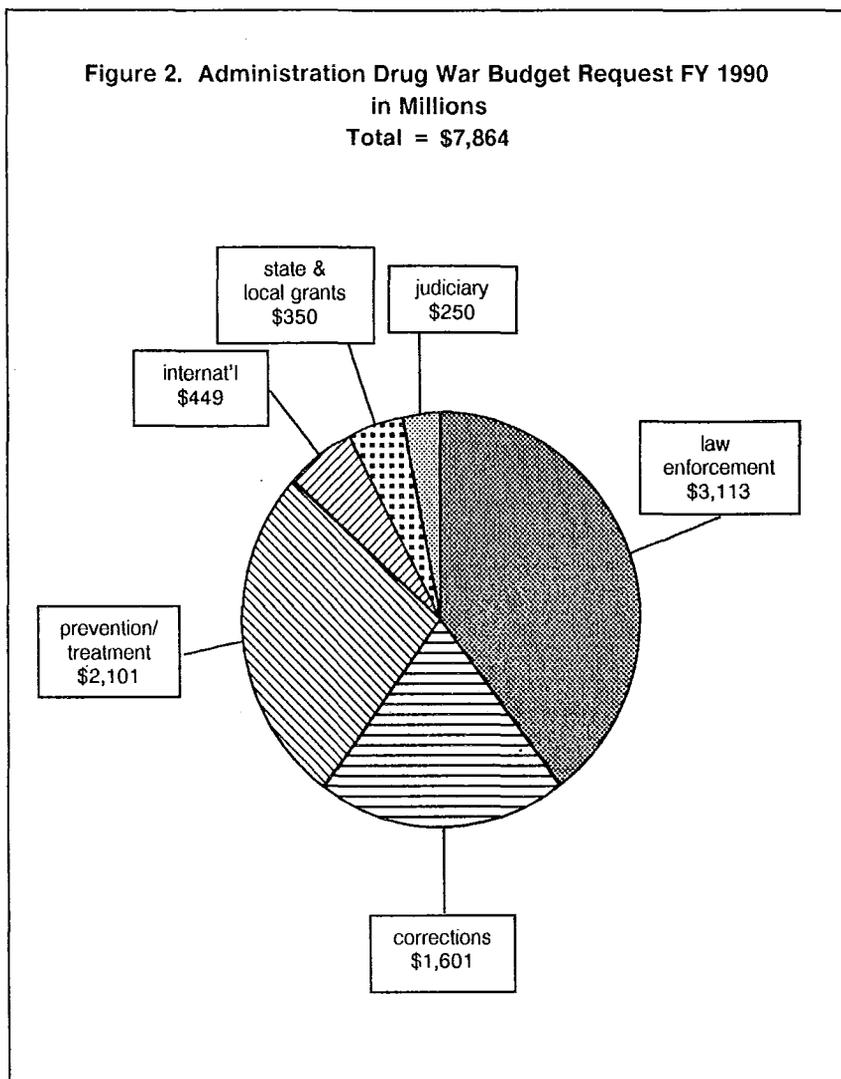
Intelligence. This final front of the national drug strategy focuses on (1) money laundering; (2) automated law enforcement, prosecution and interdiction-related drug information systems; (3) intelligence sharing by federal law enforcement and intelligence agencies; and (4) an intelligence center to unite U.S. drug-related analytical capabilities and improve intelligence capabilities.

Anticipated Results

The goals established for the plan include a 10 per cent reduction in drug abuse indicators within two years and a drop of 50 per cent within ten years. However, the expected impact on cocaine addiction is substantially lower. The goal related to frequent cocaine use is to reduce the rate of increase by 75 per cent in two years.

Federal Funding Plans

The administration's funding priorities would increase assistance to state and local law enforcement; expand resources for treatment and prevention programs; initiate a major anti-drug campaign in source countries; establish order in public housing projects; build more federal prisons; expand federal and state



court and correctional systems; add federal prosecutors; step up efforts against money laundering operations; expand research, data collection and information sharing; and maintain the current level of border interdiction effort.

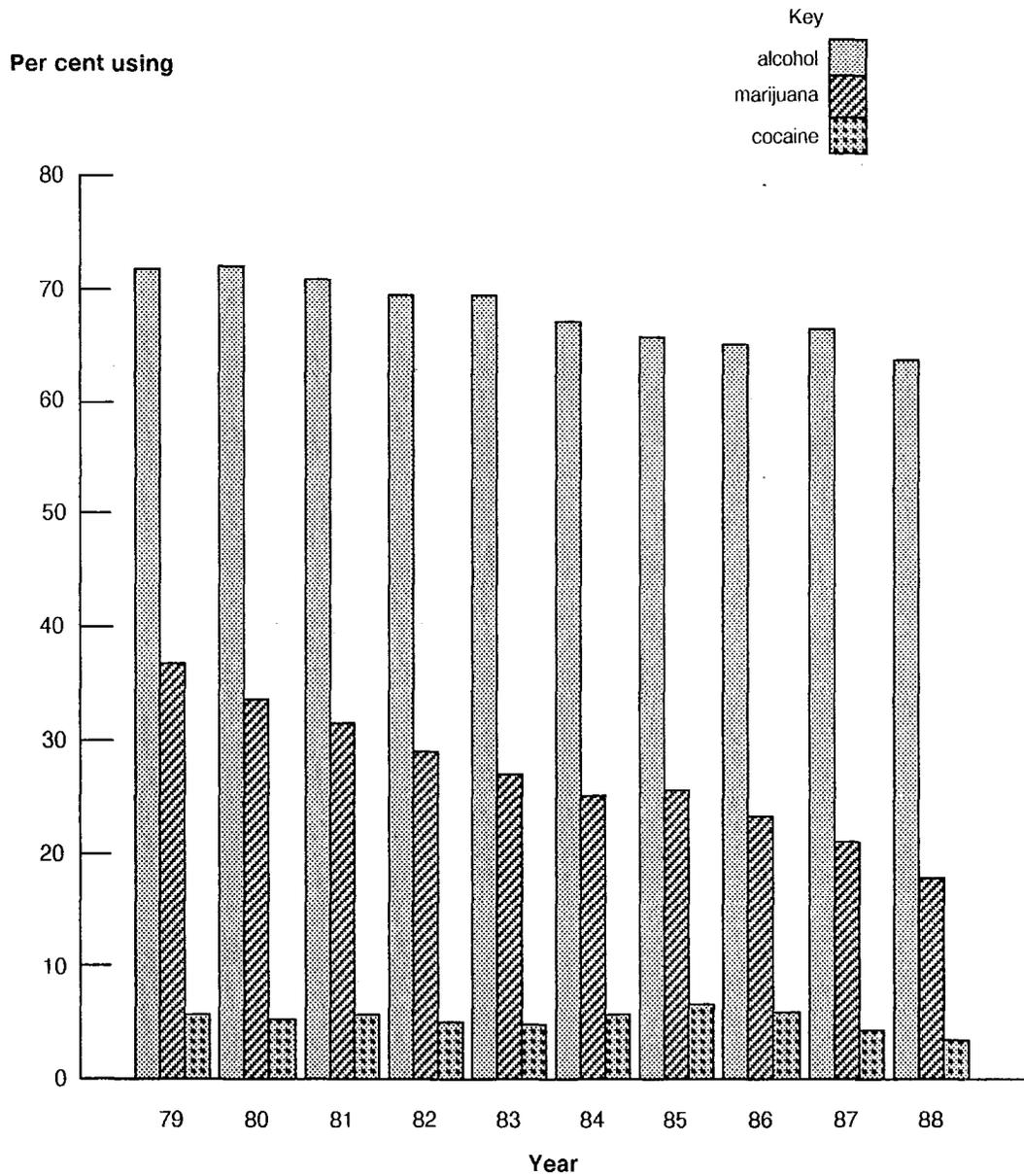
Funding administration priorities necessitates increasing the President's earlier anti-drug budget by an additional \$716,000,000 to a total of approximately \$7,900,000,000 in FY 1990. (See Figure 2.) Fifty-seven million dollars would be added to the Coast Guard budget; the DEA would receive a \$5,000,000 increase to fund state and local task forces; the funding for Organized Drug Enforcement Task Forces would be increased by \$19,000,000; an additional \$11,000,000 would be earmarked for money laundering

investigations; federal courts would receive an additional \$41,000,000; the funds for marijuana eradication efforts would be increased by \$5,000,000; and an additional \$654,000,000 would be added to federal prison construction.

The plan would increase the federal funds available for state and local law enforcement grants from the FY 1989 level of \$150,000,000 to \$350,000,000 in FY 1990. In addition, standards for evaluation would be strengthened, and the budget for improving data bases, information systems, and evaluation of drug law enforcement and demonstration projects would be increased from the FY 1989 level of \$192,000,000 to \$251,000,000 in FY 1990.

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Figure 3. Change in Reported Drug Use Among High School Seniors
(Reported Use Within Past Thirty Days)



Sourcebook of Criminal Justice Statistics - 1988 (U.S. Government Printing Office, Washington, 1989) p. 357, p. 359.

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In accordance with the President's commitment to fund the plan without new taxes, the increases were to be offset by cutting \$604,000,000 from federal aid already earmarked for state and local governments and \$147,000,000 from federal programs. Under this funding strategy several states, including Alaska, California, Florida, and Texas, would actually suffer a decrease in the amount of financial assistance they would otherwise receive from the federal government. In exchange for \$1,300,000 in Drug Control assistance, Alaska would lose \$3,500,000 in Economic Development and Juvenile Justice funds – a net loss of \$2,200,000.

Even at this level of federal funding, it is probable that, in addition to making constitutional and legislative reforms, state and local governments would find it necessary to provide an additional \$5,000,000,000 to \$10,000,000,000 to implement the administration's strategies fully.

Congressional Action

Congress has proceeded to deal with the plan in a fashion apparently consistent with the public mood. In early November, agreement was reached to add \$3,200,000,000 for law enforcement and drug treatment to the existing appropriations, thereby increasing the funding requested by the administration from \$7,900,000,000 to \$8,800,000,000, or \$900,000,000 more than requested. Based on 1986, the most recent year for which financial information has been compiled, \$8.8 billion is equivalent to approximately one-third of all tax money spent by federal, state, and local levels of government on police operations and services. (See Figure 1.) In other words, the funding for this plan represents about \$143 per four-person household in the United States.

The Congressional agreement contained in H.R. 2991 and H.R. 3015 – both of which have been

passed and were sent to the President's desk by mid-November – not only provides funding for the federal criminal justice facilities requested by the President, it contains \$100,000,000 more than the President requested for law enforcement grants. Fifty million dollars of the increased funding has been set aside for discretionary grants for neighborhood-level policing projects such as Operation Siege in Houston, Texas and Knock and Talk in Anchorage. Funds will also be provided for programs similar to the DARE program of the Los Angeles Police Department, which assigns police officers to elementary schools to instruct children in resisting peer pressure. The 50 per cent state and local match for obtaining such funds will be maintained, although consideration was given to raising the match to 75 per cent.

Rather than accepting the President's request to eliminate the Juvenile Justice and Economic Development funding entirely, Congress increased the Juvenile Justice grants available to state and local governments by \$8,000,000 to \$73,000,000 and left the Economic Development funds intact for FY 1990. The money required for the drug plan will be obtained by cutting governmental programs, except entitlements such as Social Security, by 43 per cent.

The compromise budget package sent to the President did not include non-appropriation measures which must be passed by the Congress. Among these is the repeal of a provision in previous anti-drug legislation which prevents some local law enforcement agencies from sharing the proceeds of federal asset forfeitures. At least five different House committees are working on bills which will address such programmatic issues and facilitate implementation of the drug strategy. Based on the actions taken to date, proposals to require states to implement universal drug testing throughout the justice system and to initiate strict sanctions, such as mandatory driver's license suspension, car forfeiture, and employer notification against first-time users as a condition of federal funding,

probably will not be supported by the Congress. In addition, following a plea from former combat pilot and astronaut Senator John Glenn, the Senate voted 48 to 52 to reject statutory authorization for drug enforcers to shoot down aircraft suspected of drug smuggling. (William Bennett, the Drug Czar, had indicated before the vote that such authority would put drug enforcers on an equal footing with inner-city police who, he believed, had the power to fire on fleeing vehicles.) In addition, Senate bill 5.1711, which would authorize over 1500 additional FBI agents, DEA officers and U.S. attorneys, has not been passed by the House.

Response to Plan

Although the most immediate overall Congressional reaction centered on the efficacy and funding implications of the plan, the strategy received criticism from a number of sources. In light of the downward trend in frequent cocaine and marijuana use reported by high school students over the past 10 years (Figure 3) and negative public opinion concerning drug use, some legislators were quick to point out that the modest drug use reduction goals established by the plan are likely to be realized whether or not the administration's proposed strategies are implemented. Others express concern with the exclusion of the drug alcohol from the plan's priorities, since alcohol use among youth is not dropping significantly and the total health and social costs of alcohol addiction seem to be thousands of times higher than those of drug abuse.

Other objections have been registered. In an open letter to William Bennett published in The Wall Street Journal, conservative economist Milton Friedman wrote:

This plea comes from the bottom of my heart. Every friend of freedom, and I know you are one, must be as revolted as I am by the prospect of turning the United States into an armed camp, by the vision of jails filled with casual drug users and an army of enforcers empowered to

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WAR on DRUGS

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invade the liberty of citizens on slight evidence. A country in which shooting down unidentified planes "on suspicion" can be seriously considered as a drug war tactic is not the kind of United States that either you or I want to hand on to future generations.

George Shultz, Secretary of State during the Reagan administration, joined conservative William Buckley in expressing apprehension about merely putting more money into expanding traditional interdiction, eradication and enforcement strategies and suggested instead an examination of forms of controlled legalization of drugs. Similarly, Financial World, in a cover story - "Drugs: The Case For Legalization" (October 3, 1989) - states, "Everyone knows America is losing the war on drugs. What nobody wants to face is the logical alternative: Legalizing drugs." The Congressional funding approach has also brought criticism from representatives of organizations such as the National League of Cities where fear exists that the cuts will reduce other important federally funded programs like Head Start.

Nevertheless, if a Washington Post-ABC News Poll conducted shortly after the public presentation of the plan is accurate, 82 per cent of Americans approve of the President's proposals and 74 per cent are concerned that the plan does not go "far enough in attacking the real causes of the drug problem."

In light of the controversy already surrounding some existing federal drug enforcement programs, such as the "zero tolerance" program (which has been attacked by the Alaska delegation because of seizures of fishing boats found to have small amounts of marijuana on board), and questions about the effectiveness and possibly counterproductive impact of other proposed programs, it seems certain many of the administration's specific proposals will be

substantially modified in the coming months. The Congress will probably place greater emphasis than the administration on educational and prevention programs designed to continue the downward trends in drug use. In addition, Congressional insistence on sound research to ensure reliable evidence about the impact of each strategy and program funded by federal money will likely be stronger than in the administration plan.

Conclusion

If dramatically expanding the criminal justice system, further centralizing responsibility and control over the nation's anti-drug efforts, and providing greater authority and resources to anti-drug enforcement and programs will reduce American drug problems, implementation of the administration's proposals should demonstrate it. If, on the other hand, as many members of both the conservative and liberal intellectual communities predict, the emphasis on cocaine and marijuana interdiction results in a reduced supply, increased corruption in the criminal justice system, higher drug prices, and substantial substitutions of alternative drugs such as methamphetamines (like easily manufactured "ice" and "speed") for cocaine and marijuana, we may very well see a shift toward more public acceptance of a policy of controlled legalization of drugs in the United States.

(John Angell is a professor with the Justice Center at UAA.)

(Copies of the document "National Drug Control Strategy" referred to in the preceding article may be obtained through the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402-9325.)

Advisory Board Meets

The Justice Center Advisory Board met with the faculty and staff Friday, December 1, to discuss the Center agenda for 1990. Among the issues considered as possible Center studies were foster care problems, the impact of cocaine in Alaska, alcohol issues, tribal sovereignty questions, and expansion of delinquency studies. The publication of an annual sourcebook on the Alaska justice system was also discussed.

Board members attending the meeting included Susan Humphrey-Barnett, Commissioner of Corrections; Arthur English, Commissioner of Public Safety; Warren Matthews, Supreme Court Chief Justice; Russ Webb, representing the Commissioner of the Department of Health and Social Services, Myra Munson; Bill Casto, representing the Anchorage Police Chief, Kevin O'Leary; Barbara Brink, representing the Public Defender, John Salemi; Paulette Foster, representing the Anchorage District Attorney, Dwayne McConnell; and Susanne DiPietro, representing the Acting Director of the Judicial Council, Teri Carns. Lee Gorsuch, Dean of the School of Public Affairs, also attended the meeting.

The Advisory Board also includes Dana Fabe, Superior Court Judge, Third Judicial District and Julie Kitka, Executive Vice President of the Alaska Federation of Natives.

* * * * *

The faculty and staff of the Justice Center extend best wishes for the new year to the readers of the Alaska Justice Forum.

Alaska Department of Corrections Fact Sheet for September 1989

Profile of Population

As of September 1989, Department of Corrections had jurisdiction over 5,876 persons. This number includes:

- 2,447 persons in Alaska institutions
- 74 persons in the Federal Bureau of Prisons
- 5 persons in Minnesota state institutions
- 183 persons in community residential centers (furloughees)
- 19 persons in community residential centers (prob-parolees)
- 518 persons on parole
- 2,630 persons on probation

Since September 1985, the following increases have occurred:

Persons in Alaska's institutions	up	28%	(1,906-2,447)
Persons in federal and Minnesota prisons	down	59%	(191-79)
Persons in community residential centers	up	100%	(101-202)
Persons on parole	up	148%	(209-518)
Persons on probation	up	15%	(2,292-2,630)

The makeup of the population incarcerated in Alaska's institutions, the Federal Bureau of Prisons, and Minnesota state prisons has changed during these four years.

	09/85	09/88	09/89	85-89 Change	88-89 Change
Felons-sentenced	1,378	1,680	1,772	+29%	+ 5%
Misdemeanants-sentenced	178	106	97	- 46%	- 8%
Felons-unsentenced	430	443	524	+22%	+ 18%
Misdemeanants-unsentenced	111	129	133	+20%	+ 3%
Totals	2,097	2,358	2,526	+20%	+ 7%

Average Daily Number of Prisoners

<u>+/-LM</u>	<u>Capacity</u>
+ 9 381 persons in Spring Creek Correctional Center	412
- 2 216 persons in Fairbanks Correctional Center	200
+ 3 82 persons in Anvil Mountain Correctional Center	102
+ 15 107 persons in Yukon-Kuskokwim Correctional Center	88
+ 4 377 persons in Cook Inlet Pretrial Facility	397
- 6 96 persons in Anchorage - Sixth Avenue	116
- 1 227 persons in Hiland Mountain Correctional Center	229
- 2 54 persons in Meadow Creek Correctional Center	56
- 1 128 persons in Palmer Minimum Correctional Center	130
N/C 165 persons in Palmer Medium Correctional Center	165
- 3 70 persons in Mat-Su Pretrial Facility	74
N/C 199 persons in Wildwood Correctional Center	204
+ 7 99 persons in Wildwood Pretrial Facility	106
+ 5 185 persons in Lemon Creek Correctional Center	174
+ 5 61 persons in Ketchikan Correctional Center	63
+ 22 183 persons in Community Residential Centers (Furlough)	
+ 1 19 persons in Community Residential Centers (Prob-Parol)	
+ 2 74 persons in Federal Bureau of Prisons	95
N/C 5 persons in Minnesota State Prisons	5

Alaska Justice Forum
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