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Attorney General's Commission on Narcotics Final Report

Commission on Narcotics

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ATTORNEY GENERAL'S COMMISSION ON NARCOTICS

FINAL REPORT
FEBRUARY 1984

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State of California

DEPARTMENT OF JUSTICE

JOHN K. VAN DE KAMP, Attorney General



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ATTORNEY GENERAL'S COMMISSION ON NARCOTICS

An Enforcement Perspective



ATTORNEY GENERAL'S COMMISSION ON NARCOTICS

March 6, 1984

John K. Van de Kamp
Attorney General
1515 K Street
Sacramento, CA 95814

Dear Attorney General Van de Kamp:

Attorney General's Commission on Narcotics: Final Report

The Attorney General's Commission on Narcotics was created in June 1983 to undertake an examination of one of this state's most serious crime problems - the illicit production, importation, and distribution of narcotics, dangerous drugs, and other controlled substances.

It is with much pride and a deep sense of accomplishment that I submit to you the Commission's final report.

Like yourself, the members of the Commission feel that the "war on drugs" must be intensified through an increased enforcement commitment if we expect to have any meaningful impact in reducing the supply and use of illegal drugs in California. The Commission also recognizes that any effective drug eradication effort requires a multi-dimensional enforcement strategy which acknowledges and addresses the complex nature of the illegal drug problem. To this end, the Commission's report contains a nine-point enforcement strategy encompassing: 1) Problem Assessment; 2) Resource Inventory and Allocation; 3) International Drug Supplies; 4) Delineation of Inter-Governmental Roles and Responsibilities; 5) Drug Suppression Efforts Within California; 6) Abuse of Prescription Drugs; 7) Prosecutorial/Judicial/Correctional Support; 8) Need for Increased Educational and Prevention Efforts; and 9) Legislative Recommendations. In addition to the conclusionary statements made in each of these nine areas, the Commission also provides specific recommendations which, if implemented, will serve to provide increased strength, coordination, and efficiency to our drug enforcement efforts.

It is hoped that this report will also serve as a catalyst for additional needed studies. As the base of information and our accompanying understanding of California's complex illegal drug problem improves, so will our drug enforcement decision-making capability.

84-3-452
John K. Van de Kamp

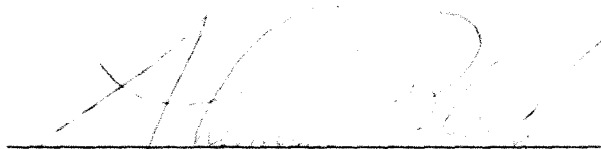
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March 6, 1984

The Commission will work closely with your Office, together with our colleagues within the law enforcement community, to assist in the implementation of the many recommendations contained in this report.

On behalf of each Commission member, I would like to take this opportunity to express our appreciation for having had the pleasure of serving on this Commission. I would also like to thank Mr. Glen Craig, Executive Director to the Commission, his staff at the Division of Law Enforcement, and the many federal, state, and local law enforcement agency representatives who testified before the Commission, for their many contributions leading to the overall success of this effort.

Respectfully submitted:



SHERMAN BLOCK, Sheriff (Chairman)
Los Angeles County

bat

EXECUTIVE SUMMARY

There probably is not a more vivid example of economic market forces in action than that demonstrated by the supply and demand variables at work fueling this state's illicit drug industry.

While this report concentrates on examining this state's illegal drug problem from a supply reduction perspective, any effective long-term formula for success will require that a commensurate effort be dedicated at reducing the demand for illegal drugs through innovative education and prevention programs.

The phrase *war on drugs* probably best depicts the attitude within California's law enforcement community toward its efforts to gain control over the ever-changing and expanding illicit drug industry in California. Home to nearly 25 million people, California supports a significant portion of this nation's estimated \$80 to \$100 billion annual illicit drug trade.

California's drug profile has changed dramatically over the years. In addition to serving as a ready market for imported cocaine, heroin, and cannabis, California has also become a source state for the production of domestically-grown cannabis (sinsemilla), the diversion of prescription drugs, and the clandestine manufacturing of various controlled substances (e.g., PCP, LSD, and methamphetamine). The growth in the use of illicit drugs, especially by those in increasingly younger age groups, has been dramatic over the past 20 years. Its increased availability is no doubt a key factor to this increased use.

Based upon the multi-dimensional nature of the drug enforcement challenge facing California, the Attorney General's Commission on Narcotics has identified and focused its study on nine key subject areas which serve as the foundation of an effective statewide drug suppression program.

While the Executive Summary can only attempt to highlight the comments made by the Commission, the report provides a detailed look at each of these nine areas, incorporating a discussion of the specific subject area, a summary of key conclusions reached by the Commission, and a listing of specific recommendations intended to contribute to the development of a more effective narcotic enforcement capability.

Highlights of each of these nine components are provided below:

1. Problem Assessment

While we have been able to gain a general perception of the complexity of California's illicit drug problem, our ability to accurately gauge its true depth and constantly shifting trends has proven very limited. This is due to the complexity of the problem and the extreme difficulty in its attempted measurement due to its clandestine nature. As our ability to map the dynamics of the drug problem improves, so will our ability to more effectively establish a responsive enforcement strategy.

The Commission has recommended:

- Create and implement a Controlled Substance Abuse Assessment Model in three selected communities. This pilot project would involve community drug assessment and evaluation boards, together with the development of local drug abuse data collection systems.

(Please refer to pages 14-15 for a more detailed discussion of the Controlled Substance Abuse Assessment Model)

2. Resource Inventory and Allocation

While drug enforcement has been voiced as a top priority by our citizens and as one of this nation's most serious crime problems, a commensurate commitment of financial and manpower resources has not been forthcoming. While increased funding alone will not guarantee victory in the *war on drugs*, it does represent one of the necessary fundamental ingredients to any enhanced enforcement program.

Significant Commission recommendations include:

- Conduct a detailed inventory of all local, state and federal drug enforcement resources.
- Provide additional funds for state and local drug enforcement efforts.
- Ask every law enforcement agency to designate a person(s) or unit to be responsible for drug enforcement.

(Please refer to pages 16-17 for a more detailed list of specific conclusions and recommendations)

3. International Drug Supplies

The vast majority of illegal drugs purchased and consumed in California are believed to be the result of foreign production and illegal importation. Consequently, stronger sanctions should be considered against those foreign countries involved in illegal drug production. At the same time, it must also be remembered that these foreign drug supplies are in response to unprecedented levels of demand from our own domestic population.

Significant Commission recommendations include:

- Impose stronger diplomatic sanctions on foreign drug-producing countries.
- View foreign drug production as a direct threat against the security of this country.
- Intensify domestic drug eradication efforts to show foreign governments our national resolve to attack this problem.
- Expand federal drug enforcement resources in foreign source countries.

(Please refer to page 19 for a more detailed list of specific conclusions and recommendations)

4. Delineation of Inter-Governmental Roles and Responsibilities

Due to foreign and domestic drug production activities, the ultimate success of drug eradication efforts in California is contingent upon the development of an integrated enforcement program incorporating the talents, authority, and resources of all federal, state and local law enforcement agencies.

Significant Commission recommendations include:

- Develop an *inter-governmental* drug enforcement commitment among local, state and federal authorities.
- Recognize that efforts to suppress the supply of drugs in this country can be most effective at the source of production.

(Please refer to pages 20-22 for a more detailed list of specific conclusions and recommendations)

5. Drug Suppression Efforts Within California

In addition to the serious enforcement problems tied to the foreign production and importation of heroin and cocaine, California has also become a major source of domestically-grown cannabis, drugs produced by clandestine laboratories, and the illegal diversion of prescription drugs into the illicit marketplace. Central to the effective control of these substances within California is the development of inter-governmental enforcement programs, increased task force operations, and increased contact and communication among California's narcotic enforcement unit managers. Recent enhancements to California's *asset forfeiture* law have improved its effectiveness as a financial drug enforcement tool.

Significant Commission recommendations include:

- Expand and direct California's enforcement efforts to address those drugs produced within this state.
- Expand the State Department of Justice's Campaign Against Marijuana Planting (CAMP).
- Advocate the use of defoliants and herbicides where adequate safeguards can be provided.
- Utilize existing state and federal asset forfeiture laws to their full potential.

(Please refer to pages 24-26 for a more detailed list of specific conclusions and recommendations)

6. Abuse of Prescription Drugs

People tend to think of heroin, cocaine, cannabis, and clandestine labs when discussing California's illegal drug problem. However, there is an equal potential for abuse through the illegal diversion and use of prescription drugs. While California law enforcement stands at the forefront in efforts to control the flow of the more serious prescription drugs within this state, there are still needed improvements to be made to further strengthen our enforcement efforts in this area.

Significant Commission recommendations include:

- Institute uniform national controls over the distribution and dispensing of prescription drugs.
- Intensify prosecution against prescription drug violators.

(Please refer to page 28 for a more detailed list of specific conclusions and recommendations)

7. Prosecutorial/Judicial/Correctional Support

The ultimate success of any enhanced drug enforcement effort rests, to a large extent, with the attitude and capability of the prosecutorial, judicial, and correctional components of our criminal justice system. An ability to remedy existing system deficiencies, as well as carrying capacity limitations that exist within the system is imperative.

Significant Commission recommendations include:

- Establish mandatory minimum sentences for various drug violations.
- Educate judges and prosecutors on the serious nature of drug cases to insure maximum prosecution.
- Reduce dissatisfaction with the present *exclusionary rule*.

(Please refer to pages 29-30 for a more detailed list of specific conclusions and recommendations)

8. Need for Increased Educational and Prevention Efforts

Enforcement activities are primarily designed to deal with the *supply* side of the drug problem. However, success cannot be achieved unless a commensurate impact is made on the *demand* side of this equation. The ultimate long-term success of drug control efforts is contingent upon a marriage of educational and prevention efforts carried out by the law enforcement community, private industry, the educational sector, the medical community, the Legislature, the media, and parent/youth groups, all of which need to be supplemented by an educated and involved public.

Specific Commission recommendations include:

- Inventory and evaluate all private and governmental drug prevention programs.
- Establish a forum for news media professionals to heighten their awareness and knowledge about California's illegal drug problem.

(Please refer to pages 31-32 for a more detailed list of specific conclusions and recommendations)

9. Legislative Recommendations

The Legislature has a critical role to play in law enforcement's ability to stem the increasing illicit drug problem in this state. Appropriate legislation can improve our capability to detect, interdict, apprehend, prosecute, and incarcerate drug offenders.

Significant Commission recommendations include:

- Increase penalties for manufacturing controlled substances.
- Provide local law enforcement with a wiretap capability in certain types of major investigations.
- Increase penalties for various existing marijuana laws.
- Support federal legislation (HR 2404) requiring the federal government to notify local law enforcement agencies when federal parolees are introduced into local communities.

(Please refer to pages 33-37 for a more detailed list of specific conclusions and recommendations)

Going hand-in-hand with the development of the Commission's numerous recommendations is the expectation on the part of the Commission that these recommendations will be implemented. To oversee this effort, the Commission has proposed the establishment of a six-member interim group entitled the Implementation Review Committee. This interim body will be responsible for monitoring and assisting in the implementation of the Commission's recommendations.

After six months, the Attorney General's Commission on Narcotics will reconvene and meet with the Implementation Review Committee to discuss the progress made in implementing the specific recommendations contained in this report.

ATTORNEY GENERAL'S COMMISSION ON NARCOTICS
FINAL REPORT

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**I. ESTABLISHMENT OF THE COMMISSION
AND THE REPORT PREPARATION PROCESS**

A. COMMISSION MEMBERSHIP

On June 8, 1983, Attorney General John Van de Kamp announced the formation of an Attorney General's Commission on Narcotics with the primary goal of examining what has been called the Number 1 crime problem in this nation — Narcotics and Illegal Drugs.

Chaired by Los Angeles County Sheriff Sherman Block, this nine-member Commission is composed of law enforcement officials from throughout California including four sheriffs, four chiefs of police, and one district attorney.

Following is the Commission's membership:

Sherman Block (*Chairman*)
Sheriff
Los Angeles County

Edwin L. Miller, Jr. (*Vice Chairman*)
District Attorney
San Diego County

Oren R. Fox, Sheriff
Imperial County

Daryl F. Gates, Chief
Los Angeles Police Department

John P. Kearns, Chief
Sacramento Police Department

William B. Kolender, Chief
San Diego Police Department

Salvatore V. Rosano, Chief
Santa Rosa Police Department

Tim Shea, Sheriff
Mendocino County

Robert E. Winter, Sheriff
Santa Clara County

As reflected by the above membership list, care was taken to ensure that the composition of the Commission contained some of the best strategic minds and administrators from within California's law enforcement community. Not only do these individuals command the respect of their peers, they each brought a certain expertise, insight, and experience regarding various aspects of this state's illegal drug problem, which laid the foundation for a comprehensive examination.

Specifically, the Commission is comprised of individuals from major urban areas with their inherent distribution and trafficking problems; from rural sections of California which have fallen victim to illegal marijuana cultivation activity; from border interdiction jurisdictions; and from other areas of the state which are utilizing multi-agency enforcement resources in an effort to combat their respective drug problems. In addition to its four sheriffs and four chiefs of police, the Commission membership also includes a district attorney with national prominence. District Attorney Ed Miller is the current President of the National District Attorneys Association. His prosecutorial expertise was a vital asset in accomplishing the Commission's goals and objectives.

Mr. Glen Craig, Director of the Division of Law Enforcement, California Department of Justice, and former Commissioner of the California Highway Patrol, served as Executive Director of the Commission. His Division's Bureau of Criminal Statistics and Special Services and Bureau of Narcotic Enforcement provided extensive technical and staff support to the Commission.

All members served on the Commission at no cost to the State of California other than nominal meal and lodging per diem reimbursement for expenses incurred on meeting dates.

B. GOALS AND OBJECTIVES

Recognizing that the ultimate key to reducing illegal drug activity lies in our ability to reduce the *demand* for these substances, the law enforcement community has an integral *supply reduction* function to perform. Consequently, while this report does provide specific recommendations to deal with the demand side of the illegal drug problem, its primary focus is to improve law enforcement's ability to impact the production, distribution, and trafficking of these illegal drugs.

With its *action-oriented* membership, the Attorney General's Commission on Narcotics conducted an intensive seven-month examination of this state's narcotic and illegal drug problem to provide a foundation for a consolidated and coordinated drug enforcement strategy based upon: 1) improved problem assessment capabilities; 2) greater inter-governmental cooperation; 3) specific tactical improvements; and 4) enhanced support operations. Within these four general categories are contained nine distinct subject matter areas including:

1. Problem Assessment

Inasmuch as the perception of our current drug problem is based upon limited data, a refinement of our present problem assessment capability was felt to be fundamental to any type of effective long-term drug enforcement strategy.

2. Inter-Governmental Roles and Responsibilities

With unique narcotic enforcement roles, statutory authority, and resources existing at the local, state and federal levels of government, special attention was expended in examining this interrelationship and the associated potential benefits that exist through maximum cooperation and coordination.

3. Tactical and Operational Improvements

Drawing on their extensive law enforcement experience and knowledge of narcotic enforcement operations, Commission members centered much of their attention on examining the operational and tactical aspects of existing narcotic enforcement efforts. Based upon this analysis, recommendations were developed to address perceived deficiencies in a number of law enforcement functions including:

- Resource inventory and allocation;
- International production and importation of illicit drug supplies;
- Drug enforcement operations in California; and
- The illegal diversion of prescription drugs.

4. Critical Support Functions

In addition to recommendations for specific line law enforcement improvements directed at narcotic and illegal drug suppression, the Commission also suggested improvements in a number of support areas, all of which play a critical role in any effort to successfully address this state's drug problem.

Specifically, these areas include:

- The need for increased educational and prevention efforts;
- Improvements within the prosecutorial/judicial/correctional components of our state's criminal justice system; and
- Legislative recommendations.

Each of the above is addressed in substantial detail in Section II, Findings and Recommendations.

C. REPORT DEVELOPMENT PROCESS

Working under a seven-month deadline, the Commission adopted a data gathering process involving a series of one- and two-day monthly meetings held throughout the state. Specific locations included Sacramento (two meetings), San Jose (one meeting), Los Angeles (two meetings), Long Beach (one meeting), San Diego (one meeting), and San Francisco (one meeting).

While the meeting agendas varied as to the specific subject matter discussed, the report represents a compilation of: 1) testimony from leading federal and state drug enforcement officials; 2) independent research efforts conducted by Division of Law Enforcement staff in response to Commission requests; 3) input from the Commission members' individual narcotic unit commanders; and 4) internal discussions and debate amongst Commission members.

The testimony of federal officials addressing the Commission touched on a number of important issues including the 1982 Federal Strategy for Prevention of Drug Abuse and Drug Trafficking, federal task force operations within California, border interdiction efforts established by the National Narcotic Border Interdiction System, and diplomatic efforts carried out by the Secretary of State's Office to reduce foreign drug production. A list of those officials who addressed the Commission, along with a summary of their comments, is contained in Appendix B of this report.

As the Commission's data gathering and fact finding efforts progressed, it quickly became apparent that many of the areas being examined were of such a complex nature they could individually be subjects of detailed, long-term studies. Consequently, in preparing this report, the Commission elected to adopt a format which presents a brief yet comprehensive summary of its major findings and recommendations. Excess narrative which simply reiterates common knowledge on the seriousness of the drug problem in this nation and the commitment of law enforcement to effectively contain its spread was not included.

The Commission's report concentrates on itemizing those important aspects of our drug enforcement effort needing the most attention. This is accomplished by analyzing the overall drug enforcement problem through an intensive examination of the separate program areas listed on pages 4 and 5 under "Goals and Objectives." Each of these nine areas represents a key and integral part of any overall narcotic enforcement effort. Each section consists of introductory comments followed by a succinct listing of key findings and suggested recommendations.

This report was prepared with the recognition that it represents the first of a series of needed studies on California's drug problem. The Commission hopes this report will bring about necessary enforcement improvements and will lead to other more intensive research efforts on a number of subjects identified as being important areas needing further examination.

II. FINDINGS AND RECOMMENDATIONS

INTRODUCTION

California's illegal drug problem is fueled by two key factors: 1) the supply and availability of drugs in the illicit marketplace, and 2) the demand that exists among users for these substances. Correspondingly, any long-term drug abuse reduction is dependent upon achieving cuts in both the supply *and* demand of illegal drugs. While certain segments of our community are best suited to deal with the demand aspect of the drug problem through innovative educational programs, prevention efforts and treatment facilities, the law enforcement community has a vital role to play in these efforts by reducing the production, distribution, and marketing of these substances.

The phrase *war on drugs* probably best depicts the attitude which exists within California's law enforcement community toward its efforts to gain control over the ever-changing illicit drug industry in California. This Commission would be remiss if it did not candidly state at the outset of this report that we are presently fighting an uphill battle. Out-staffed, out-equipped, and out-financed by the illicit drug industry, our future effectiveness will be directly dependent upon the development of a united response involving all segments of our society including law enforcement, other segments of the criminal justice system, schools, business, private citizens, the medical community, the military, the media, governmental representatives, religious institutions, and social science professionals.

The Commission is in complete agreement with FBI Director William Webster's statement of February 10, 1983 that drug trafficking is clearly this nation's Number 1 crime problem. In fact, California, with its unique geographic location, its topographic characteristics, its extensive coastline, its open international border with Mexico, its numerous seaports and uncontrolled airports, and its large mobile population, has become one of this nation's primary focal points for illegal drug production, importation, distribution and consumption.

California is home to nearly 25 million residents and contains several of this nation's largest metropolitan areas including Los Angeles, San Diego, San Francisco, San Jose, Oakland, Fresno, and Sacramento. Located on the western edge of the United States, California's geographic position, with its extensive coastline and sheltered harbors, makes it a major worldwide commercial transshipment and distribution artery. Its topographical features provide a diversity of physical terrains ranging from rugged coastlines and southeast arid sections, to its flat agricultural valley and expansive forested areas in the north. While being a state of considerable physical size, the various sections of this state are efficiently linked through an intricate network of air, sea, train, and highway transportation systems. Unfortunately, while these distinctive features form the basis for part of California's popularity and prosperity, they also serve in attracting our existing illicit drug industry.

As we reflect on the current level of drug activity, we appear unable to extricate ourselves from the ever-increasing influence of drug usage in all segments of our community. Words like *uppers*, *toot*, *ludes*, *acid*, *freebase*, and *sinsemilla*, which once were terms foreign to most, are now becoming an accepted part of the American vocabulary.

The growth in the use of illicit drugs has been phenomenal, and its increased availability is no doubt a key factor in its widespread use. According to published statistics, this increase has been most dramatic over the past two decades. In 1962, less than four percent of the population had ever used an illegal drug. In 1982, according to the National Institute on Drug Abuse, 33 percent of Americans age 12 and older reported having used marijuana, hallucinogens, cocaine, heroin, or psychotherapeutic drugs for non-medical purposes at some time during their lives. More disturbing, perhaps, are figures stating that 64 percent of American youth have tried an illegal drug before completing high school, and more than one-third have used drugs other than marijuana according to another 1982 national institute study. The age levels of some of these youth also dramatizes the significant problems with which we are dealing. A survey conducted in a San Francisco Bay Area junior high school indicated that 25 percent of those 12–14-year-old students surveyed regularly smoked marijuana twice or more a week.

Equally alarming is the increased violence and secondary crimes associated with illegal drug trafficking. In addition to the dangerous protective measures taken by criminals to hide their illegal marijuana cultivation activities (e.g., trip wires tied to shotguns, guard dogs, electrical fences, pungi sticks, etc.), violent criminal acts have taken place between competing drug criminal elements. Crimes involving criminal behavior that have occurred as a direct result of drug consumption (physiological effect), as well as various income-generating crimes, have also made a significant portion of our state's population innocent victims of illegal drug activities.

Based upon input from California's law enforcement community, together with expert testimony provided by federal officials, the Attorney General's Commission on Narcotics has identified and focused attention on nine key areas which are central to the development of an effective statewide narcotic suppression program. They are:

1. Problem Assessment
2. Resource Inventory and Allocation
3. International Drug Supplies
4. Delineation of Inter-Governmental Roles and Responsibilities
5. Drug Suppression Efforts Within California
6. Abuse of Prescription Drugs
7. Prosecutorial/Judicial/Correctional Support
8. Need for Increased Educational and Prevention Efforts
9. Legislative Recommendations

This report provides a detailed look into each of these nine areas and their interrelationship. Each section contains a general overview and discussion of the specific subject matter, a summary of key conclusions reached by the Commission, and a listing of specific recommendations intended to alleviate perceived deficiencies and, in so doing, contribute to the development of an effective narcotic enforcement capability.

1. PROBLEM ASSESSMENT

DISCUSSION:

Over the past decade, illegal drug activity has expanded dramatically. This has resulted from substantial increases in the demand for these drugs and increases in the quantities and availability of these substances in the marketplace.

In examining the supply side of this equation, we believe both the varieties and amounts of controlled substances found in the illegal marketplace are enormous. In addition to imported heroin and cocaine, California has also become a *source* state for the illegal diversion of prescription drugs, the manufacturing of illicit drugs via clandestine laboratories, and more recently, the cultivation and distribution of domestically grown cannabis (marijuana). Add to this the production and sale of look-alike drugs, the increasing use of various other caustic chemicals coupled with recent advances in synthetic drug production, and one begins to appreciate the tremendous complexity inherent in attempting to reduce the availability and supply of illegal drugs in California.

In addition to the sheer diversity and quantities of drugs illegally produced and marketed in this state, the drug enforcement problem is further complicated by the intricate link that exists between drug usage and other types of crime. To fully appreciate the total impact illegal drug activities have on our society, one has to recognize the wide variety of types of crimes committed by these drug offenders. Specifically, this spectrum of crimes falls into five major classifications:

1. Crimes involving the illegal production, distribution, marketing, possession, and usage of illicit drugs.

While we will never know the true number of total illegal drug transactions that occur in this state due to the unreportable nature of such activities, the Department of Justice does collect statistics which show there were over 68,000 known felony drug law arrests made during 1982 in California. This figure does not include additional misdemeanor arrests.

Equally as alarming as the sheer numbers of individuals arrested for drug law violations is the unprecedented volume of controlled substances seized during the course of these arrests. Examples:

- Failures in inventory control systems at a San Francisco Bay Area warehouse of one of the nation's largest drug companies which apparently led to the illegal diversion of more than 16.7 million codeine tablets.
- A Lassen County sheriff's deputy stumbled upon what officials call the largest cocaine seizure on the west coast. This seizure involved 673 pounds of cocaine worth an estimated \$170 million.
- In September, law enforcement officials arrested four men and seized the largest methamphetamine laboratory ever found. The lab could have manufactured about 2,000 pounds of methamphetamines worth from \$20 to \$30 million.
- On January 31, 1983, Los Angeles County sheriff's deputies, together with state narcotics agents, seized 231 pounds of cocaine worth an estimated \$50 million, which police called the biggest seizure in southern California.

2. **Criminal behavior which is a direct result of drug consumption and its associated physiological impact.**

The Sacramento Bee recently carried an article entitled "Dad Held in Beheading Claims Drug Addiction." Specifically, a Maryland man was charged with decapitating his 14-month-old son on Christmas Day while claiming the baby was "Jesus reborn." The man stated he was addicted to the hallucinogenic drug PCP and claimed that "whatever happened, that was not me in control."

3. **Crimes committed by criminal elements against one another to gain or to maintain control and ensure the functioning of illicit drug production capabilities, distribution channels, and marketing operations.**

Examples:

- An attempted theft of more than \$60,000 worth of marijuana from an isolated Sonoma County hillside which resulted in the death of a rival criminal cultivator.
- A number of deadly booby traps have been encountered during recent marijuana raids in northern California, ranging from electric fences and trip wires to pungi sticks and rat traps tied to shotgun shells, all intended to serve as perimeter protection of illegal marijuana gardens from law enforcement authorities and rival criminal cultivators.
- Reported homicides in Humboldt County increased from seven in 1981 to nineteen in 1982. This increase in homicides is believed to be directly tied to increased marijuana cultivation activities.
- In December 1983, a 14-year-old Fremont girl was brutally tortured and murdered for *snitching* on a small junior high school drug-dealing operation.

4. **Crimes committed by drug users to support their drug habits, e.g., burglary, robbery, prostitution, etc.**

Current figures estimate that more than 80 percent of heroin users engage in crime to support their habit. These crimes include drug trafficking, prostitution, burglary, and robbery. In early 1983, Attorney General William French Smith reported on a study which revealed that 234 heroin addicts allegedly committed more than 500,000 crimes during an 11-year period.

5. **Various other drug-related crimes such as the unregulated flow of cash (illegal drug profits); theft of boats, aircraft, etc., used to transport drugs; the use of toxic substances (herbicides, pesticides, etc.) in the illegal production of cannabis; and the dumping of toxic wastes produced during clandestine drug laboratory operations.**

Examples:

- According to the Drug Enforcement Administration (DEA), the sellers of cocaine are expected to earn over \$35 billion in illegal drug profits. This unregulated flow of cash is subsequently laundered through a variety of business and financial institutions.
- Largely in response to the tremendous increase in illegal drug profits, the number of banks in Anguilla (a Caribbean tax sanctuary) has increased from three in 1980 to 96 currently.
- In February 1983, the U.S. Senate's Permanent Subcommittee on Investigations issued a report that perhaps best summed up the problems associated with the unregulated flow of cash from illegal drug activities. The report stated that "even large banks with no genuine cash-flow emergency prefer to close their eyes to the source of their deposits and thus accept dirty money."

- California's recently concluded pilot project, Campaign Against Marijuana Planting (CAMP), found a number of environmental crimes being carried out by criminals in association with the illegal cultivation of marijuana on public lands. These crimes included the unauthorized use of pesticides, herbicides, fertilizers; radical clear-cutting for widespread cultivation; the intrusion of unauthorized dirt access roads into planting areas; the reduction of limited natural wildlife habitats; the increased incidence of fire; loss of accessibility and use of these public lands by the general public; and the pollution of local ground water supplies.

Establishing the financial parameters of our national illicit drug problem has proven extremely difficult. While there is common agreement among law enforcement experts that the profits generated from illegal drug trafficking are astronomical, specific dollar figures quoted have proven to be largely speculative at best, ranging from \$20 to \$100 billion.

- Dr. Martin Kurke of the House Select Committee on Narcotics Abuse and Control stated the Internal Revenue Service (IRS) estimates illegal drug sales account for unreported income in the range of \$20 to \$40 billion.
- Vice President George Bush, in remarks before the National Press Club on June 17, 1983, stated that millions of Americans will spend approximately \$100 billion on illicit drugs.
- A report by the National Governors Association, and a report by Joseph Califano on Drug Abuse and Alcoholism, stated illegal drug sales represent an \$80 billion underground enterprise.

The amounts and variance of these figures serve to make two key points: 1) It establishes the sheer enormity of the problem; and 2) it illustrates how speculative our information is in this area.

While we have been able to gain a general perception of the relative complexity of California's illicit drug problem, our ability to accurately gauge its true depth and constantly shifting trends has proven very limited. Unfortunately, these problem assessment difficulties are not confined only to California, but are shared on a national level as well. While data does exist describing arrest and seizure figures, price/purity comparisons, medical community incidents, etc., from which law enforcement has developed its enforcement programs and made internal resource allocation decisions, such data sources represent but small windows through which we are able to observe only small portions of the overall problem.

While these data sources have been of assistance to the law enforcement community in the past, they have inherent limitations due to various collection and methodological deficiencies and suffer somewhat from a lack of uniformity, standardization, comparability, and proven validity. Consequently, the Commission clearly recognizes the need for more expanded, refined, and validated data, as well as for the need to undertake new research efforts. As in many other disciplines, the need for more accurate and detailed information is a key to better understanding and more effectively responding to our complex drug problems. As our ability to map the dynamics of the drug problem improves, so will our ability to effectively establish a more responsive enforcement strategy.

As a catalyst for such research efforts, the Commission has developed and recommends the implementation of a new problem assessment model that will provide a more accurate picture of the state of the drug problem in California. Recognizing the vast array of variables that have some influence on marketing trends and drug use patterns, the proposed model will attempt to gauge the drug problem in a particular area utilizing a wide variety of data elements. The problem assessment model will be overseen by representatives from all segments of the community, and will attempt to incorporate any unique characteristics that may exist within a particular community.

The successful development and implementation of this enhanced problem assessment model is important to the future success of our narcotic enforcement efforts. While there is little disagreement over the perceived magnitude of the problem, the effective deployment of our limited enforcement resources will require the best information possible if we expect to maximize its effectiveness. Consequently, support and funding for this problem assessment effort must be viewed with the same priority as requests for line enforcement resources because accurate information is the foundation of effective decision-making.

CONCLUSIONS:

1. An understanding of the controlled substance abuse problem in California is extremely difficult because of the complex nature of the problem itself and the extreme difficulty in measuring it.
2. After a review of over 200 books, articles, and journal reports, the conclusion was reached that the state of existing knowledge is not generally applicable to describing, understanding, measuring, and accurately assessing the nature and scope of the drug problem in California.
3. There is a need for greater refinement and validation of the data currently collected. A similar need exists to carry out future research efforts aimed at examining various empirical and theoretical relationships between data elements.
4. Raising the level of knowledge beyond a basic state is, in part, hampered by five complex factors present to some degree in every community. These factors include:
 - The diversity of controlled substances (both legal and illegal) utilized in each separate community and the changing pattern of abuse.
 - The dynamic nature of communities in general, their changing population patterns, social interaction, and changing values.
 - The inadequacy of existing data (reliability and validity) and the imprecision of research design, methods, and techniques to evaluate the extent and scope of the problem.
 - The limited comprehensive strategies available to combat the problem.
 - The lack of full coordination of the various resources employed to control the problem.
5. Effective deployment of narcotic enforcement resources is dependent upon an accurate assessment of California's narcotic problem, along with an ability to monitor shifting production and marketing trends.

RECOMMENDATIONS:

The Commission recommends that the Attorney General initiate the creation and implementation of a problem assessment model that will provide a more accurate picture on the state of the drug problem. Specifically, the model is intended as a method for the collection and analysis of selected data within a particular area to measure the type and extent of the drug problem in an effort to help local communities deal more effectively with their controlled substance abuse problem. The recommended model should consist of:

1. Local law enforcement agencies permanently establishing Controlled Substance Abuse Policy and Evaluation Boards within their communities. These Boards should evaluate local drug abuse conditions in the community and develop policy recommendations for addressing the local controlled substance abuse problem. Other proposed functions of these Boards include determining community perception of the problem and identifying and documenting unique drug-related community characteristics.

2. The creation of an information system at the local level that would input controlled substance abuse indicator data. These indicators will include:
 - Controlled substance-related arrests
 - Controlled substance seizures
 - Controlled substance abuse-related deaths
 - Treatment facility admissions
 - General crime and arrest statistics
 - Number of prescriptions (triplicate) written
 - School disciplinary actions related to instances of drug abuse
 - Hospital emergency room episodes
 - Arrests for driving under the influence of drugs (residence of arrestee).
3. The compilation of locally-collected drug abuse indicator data will be combined with geographically-coded data from the U.S. Census Bureau in order to map the locations of drug abuse incidents by census tract. This combining of data is made possible through the GBF/DIME (Geographical Base/Dual Independent Mapping Encoding File). It is hoped that such a collection of data will lead to:
 - Baseline data on the amount of drug abuse-related activity within the community by location of the incident, arrestee/victim characteristics, type of substance, etc.
 - Trend data indicating increases or decreases in drug activity, changes in the type of substance, the changes in high activity centers, etc.
 - A method to evaluate the application of different controlled substance abuse enforcement techniques.
 - A method for evaluating the relationship of controlled substance abuse to crime.
4. It is recommended the local law enforcement communities utilize the resultant data provided by this model in the development of any proposed enforcement strategy and associated deployment of resources.

NOTE: See Appendix A for the full detailed report on the development and implementation of the "Community Controlled Substance Abuse Assessment Model."

2. RESOURCE INVENTORY AND ALLOCATION

DISCUSSION:

While the evils of the illicit drug industry have been continually documented and articulately discussed time and time again, there appears to be a general lack of willingness and/or ability to provide the level of financial support necessary to carry out the most effective drug suppression programs. If drug enforcement is a top priority among our citizens, a commensurate level of financial assistance should be committed to the problem. It seems clear from the Commission's research that current levels of local, state, and federal law enforcement resources are insufficient to deal with the magnitude of today's illicit drug problem.

With budget reductions being carried out by many cities throughout this state over the past few years, many local law enforcement agencies find themselves barely able to do more than respond to emergency calls for service. In fact, the combination of historically higher crime rates; other increased workload demands placed on local law enforcement by their general citizenry; personnel limitations; and stagnant, if not reduced, fiscal resources has manifested itself in a number of tangible ways. These include: 1) lack of police coverage; 2) reduced personnel on shift; 3) the telephoning in of reports on certain types of crimes; 4) the closing of public access counters after certain times; 5) less than 24-hour service; 6) increased use of reserves and volunteers; 7) slower response times; 8) the prioritization of calls for service; and 9) lack of backup protection for officers in hazardous situations.

Going hand-in-hand with the need for additional financial support is the need for a more detailed and continuing assessment of the drug enforcement resources (personnel, equipment, budgets, number of one-officer units, etc.) that exist throughout California at the local, state and federal levels. The narcotic problem in California is not an individual jurisdictional problem contained by local political boundaries. It is more often regional in scope, which necessitates the development of a regional suppression program involving the accompanying deployment of drug enforcement resources on a multi-jurisdictional basis.

CONCLUSIONS:

1. The law enforcement community is presently devoting inadequate resources to effectively eradicate California's illegal drug problem. Estimates of peace officer personnel involved in drug suppression activities have remained low and virtually unchanged over past years in spite of a significant rise in drug trafficking activities. There is a need to budget additional officers to concentrate on the sophisticated illegal drug networks operating in this state.
2. While there is a general acknowledgement that funds and manpower resources dedicated to narcotic suppression activities are extremely low, a more detailed assessment accurately documenting the extent and use of such resources needs to be made and maintained.
3. Those areas of the state most susceptible to clandestine drug production and smuggling are those large rural areas of the state which, due to their limited economic base, are least equipped to deal with the scope of the problem.
4. The recent passage of an enhanced *asset forfeiture* bill may in the future assist law enforcement through the possible seizure and forfeiture of assets (funds, vehicles, equipment, real estate, etc.) found to be used for facilitating the unlawful production and distribution of various types of controlled substances. While this bill provides for the establishment of a Narcotic Assistance and Relinquishment by Criminal Offender (NARCO) Fund and may prove to be of some financial assistance in the future, it does not supplant the need for local and state governments to make permanent financial commitments to narcotic enforcement programs.

RECOMMENDATIONS:

1. The Department of Justice should conduct a more extensive and detailed inventory of all local, state and federal drug enforcement resources dedicated to drug suppression in California. This study should document the budgetary resources devoted by each agency toward narcotic enforcement, their equipment inventories, and the number of full-time/part-time personnel participating in task forces and other drug suppression programs, including the extent to which regular patrol officers find themselves involved in these suppression activities.
2. Additional financial resources must be redirected to local and state drug enforcement efforts if we are to have any chance of significantly controlling the production, distribution and consumption of illegal drugs.
3. Every law enforcement agency, regardless of its size, should have a person(s) or unit specifically designated to handle drug enforcement responsibilities. A resident expert in this field is critically important regardless of the size of the agency.
4. Private/corporate institutions should be surveyed by local agencies for their direct involvement in various drug prevention and education projects.
5. The recently established NARCO Fund should be viewed as a possible means of financing some of the Commission's suggested recommendations. Specifically:
 - Guidelines should be developed to govern the distribution of these funds to reflect a priority commitment to finance the recommendations contained in this report.
 - The Commission should also have input into the development of any funding guidelines and program priorities proposed by the state's Department of Mental Health relative to the distribution of that portion of the NARCO Fund which is specifically earmarked for education and prevention activities. Such involvement can aid in ensuring maximum compatibility with efforts carried out by the state's law enforcement community.

3. INTERNATIONAL DRUG SUPPLIES

DISCUSSION:

While California has taken on more of a *drug producer* profile over recent years, the vast majority of certain types of illegal drugs purchased and consumed in California (heroin, cocaine, cannabis) are believed to be the result of foreign production and illegal importation. The difficulties associated with controlling foreign production have been described as very complex. The U.S. State Department's Bureau of International Narcotic Matters, which is responsible for diplomatic and other program efforts to reduce the supply of illicit and dangerous drugs entering the United States, uses a wide variety of methods in its efforts to achieve such success. These include crop eradication and control programs, law enforcement assistance, the training of foreign law enforcement personnel, development assistance to provide economic alternatives to farmers, and technical assistance for demand reduction programs.

While the federal government has been successful in achieving some success in certain countries, severe political and economic obstacles sit as roadblocks to any type of long-term drug production reductions. These include: 1) the inability of various governments to assert control over particular growing regions in their own countries; 2) their lack of response to U.S. influence; 3) the overproduction of various drug inventories; 4) organized opposition by source country's farmers who depend on narcotic production as a cash crop; and 5) possible political corruption and complicity by senior government officials within foreign source countries. It is also important to keep in mind that while most illegal drug production occurs in foreign countries, these supply levels are in direct response to unprecedented demand levels from our own domestic population. Based upon this demand, an international market has been produced in California.

While the Commission fully appreciates the diplomatic and political complexities that exist in dealing with these *source* countries, efforts and resources dedicated to the destruction of foreign drug supplies could, in the Commission's opinion, be strengthened. In addition, while interdiction efforts carried out by the U.S. Coast Guard, military organizations, and the U.S. Customs Service have been well planned and executed, the levels of illegal importation greatly exceed their ability to make a meaningful impact. The limited drug enforcement resources available to the U.S. Coast Guard to service the state's 1,200-mile-long coastline, along with similar limitations in U.S. Customs Service resources to prevent the flow of illegal drugs across the California/Mexico border, hamper their chances for overall success.

To have any real impact on foreign production and interdiction, the federal government must exert more influence on those countries involved in the production and exportation of illegal drugs into California, as well as the rest of the nation. This may require the imposition of strict sanctions on any economic, military, and political aid that may have been given to such countries.

Responsibility for drug eradication in foreign countries and the interdiction of illegal drugs into the United States is largely a federal responsibility. Consequently, the federal government should continue to expand its efforts to effectively deal with this menace.

In our efforts to reduce foreign drug production, we must bear in mind that the level of effort expended by foreign governments will be influenced by their perception of our domestic resolve to eradicate those controlled substances for which we are the source. It is only by setting an example of our own national determination through aggressive drug eradication efforts that we can expect foreign governments to respond with equal enthusiasm.

The international drug market is a complex entity. Our local, state and federal drug enforcement efforts not only have a direct impact on our own domestic drug problem, but also play a critical role in efforts to control international drug supplies.

CONCLUSIONS:

1. The majority of illegal drugs (heroin, cocaine, cannabis) purchased and consumed in California are the result of foreign production and illegal importation.
2. The federal government has primary responsibility for reducing the production and subsequent importation of illegal drugs from foreign sources into this country. While individual efforts have met with some success, increased levels of enforcement activities need to be instituted to more effectively deal with the eradication of these illicit drugs.
3. U.S. military resources have been insufficiently committed to providing maximum assistance in drug interdiction efforts.
4. While foreign drug production is at an all-time high, these production levels are largely influenced by demand levels established by our own population.
5. Efforts to impact the levels of foreign drug production are affected by the level of intensity and aggressiveness of our own domestic drug enforcement efforts.

RECOMMENDATIONS:

1. The imposition of stronger diplomatic sanctions should be considered against those countries involved in the illegal production of narcotics and other illicit drugs.
2. Danger from drug production should be viewed in the same light as a direct military threat against the national security of this country. Correspondingly, the federal government should substantially expand the role of military forces in air and sea interdiction.
3. Efforts being undertaken by the Drug Enforcement Administration, U.S. Customs Service, the U.S. Coast Guard, and the recently enacted National Narcotic Border Interdiction System (NNBIS) should be substantially expanded and coordinated if they are to have any marked impact on this nation's international drug interdiction efforts.
4. Federal drug enforcement resources (agents, equipment) should be increased within source countries in order to have an effective and measurable impact in reducing source country drug production.
5. The California Congressional delegation should actively lobby for increased efforts to be expended on foreign source country drug eradication programs.
6. The United States must demonstrate, through aggressive drug enforcement programs, our national resolve to eradicate those drugs for which we are the source if we expect to receive the maximum potential response to our requests that similar actions be carried out by foreign drug producing countries.

4. DELINEATION OF INTER-GOVERNMENTAL ROLES AND RESPONSIBILITIES

DISCUSSION:

The supply and availability of illegal drugs is tied to an intricate production, importation, distribution, and marketing network carried out on both foreign and domestic fronts. Therefore, the success of any concerted enforcement effort is inherently tied to the specific delineation of the roles and responsibilities of not only the levels of government (local, state and federal) involved in drug suppression, but also the roles, resources, and responsibilities of the various drug enforcement agencies that exist at each of these levels.

It is clear that if we are to impact the supply, availability, and use of illegal drugs we must carefully assess where in the enforcement spectrum (from producer to user) we can hope to achieve the most impact from our limited resources. Experience has shown the most effective approach to dealing with the supply side is to attack drug production at its most vulnerable point — *its source*. This requires that source crop eradication efforts must be more vigorously carried out in foreign countries by federal authorities. California's state narcotic enforcement resources have a similar responsibility for addressing the supplies of those illegal drugs for which our state has become a source (sinsemilla, prescription drugs, and clandestine drug lab inventories). Local law enforcement, in turn, can have the most effective impact by concentrating on the opposite end of the enforcement spectrum — *the user*. Removing users from the marketplace can have a dramatic impact on reducing other types of *habit-supporting* crimes such as burglary, robbery, prostitution, and trafficking.

If there has been one positive outgrowth from our increased drug enforcement problems, it has been the recognition by the local, state, and federal narcotic enforcement communities that in order to have any type of long-term success in combating the expanding narcotic and controlled substance market in this state, we must join hands and combine our distinct statutory authority, our unique talents, and our enforcement resources into one commonly accepted and integrated effort.

Such an effort must consist of a strategy based upon an inter-governmental commitment which: 1) centers on the recognition that the efforts to suppress the supply of drugs in this country can be most effectively addressed at its source; 2) specifically delineates the appropriate roles and responsibilities for each level of government involved in California's statewide narcotic enforcement operations; 3) draws on the needed resources available to each level of government; and 4) acknowledges the need for inter-governmental planning and cooperation.

In response to this need, the Narcotics Commission has developed a list of operational responsibilities recommended for each level of government. This listing serves as a clear statement of this state's inter-governmental narcotic enforcement expectations.

CONCLUSIONS:

1. The ultimate success of drug eradication efforts in California is contingent upon the development of an integrated enforcement program incorporating the skills, authority and resources of local, state, and federal law enforcement agencies.
2. Efforts to impact the supply of drugs in this state can be most effectively addressed at its source.
3. Each level of government is uniquely equipped to handle particular aspects of drug production, distribution, and consumption problems (e.g., federal government for reducing foreign drug production, state government for eradicating large statewide drug production, and local governments to deal with localized drug distribution and consumption activities).

4. There is the need to develop an *inter-governmental* commitment between those local, state, and federal narcotic enforcement agencies having specific drug enforcement responsibilities.
5. Existing intelligence resources should be tailored to effectively respond to such an *inter-governmental* enforcement effort.

RECOMMENDATIONS:

1. The achievement of any long-term success in the area of narcotic enforcement will be contingent upon the development of an integrated enforcement effort among local, state, and federal drug enforcement agencies. Because of their unique statutory authority, program expertise and available resources, each level of government has a special and vital role to play. Specific recommended responsibilities for each level of this *inter-governmental* commitment are as follows:

- a. **Local Government**

- Conduct ongoing investigations which address their community's drug enforcement problem.
- Respond to visible community problems attributable to drug users.
- Participate in inter-governmental investigations.
- Ensure adequate resources are available for tactical and strategic operations.
- Assist in assessing their community's drug enforcement problem.
- Assist in forming task forces on an as-needed basis which will bring resources together to address the drug enforcement problem.
- Identify training needs and ensure an adequate level of training is provided.
- Request assistance from or refer investigations to state, federal, and other local agencies when appropriate.
- Develop and participate in drug education and public awareness activities.
- Provide input into the state and federal drug enforcement strategy development process.

- b. **State Government**

- Provide leadership through coordination of resources and tactical and strategic operations.
- Ensure both manpower and material readiness through training and resource inventory maintenance.
- Conduct inter-governmental investigations.
- Provide short-term assistance to local enforcement agencies in the special aspects of enforcement actions demanding expertise and resources beyond existing limitations.
- Form short-term strike forces to concentrate on solving visible, immediate drug law enforcement problems demanding expertise and resources beyond existing limitations.
- Participate in and assist in forming permanent task forces which bring city, county, state, and federal resources together on a long-term basis to more effectively address local drug law enforcement problems.
- Investigate and monitor the flow and diversion of pharmaceutical controlled substances.

- Refer appropriate investigations to local, federal, and other state agencies.
- Participate in drug education and public awareness programs.
- Identify training needs and make available the appropriate training.
- Provide input into the federal drug enforcement strategy development process.

c. **Federal Government**

- Eradication of crops in source countries.
 - ~~Impose strong diplomatic sanctions against source countries which do not conduct vigorous eradication efforts.~~
 - Interdiction of controlled substance shipments before they reach the United States.
 - Undertake international and interstate investigations of appropriate level violators.
 - Support of local and state efforts to eradicate domestically-produced cannabis, clandestine laboratories, and the illegal diversion of pharmaceutically controlled substances.
 - Provide leadership, coordination, and financial support of enforcement, legislative, data collection/information, and training efforts of state and local authorities.
 - Conduct training.
 - Assess the national drug law enforcement problem.
 - Refer appropriate level investigations to state and local authorities.
2. Each drug law enforcement agency should secure the assistance of other governmental agencies at its level (e.g., IRS, state and federal military, U.S. Immigration and Naturalization Service, state and local Departments of Health, U.S. Treasury, etc.) which can provide a positive support contribution to overall narcotic enforcement efforts being carried out by a suggested *local-state-federal* multi-governmental drug suppression commitment.
 3. The Attorney General shall monitor and report on the progress and success of this proposed inter-governmental enforcement commitment.
 4. The Attorney General should serve in a leadership capacity in working with California's Legislature, its Executive Branch, and its Judiciary in communicating the needs of California's law enforcement community relative to drug enforcement.

5. DRUG SUPPRESSION EFFORTS WITHIN CALIFORNIA

DISCUSSION:

In addition to the serious problems associated with heroin and cocaine abuse resulting from their importation from foreign source countries, we are now beginning to see a major change in the nature of California's illicit drug market. While historically a drug importing state, California has now taken on the role of a producer of illicit drugs. Over the past few years, California has become a major source of domestically-grown cannabis, drugs produced by clandestine laboratories, and the illegal diversion of prescription drugs into the illicit marketplace.

As it is the federal government's responsibility to control the supply and importation of heroin, cocaine, and cannabis produced by foreign countries, we have a commensurate responsibility to address the supply of those drugs produced in California. Such an enforcement emphasis is in recognition of law enforcement's ability to be most effective in suppressing drugs at their source of production.

Intensive enforcement efforts jointly conducted by local, state, and federal law enforcement agencies on drug supplies for which California has become a source have resulted in some encouraging success. Specifically, inter-governmental enforcement efforts aimed at eradicating domestically-grown marijuana, the diversion of pharmaceutical drug supplies into the illicit marketplace by medical practitioners, and the reduction of clandestine laboratories have proven to have a promising long-term potential impact. It is this cooperative spirit which has materialized between the various levels of government that holds the key to the success of our future enforcement efforts against drug abuse.

A good example of the success of this inter-governmental rapport and coordination is California's recently completed pilot project entitled Campaign Against Marijuana Planting (CAMP) which has been viewed as a model program for other states in an effort to crack down on domestically-produced marijuana. This successful 1983 prototype project brought local, state, and federal law enforcement and natural resource agencies together to address a common problem. Through the development of a single operational plan and command structure, over 40 agencies combined forces in a well-planned and executed enforcement operation which resulted in the seizure and destruction of an estimated \$130 million worth of illegal marijuana. This command structure, which reduced any potential duplication of effort, was able to maximize its limited available resources.

While local law enforcement has attempted to fulfill its primary responsibility for drug control through concerted street enforcement activity, there has been increasing support for an expanded number of regional task forces to deal with the multi-jurisdictional nature of criminal drug activity.

These task force operations are viewed as a key to maximizing the effectiveness of this state's limited narcotic enforcement resources. In addition to their effectiveness in interdicting heroin and cocaine, such joint task force operations have proven especially important in those rural areas of the state which, while suffering from the greatest lack of narcotic enforcement personnel, find themselves viewed as prime sites for the illegal cultivation of marijuana and the production of illicit drugs by clandestine laboratories because of their rural characteristics and sparse populations.

Task force operations have been found to be successful in reducing jurisdictional issues and focusing limited manpower in a manner which achieves maximum results. For smaller counties, a narcotics task force may be the only trained and equipped unit capable of performing intensive specialized enforcement duties.

As part of their responsibilities, it is important that such task forces give increased attention to the financial aspects of drug trafficking. This involves the stockpiling and laundering of the large amounts of illegal profits normally associated with drug trafficking. With the state's recently expanded *asset forfeiture* law, the potential for fatally crippling a particular drug network may be enhanced through the possible confiscation of all monies and assets which can be traced to illegal drug activities. While dealers may have been able to survive the financial consequences tied to the loss of a particular drug shipment in the past, a criminal's entire financial assets are now open to possible confiscation. Data measuring the results and impact of this new law should be collected and analyzed over the course of the coming year to specifically determine the true potential of this financial weapon. In addition to this new enhanced state law, local law enforcement agencies should also become more conversant with similar existing federal regulations.

In addition to inter-governmental programs and increased task force operations, increased communication and contact between narcotic enforcement unit managers is also viewed as an important factor in the overall success of California's narcotic suppression efforts. The establishment of a forum and communication network through which task force managers and narcotic unit supervisors can interact and exchange ideas can serve many important functions, including: 1) information and intelligence exchange; 2) help break down any jurisdictional conflicts that may arise in enforcement operations; 3) help ensure our overall state strategy is being carried out by our local law enforcement community in a uniform manner; and 4) possibly serve as a forum through which requests for the funding of special projects could be funneled in the future.

Public sentiment against the illegal production, sale, and use of controlled substances has never been stronger. This increased intolerance toward illegal drugs has been demonstrated in many ways. Specifically, news editorials have displayed an increased conservatism in this area. In addition, the public's support for increased drug suppression efforts, the passage of increased penalties for drug violations by our state legislators, and the opinion of the law enforcement community all support this conclusion. Whatever support had existed in the past regarding the legalization or decriminalization of marijuana or any other controlled substance has been significantly diminished. This current public sentiment against illegal drugs serves as a solid foundation for needed and desired increased drug enforcement efforts.

CONCLUSIONS:

1. Drug activity has continued to increase over the years, exceeding the capabilities of existing enforcement resources to deal with it.
2. California has acquired more of a source country profile over recent years with the production and distribution of marijuana, prescription drugs, and clandestine produced controlled substances.
3. California, due to its coastline, unique geographic and topographic characteristics, border access, and its large and diverse population base, has become a major entry, distribution and marketing location within the United States for internationally produced drugs.
4. Drug enforcement and eradication efforts in California are important not only in addressing domestic drug concerns, but also in that they serve as an example of our domestic resolve to address illegal drug activity. This, in turn, has a positive impact on our diplomatic drug suppression efforts throughout the world.
5. Task force operations are viewed as a key to maximizing the effectiveness of this state's limited narcotic enforcement resources and for responding to the multi-jurisdictional nature of criminal drug activity.

6. California's clandestine lab problem includes not only the production of illicit drugs which cause serious abuse problems, but also safety hazards resulting from potential fires, explosions, and the illegal dumping of toxic wastes.
7. California has made a concerted effort to control the illicit flow of precursor chemicals used to manufacture controlled substances. While this effort has been very effective, drug producers can still gain easy access to these source chemicals through purchases from border states that have no such controls.
8. Ecological damage is occurring on our public lands from the illegal cultivation of marijuana. Specific types of damage include use of pesticides and herbicides, development of dirt access roads, increased threat of fire, reductions in limited wildlife habitats, pollution of natural water sources, clear-cutting, and the loss of accessibility and use of the areas by the public.
9. Increased communication and contact between California's narcotic enforcement unit managers is viewed as an important element in the overall success of any statewide narcotic enforcement effort.
10. Due to the widespread and expansive drug networks that exist, local governments can find themselves unable to effectively deal with drug problems affecting their communities through a localized effort alone.
11. Law enforcement agencies involved in drug control have had mixed opinions regarding the compilation, access, quality, and exchange of drug intelligence information.
12. Financial and manpower resources are presently at insufficient levels to have a significant impact through drug interdiction.
13. The recently enhanced state *asset forfeiture* law provides law enforcement with an expanded enforcement capability by impacting criminals where it hurts the most — in their pocketbooks. Data on the impact of this legislation (e.g., dollars collected, disbursements, number of cases, length of time between confiscation of assets and its disbursement to law enforcement, etc.) should be monitored and evaluated.
14. Federal asset forfeiture laws, due to their far more encompassing nature, can provide local law enforcement with another valuable drug enforcement tool. Efforts should be taken to become thoroughly familiar with these federal provisions.
15. The California law enforcement community, as well as the general public, is clearly opposed to the legalization or decriminalization of marijuana or any other illegal drugs.

RECOMMENDATIONS:

1. State drug enforcement efforts should be enhanced and expanded to address those drug supplies for which we are the source (domestically-grown cannabis, prescription drugs, and substances manufactured by clandestine laboratories).
2. The Commission strongly endorses the continuation and expansion of the Department of Justice's inter-governmental Campaign Against Marijuana Planting (CAMP) program. This program has also served as a message to foreign source countries that we are seriously involved in the eradication of our own domestic drug supplies.
3. The Commission advocates the use of defoliants and herbicides within the United States and in foreign countries where adequate safeguards can be provided. A decision on their use should be based on an analysis of the costs involved, possible health concerns, environmental problems, and constraining topographic characteristics of the proposed target sites.

4. The Attorney General should take the lead in approaching environmental groups to educate them in the ecological damage occurring on our public lands due to illegal marijuana cultivation and clandestine laboratories and to solicit their support in returning these areas to the safe recreational use of our citizens.
5. Additional controls should be enacted to deal with precursor substances commonly used in the production of illegal drugs, including the initiation of federal efforts to impose upgraded and standardized national regulations governing the purchase and distribution of these precursor materials. Other legislative improvements are also needed to assist in the detection, interdiction, and prosecution of drug traffickers (see "Legislative Recommendations" section).
6. Encourage the continued formation of regional task forces to best deal with the multi-jurisdictional nature of criminal drug activities. These task forces should be structured in such a manner to most effectively respond to the unique narcotic enforcement needs of each particular area.
7. Additional training should be provided to local law enforcement personnel to assist them in becoming more conversant and knowledgeable about the ever-changing illegal drug trafficking industry.
8. The Attorney General should undertake a comprehensive review of all narcotic information systems having a potential impact on California's narcotic enforcement activities. This survey should identify the systems available (interstate, intrastate, regional, and local); numbers and names of member agencies in each system; types and quality of information retained; its timeliness; access and exchange guidelines; unnecessary duplication of information; linkages between systems; and the extent of use by California's law enforcement community.
9. Solicit the expanded involvement of state National Guard and federal military resources to supplement limited local/state manpower in appropriate enforcement operations.
10. The Attorney General should take the lead in establishing a forum and communications network for narcotic unit managers through which task force managers and/or narcotic unit supervisors can interact with one another, exchange ideas, and coordinate activities.
11. Local law enforcement agencies should acknowledge the value of meeting their respective community's demands for drug control through concerted street enforcement activity.
12. The illegal accumulation of financial assets through drug trafficking activities should be a primary focus of many major drug trafficking investigations.
13. The Attorney General's Office shall educate local law enforcement agencies on the specific provisions of the recently enhanced state narcotic *asset forfeiture* bill. Specific data regarding its operation (e.g., number of cases, dollars involved, types of reimbursement claims made against the fund, elapsed time between actual confiscation and eventual disbursement, administrative procedures, etc.) shall be monitored and evaluated. Based upon its analysis of these data, the Attorney General shall develop appropriate legislative revisions to respond to any perceived needed changes.
14. Local law enforcement agencies should become more aware of various federal asset forfeiture provisions that exist. By becoming familiar with the far more encompassing nature of these federal statutes, they will find themselves with another valuable enforcement tool.

6. ABUSE OF PRESCRIPTION DRUGS

DISCUSSION:

An important but often unrecognized part of the state's drug problem is attributable to the illegal diversion of legally manufactured and controlled pharmaceutical substances into the illicit marketplace by pharmacists and medical practitioners (doctors, dentists, veterinarians, etc.). When people think of California's drug problem, they tend to have in mind the illegal sale and use of heroin, cocaine, and marijuana when, in fact, there is an equal potential for abuse through the illegal diversion and use of prescription drugs.

The volumes of prescription drugs utilized in this state are enormous. Over 1.2 million prescriptions for all Schedule II controlled substances are filled throughout California each year. Schedule II represents that category of drugs having the highest potential for abuse and addiction (e.g., cocaine, morphine, amphetamines, and barbiturates). The volume of prescriptions for those substances belonging to the next category of drugs (Schedule III) is even higher. In 1982, over 2.4 million Schedule III prescriptions involving codeine were filled as part of the Medi-Cal program alone. It is this Schedule of drugs which currently presents the greatest potential for illegal diversion.

While we are familiar with the danger and abuse associated with illicit drugs such as heroin, cocaine, PCP, marijuana, etc., the abuse resulting from the illegal diversion of prescription drugs is equally alarming. Prescription drugs have been noted to cause more medical emergencies and deaths than all illicit drugs combined. A study by the federal General Accounting Office indicated that in 1980 prescription drugs accounted for more than 75 percent of the drugs named in all emergency room cases nationwide. While most of these drugs are utilized for legitimate medical purposes, the potential for their abuse necessitates that strict dispensing controls exist to minimize the threat of their illegal diversion.

Due to their potential for abuse, California has worked toward controlling and monitoring the dispensing of dangerous prescription drugs since 1939 through a system entitled the Triplicate Prescription Program. Utilizing special triplicate prescription blanks issued by the Department of Justice's Bureau of Narcotic Enforcement (BNE), doctors are required to use these special prescription blanks for dispensing any Schedule II controlled substances. This program has proven very effective in not only deterring the potential illegal diversion of these substances by medical practitioners and pharmacists, but also serving as a tool for state administrative boards, such as the Board of Medical Quality Assurance, in developing training programs for medical practitioners who may be prescribing inappropriately.

The control of prescription drugs is a very specialized area of drug enforcement almost entirely performed by state and federal agencies. In California, the issuance and monitoring of state triplicate prescription blanks represents the final control in the distribution of these controlled substances which begins with the manufacturer.

Unfortunately, there is little uniformity in the quality of controls placed on the monitoring of prescription drugs between states. Few states have any real meaningful prescription controls and even in California, which serves as a role model to other states, there is poor coordination between the various state and federal data bases that exist to document the nationwide flow of these controlled substances from manufacturers to wholesale chemical/pharmaceutical houses and ultimately to hospitals, pharmacies, and/or individual practitioners.

CONCLUSIONS:

1. The abuse of prescription drugs represents a significant portion of today's drug problem, possibly equal to that of illicit drugs.
2. While California's current regulations and procedures over the distribution of controlled substances by medical practitioners are the *state-of-the-art*, access to nearby states with less stringent laws provides a haven to those practitioners illegally prescribing and dispensing controlled substances to California residents. Greater emphasis by state and federal drug enforcement agencies should be focused on this aspect of the drug problem.
3. While the Triplicate Prescription Program is an effective method of controlling and monitoring the dispensing of Schedule II drugs, other available information systems reflecting the distribution and dispensing of prescription drugs are not being effectively utilized or coordinated.
4. The massive amounts of Schedule III drugs (particularly codeine compounds) that exist presents a ready source for potential illegal diversion.
5. The prosecution of physicians, pharmacists, and other licentiates for illegally diverting controlled substances into illicit channels is not pursued with sufficient intensity to match the magnitude and seriousness of these violations.

RECOMMENDATIONS:

1. Reductions should be instituted in the federal production quotas of Schedule III drugs. It is this category of prescription drugs that we are currently finding to be the most highly abused.
2. Existing state and federal data systems used to track the production and flow of prescription drugs into and throughout California should be thoroughly inventoried and carefully interfaced with one another. This can be valuable for monitoring and identifying possible instances of abuse and illegal diversion.
3. Preventing and deterring the diversion of prescription drugs must be assigned a high level of enforcement priority. The Commission recommends that an increase in state and federal enforcement personnel be provided to meet the demands of this heightened enforcement priority.
4. There is a need to institute uniform national controls over the distribution and dispensing of prescription drugs. A uniform national approach will ensure that controls are placed on the monitoring of prescription drugs between states.
5. A more intensive prosecutorial effort encompassing the funding of additional prosecutors should be directed against licentiates involved in the illegal diverting and/or dispensing of prescription drugs.

7. PROSECUTORIAL/JUDICIAL/CORRECTIONAL SUPPORT

DISCUSSION:

While the law enforcement community can be expected to enforce the narcotic laws of this state to eradicate the production, distribution, trafficking, and use of illicit drugs, the ultimate success of such efforts is largely influenced by the attitude and capability of the prosecutorial, judicial, and correctional components of our criminal justice system to respond to such enhanced enforcement efforts.

There is a need to ensure that drug violations are actively pursued by all segments of the criminal justice system. To this end, narcotic offenses must be assigned the high priority they deserve by our state's prosecutorial units. Such prosecutions must also be followed by the imposition of harsh penalties by our judicial system which reflect the damage such crimes impose on our society. Correspondingly, our correctional system must also be capable of responding to this intensified prosecutorial effort. Financial decisions regarding prison capacity must reflect the public's desire for increased safety.

The Commission is sympathetic to the obstacles facing the prosecutorial, judicial, and correctional components of our criminal justice system in responding to the Commission's call for increased attention. Heavy court dockets, inadequate resources, prosecutorial and judicial staff deficiencies, unreasonable exclusionary rule decrees, and correctional facility housing limitations are very real barriers that must be immediately addressed if we are to expect a total *system* response to increased drug suppression efforts.

The Commission has developed a number of specific recommendations designed to deal with existing system deficiencies, as well as carrying capacity limitations that exist within the criminal justice system.

Without a criminal justice system that is fully integrated and responsive to any increased drug enforcement efforts we may propose, all we will succeed in accomplishing is additionally clogging our already over-crowded system.

CONCLUSIONS:

1. Prosecutors are hindered by heavy court dockets and inadequate resources to adequately respond to drug trafficking cases.
2. Alternative and creative approaches to drug prosecution and better coordination among court circuits to deal with multi-jurisdictional cases are needed.
3. Prosecutors state they find drug cases more time-consuming and cumbersome to prosecute because of the high number of legal motions usually involved. The view held by many judges and prosecutors that drug cases are somewhat insignificant in relation to the amount of time and effort they consume has resulted in many defendants being allowed to plead to charges with lesser penalties simply as a means of moving these cases through the criminal justice system.
4. Widespread dissatisfaction exists over the present exclusionary rule. Common sense improvements can be made in this area which will achieve a reduction in prosecutorial tensions, yet adequately protect individual constitutional guarantees.

5. An inadequate number of correctional facilities exist to house the increased numbers of criminals (including drug offenders) coming into our state's penal system.
6. More appropriate sentences need to be imposed on criminals convicted of drug offenses. While the maximum penalties for many drug offenses have risen over the past few years, judges have made infrequent use of these increased maximums, especially as they apply to cases involving commercial drug dealers.

RECOMMENDATIONS:

1. Inasmuch as maximum sentences for drug violations are infrequently imposed, presumptive sentences should be established.
2. Increased funds should be allocated for the construction of necessary correctional facilities at both the local and state levels to house convicted drug criminals.
3. Drug violators must be assigned a high priority by prosecutors at all levels of government.
4. Funding alternatives should be developed to provide for additional drug enforcement prosecutors to respond to existing case backlogs.
5. The Attorney General should survey and make recommendations on the possible need for special state support services to aid local governments in their prosecution of major drug cases.
6. The Attorney General and California's district attorneys should work together to create and implement a training program aimed at educating judges and prosecutors on the serious nature of drug cases to ensure they are prosecuted to the fullest extent of the law in spite of the time required for processing. Such vigorous prosecution is required for a meaningful deterrent to be established to achieve a reduction in the unacceptably high level of drug-related crimes that currently exist.
7. Current dissatisfaction with the present exclusionary rule could be reduced by: 1) ensuring that more consistency develops relative to the application of the exclusionary rule; 2) the introduction of a *good faith* exception; and 3) providing California's law enforcement community with periodic training from prosecutorial agencies on changes made in search and seizure laws.
8. The Attorney General should urge prosecutorial officials at the local, state, and federal levels to coordinate their efforts whenever possible to minimize duplication of effort and maximize the potential impact of their joint prosecutorial resources.
9. The State Legislature should attempt to streamline the existing court process to provide for the fair and swift adjudication of major criminal cases (e.g., swifter jury selection, reduction in continuances, motion limitations, etc.).
10. The State Legislature should give special attention to the funding of additional judicial positions to cope with existing and projected backlogs.
11. Bail levels should be increased for serious drug cases. In addition, a detailed examination should be undertaken on the use of bail by drug offenders during their appeal process.

8. NEED FOR INCREASED EDUCATIONAL AND PREVENTION EFFORTS

DISCUSSION:

While California's narcotic enforcement operations can have a definite impact on the availability of drugs in the street and thus affect the *supply* of illegal drugs in the marketplace, similar efforts must be made to impact the *demand* side of this enforcement equation if we are to achieve any type of long-term success.

Each segment of our society has the potential for making a significant contribution in reducing this *demand*. In addition to improved drug enforcement efforts, additional emphasis should also be initiated to deal with our drug problem in a preventive mode through the development and implementation of effective education and treatment programs.

California, like the rest of the nation, is beginning to experience a new aggressive anti-drug abuse movement — a movement headed by parents, educators, and health professionals. The recent airing of the PBS program entitled *The Chemical People* is a clear example of this rallying together of various citizen groups. Narrated by First Lady Nancy Reagan, this anti-drug series was viewed in over 10,000 town hall meetings throughout the nation and has served as the catalyst for bringing citizen groups together and suggesting educational and prevention projects that each group can undertake to deal with its own youth drug problem.

California's law enforcement community is also cognizant of the importance that such education and prevention programs can have in reducing the demand for illicit drugs. Consequently, increased efforts are being undertaken in our schools to carry out such prevention efforts directed at educating our youth on the dangers and hazards of drug involvement. Examples of two such noteworthy projects are the Los Angeles County Sheriff's Department's *Safety Star* program, and the Los Angeles Police Department's recently initiated *Drug Abuse Resistance Education* (DARE) program. The *Safety Star* program is an educational effort directed at young children in kindergarten through third grade and is designed to educate these children during their formative years on the importance of using various potentially hazardous objects and substances properly. In addition to tools and matches, these discussions also concentrate on the dangers of misusing *medicines* and household chemicals. The DARE program utilizes ten officers in conducting a series of anti-drug lectures to over 35,000 Los Angeles city school students.

The Commission feels it is of paramount importance that such efforts on the part of parents, teachers, community groups, and the business community be endorsed and actively sponsored to the extent possible by California's law enforcement community. It is only through a marriage of these various segments of our community that we can hope to have a successful long-term impact on drug use in this state.

CONCLUSIONS:

1. Enforcement activities primarily deal with the *supply* side of the drug problem equation. Full success cannot be achieved unless a significant impact is made on the *demand* side of the problem as well.
2. A consistent and organized exchange of drug prevention information and ideas among leaders of the public and private sectors does not exist.

3. The ultimate long-term success of drug control efforts is not possible without a marriage of the law enforcement community, private industry, the prosecutorial/judicial arena, the educational and medical communities, the Legislature, the media, and parent/youth groups, all of which need to be supported by an educated and involved public.

RECOMMENDATIONS:

1. The Department of Justice should develop an inventory and conduct an evaluation of existing private-sector drug prevention programs. This includes the business community, fraternal organizations, and private citizen groups. In working with the Implementation Review Committee (see Section III: Implementation Review Committee, page 41), those prevention programs deemed to be the most effective and having the greatest potential for success should be identified and prepared for possible statewide distribution.
2. A similar inventory and evaluation should also be taken of all existing governmental drug prevention programs, as well as those developed by the education and health communities. Those programs deemed to be exemplary in nature shall also be identified and packaged for possible dissemination throughout the state's law enforcement community.
3. The state's law enforcement community should actively endorse and participate in community drug prevention projects (e.g., *The Chemical People*).
4. The Attorney General's Office should establish a forum for news media professionals to heighten their awareness and knowledge about California's illegal drug problem. Such a forum would: 1) discuss the issues; 2) involve professional experts in the field; 3) provide a valuable educational experience; and 4) establish formal information and communication contacts for the dissemination of drug enforcement and prevention information.
5. The Attorney General should work with the State Superintendent of Public Instruction to accurately and fully analyze the true extent of this state's increasing school drug problem and develop prevention and treatment programs specifically designed to deal with its reduction.
6. The Attorney General should work with the local law enforcement community in developing an educational package which addresses the *law enforcement* perspective on drug abuse to complement other educational and treatment programs currently available.
7. Local law enforcement agencies shall actively work in securing the support of the private/corporate community to fund and/or develop local drug education and prevention programs.

9. LEGISLATIVE RECOMMENDATIONS

DISCUSSION:

The Legislature has a critical role to play in law enforcement's ability to stem the increasing drug problem in this state. Specifically, they possess the power to provide increased financial assistance to local and state law enforcement agencies to support increased narcotic suppression activities. They are also able to make operational improvements in our state's narcotic enforcement capability, as well as serving as authors and sponsors of legislative proposals aimed at improving our ability to detect, interdict, prosecute and incarcerate drug offenders. It is through this body that we can make great inroads in attaining the commitment necessary to deal with the magnitude of the drug problem.

One of the primary tasks undertaken by the Commission has been the development of a recommended legislative package which will serve to: 1) improve law enforcement's drug enforcement capability through the increased use of electronic surveillance; 2) increase penalties for the manufacturing of controlled substances; 3) improve the state's control over the possible diversion of prescription drugs; and 4) alert citizens to the true dangers associated with various types of marijuana offenses.

In addition to proposing specific legislative actions, the Commission feels it is also important that a strong and open relationship exist between California's law enforcement community and our state legislative and congressional bodies. As indicated in the following recommendations, our legislative officials should be thoroughly educated on the extent of California's drug problems and effectively lobbied to serve as the conduit for obtaining needed improvements.

CONCLUSIONS:

1. California's law enforcement community should take additional steps to enhance its relationship with our State Legislature and our Congressional representatives.
2. Additional legislative reforms are necessary to assist the criminal justice system in effectively dealing with this state's expanding drug problem.
3. California's Congressional delegation and State Legislators must be thoroughly educated on the exact scale and scope of illegal drug activities occurring in California and lobbied to carry out a number of needed improvements crucial for effective drug suppression efforts.

RECOMMENDATIONS:

1. The Attorney General should undertake immediate action to ensure that the entire California Congressional delegation is thoroughly educated on the extent of known drug activities taking place in California so they may:
 - a. Collectively express the concern of the state for a high-priority response to current interdiction and eradication efforts;
 - b. Support increased federal efforts in the control of precursor chemicals and prescription drugs;
 - c. Collectively request the expanded use of federal military resources to supplement our current enforcement efforts;

- d. Request that increased diplomatic sanctions be imposed on *source* countries;
 - e. Obtain additional financial resources to support increased local and state drug enforcement efforts; and
 - f. Introduce and support key federal legislative proposals aimed at improving our capability to detect, interdict, and prosecute known drug offenders.
2. The Attorney General should also ensure the California State Legislature is similarly educated on the extent of California's known drug problem so they may:
- a. Understand the concern of the state's law enforcement community for a high-priority endorsement to current interdiction and eradication efforts;
 - b. Appropriate additional funds for improved local and state drug enforcement activities;
 - c. Support the passage of drug enforcement legislative proposals recommended by the Commission;
 - d. Support the funding of additional judicial and correctional resources to meet the success of increased drug enforcement activities; and
 - e. Streamline existing court procedures to provide for the swift and fair adjudication of major drug offender cases.
3. The following list of specific drug enforcement legislative proposals has been recommended by the Attorney General's Commission on Narcotics:
- a. **Methamphetamine Production**
 The proposed bill would add Phenyl-2-Propanone, a clandestinely-synthesized precursor, to the list of Schedule II controlled substances. This proposed action would assist law enforcement in controlling the widespread manufacturing of methamphetamine in the State of California.
 - b. **Increased Penalties for the Manufacturing of Controlled Substances**
 The proposed bill would mandate a minimum five-year state prison sentence for all persons who are convicted of manufacturing Schedule II controlled substances.

 Recently, law enforcement officials have discovered that cocaine is being imported into the United States in the form of a paste and is processed here because the cost of the chemicals used in the processing are less expensive and are more readily available here than abroad. While current law prohibits the possession of cocaine for sale, no specific prohibition exists against the processing or manufacturing of cocaine.

 The Commission proposes a bill which will prohibit the illicit processing of cocaine and punish those who violate this provision in the same manner as those who sell or transport cocaine.

 This bill would also serve as a deterrent to other ever-increasing instances of clandestine drug manufacturing taking place in California.
 - c. **Counterfeit Triplicate Prescription Blanks**
 No law currently exists which precludes the illegal manufacture and/or possession of counterfeit triplicate prescription blanks. These are official prescription blanks issued by the state Bureau of Narcotic Enforcement (BNE) and used by medical practitioners for prescribing various controlled substances. This problem of counterfeit blanks has expanded significantly over the last few years.

This bill would make the manufacturing, altering, and possession of counterfeit triplicate prescription blanks a felony.

d. Injurious Devices: Marijuana Cultivation Sites

During the recent CAMP operation, a wide variety of injurious and potentially lethal devices were encountered during raids on marijuana cultivation sites. Such devices included electric wires, devices triggering the discharge of shotgun shells, projectiles containing caustic substances, etc.

This bill would make it a crime to possess, buy, sell, manufacture, and/or transport such devices. Violation of this law would be punishable by imprisonment in the state prison.

e. Uniform Controlled Substances Act

A bill is being developed which will make changes in the state drug schedules in the Uniform Controlled Substances Act to conform to federal schedules. While these state schedules were originally patterned after federal law, differences now exist between the state and federal schedules which should be reconciled.

f. PCP Crimes: Granting of Probation

Existing law allows a court to grant probation to defendants possessing up to one-half ounce of phencyclidine (PCP) for sale. To take advantage of this one-half ounce *probation window*, PCP is normally sold in one milliliter (one-third ounce) quantities. This bill would respond to this one-third ounce marketing strategy by imposing a mandatory prison sentence upon anyone possessing more than one-eighth ounce of PCP for sale.

g. Possession of Marijuana: \$100 Fine

Current law provides for a fine of not more than \$100 for individuals found guilty of possessing less than one ounce of marijuana. In developing an effective drug enforcement strategy, it is important that realistic penalties be imposed on the users of these illegal drugs which reflect the serious nature of these crimes. The lenient punishment that presently exists for the possession of less than one ounce of marijuana only serves to undermine existing drug enforcement efforts.

The Commission advocates the elimination of Section 11357(b) of the Health and Safety Code (\$100 fine) and instead calls for the possession of any amount of marijuana to be punishable by imprisonment in the county jail for a period of not more than six months, or by a fine of not more than \$500, or both.

h. Furnishing of Marijuana: \$100 Fine

Current law provides for a fine of not more than \$100 for individuals found guilty of furnishing (giving away) less than one ounce of marijuana. Even sales of marijuana involving less than one ounce are being treated as *mere furnishing*. Cases involving quantities of more than one ounce are punishable by prison sentences of two, three, or four years.

To take advantage of the lenient punishment that exists (\$100 fine) for quantities of less than one ounce, we are finding that individuals belonging to larger commercial enterprises are distributing marijuana in quantities of less than one ounce. This is especially true regarding marijuana transactions involving juveniles. By always having less than one ounce in their possession at any one time, these criminals minimize the existing enforcement risk.

This bill would remove this \$100 exemption. Instead, an amendment would be made to Health and Safety Code Section 11360(a) that would make sales of *less than 1 ounce* a felony punishable by imprisonment for a term of 16 months, two years, or three years. Such provisions provide the judge with sentencing discretion to individually deal with the severity of each case.

i. Possession of Marijuana on School Grounds by an Adult

Current penalties for the possession of marijuana by an adult on school grounds (grades K–12) provide for a maximum of ten days in jail and a \$500 fine.

It is the Commission's belief that such a crime should not be a divertable offense. Consequently, an amendment to the current statute should be developed which calls for a mandatory minimum sentence of 10 days and a maximum of 90 days with no possibility of diversion under Penal Code Section 1000 to ensure that some jail time is served by any such non-student adult offender.

j. Marijuana Found in an Automobile

Additional penalties are needed to address a growing concern over those who use their vehicles to transport personal supplies of marijuana or as a place to share the consumption of marijuana while driving on the public highways.

Specifically, the Commission calls for a bill which would make it a full misdemeanor for any person to knowingly drive or ride in any vehicle on a public highway carrying any marijuana or to knowingly possess or have marijuana under that person's control.

k. Electronic Surveillance

A bill should be introduced which would provide local law enforcement with a wiretap capability in certain limited types of major investigations. The Commission recognizes the need for instituting careful controls to ensure all wiretap requests adhere to carefully structured procedures.

Specifically, the Commission recommends that any request for the use of electronic surveillance must be initiated by the head of the requesting law enforcement agency to the district attorney. The district attorney, if he concurred, would formally request such approval from the Presiding Judge of the Superior Court, or a designee, assigned responsibility for hearing *all* requests for electronic surveillance.

The proposed bill would also mandate that the Attorney General monitor and inventory all requests for electronic surveillance and report these findings to the State Legislature.

l. Destruction of Evidence

The Commission recommends that legislative remedies be explored to better deal with the pragmatic problems and safety concerns associated with the storage of large quantities of controlled substances that are confiscated during enforcement operations yet needed for subsequent prosecutorial proceedings.

With the confiscation of tons of marijuana, millions of clandestinely-produced pills and capsules and kilos of cocaine and heroin, typical of today's drug enforcement operations, there is a need to provide for the immediate destruction of the bulk of these materials to alleviate storage problems, the chances of its possible theft, and the dangers inherent with storing certain types of possible volatile substances.

One possible option may be to provide for the retention of eight ounces of the substance for evidence purposes supported by a video tape which would visually dramatize the size/volume of the original cache of confiscated materials.

m. **Notification of Local and State Law Enforcement Agencies Regarding the Release of Federal Parolees**

Statistics indicate that 30 percent of all federal parolees were incarcerated for crimes involving illegal drugs. If we are to comprehensively plan for the safety of our communities, it is important that local and state law enforcement agencies be knowledgeable of the presence of convicted felons who are introduced into our local communities by the United States Parole Commission.

To address this concern, the Attorney General's Commission on Narcotics strongly supports the passage of federal legislation (HR 2404) introduced by Congressman Robert Matsui which would make available valuable necessary information to local and state law enforcement agencies regarding the release of federal prisoners into residential community treatment centers, or the parole of federal prisoners directly into local communities.

n. **Problem Assessment Model**

The Commission recommends the immediate introduction and passage of a \$290,000 fiscal bill to provide first-year funding for the proposed *Controlled Substance Abuse Assessment Model*.

In our effort to most effectively attack the complex illegal drug problem facing this state, it is imperative that we obtain a more accurate assessment of the dynamics and scale of the problem as well as an ability to monitor and respond to shifting drug production and marketing trends.

The *Controlled Substance Abuse Assessment Model* recommended by the Commission is a pilot project intended to provide California's law enforcement community with such a capability. (See Appendix A for a comprehensive discussion of this project together with a detailed breakdown of the fiscal costs.)

o. **Asset Forfeiture**

The recently enhanced state *asset forfeiture* law provides law enforcement with an expanded enforcement capability by potentially striking drug traffickers where it hurts most — in their pocketbooks.

The Commission has recommended that the Attorney General's Office monitor and evaluate the operation of this new law. Based upon its findings, the Commission supports the passage of any recommended legislative changes necessary to remedy identified deficiencies as well as any substantive revisions to the law that are deemed necessary to help strengthen and maximize the impact that this potent financial tool can have in our drug enforcement efforts.

III. IMPLEMENTATION REVIEW COMMITTEE

IMPLEMENTATION REVIEW COMMITTEE

Going hand-in-hand with the development of the numerous recommendations put forth and endorsed by the Commission is the associated desire and expectation that these recommendations will be acted upon and implemented.

It is hoped that the recommendations developed in this report will help focus attention on this state's drug abuse and narcotic enforcement problems. It is extremely important that the energy and enthusiasm that have thus far developed not dissipate due to a lack of follow-up attention.

To ensure that we build upon the work accomplished to date, the Commission recommends the establishment of a new six-member interim group called the Implementation Review Committee. Composed of three members selected from the Attorney General's Commission on Narcotics and three members from the existing Advisory Board to the NARCO Fund, this Committee would be responsible for overseeing, monitoring, and assisting in the implementation of the Commission's recommendations. In fulfilling these responsibilities, the Implementation Review Committee should actively contact, consult, and work with those agencies (local, state, and federal) necessary to achieve the desired results.

Specific objectives of the Implementation Review Committee include:

1. Overseeing the enactment and future refinement of the Commission's recommendations.
2. Serving as the conduit between local and state law enforcement agencies relative to the development and implementation of the proposed Problem Assessment Model.
3. Serving as a communications link to the full NARCO Fund Advisory Board relative to the development of suggested program priorities and funding guidelines for the disbursement of these future asset forfeiture monies.
4. Reviewing and recommending proven successful drug prevention and education programs for possible statewide dissemination and implementation.

Staffed by the Attorney General's Office, the Implementation Review Committee should meet once a month following the completion and acceptance of the Commission's report. After six months, the Attorney General's Commission on Narcotics will meet with the Implementation Review Committee to discuss the progress made in implementing the Commission's recommendations.

IV. CONCLUSION

CONCLUSION

The past seven months have provided the Attorney General's Commission on Narcotics with a valuable opportunity to undertake a meaningful review of California's illegal drug problem.

Based upon input from federal, state, and local law enforcement representatives, coupled with independent research efforts carried out by the Commission's staff, the Commission believes it has succeeded in developing the foundation for a consolidated and coordinated drug enforcement strategy. As is evident from the many conclusions and recommendations put forth throughout this report, the full implementation of this strategy is dependent upon improvements being made in nine major areas. These include:

1. Problem Assessment
2. Resource Inventory and Allocation
3. International Drug Supplies
4. Delineation of Inter-Governmental Roles and Responsibilities
5. Drug Suppression Efforts Within California
6. Abuse of Prescription Drugs
7. Prosecutorial/Judicial/Correctional Support
8. Need for Increased Educational and Prevention Efforts
9. Legislative Recommendations

In addition to specific suggested system improvements, there is a joint recognition by the members of the Commission that the path to victory will be difficult. Ground will not easily be given up by the illicit drug industry. Progress will be attained only through a consolidation of resources and energies which is carefully directed at both the supply as well as the demand sides of our existing illegal drug problem.

In carrying out its drug suppression functions, California's law enforcement community can take satisfaction in the fact that public intolerance of illegal drug production and its use is steadily growing. National and state efforts (e.g., *The Chemical People*, school drug prevention efforts, education programs, community task forces, etc.) are continuing to expand and are representative of an increasing militancy exhibited on the part of society calling for the return of a drug-free culture.

While this report is primarily intended to provide **California's** law enforcement community with a detailed strategy for better responding to the challenge of minimizing the supply of illegal drugs in the marketplace, many of the conclusions and recommendations contained throughout the report are directly applicable to the illegal drug problems facing law enforcement throughout this nation. Many other states are only now beginning to undertake their first extensive enforcement operations against the drug problems existing within their respective borders. It is the hope of this Commission that the information contained in this report will be useful in developing other state drug enforcement strategies.

With other states following a similar path as California, a total *states* strategy can ultimately be formulated which will bring about needed improvements on a national scale.

V. APPENDIX A: PROBLEM ASSESSMENT MODEL

APPENDIX A PROBLEM ASSESSMENT MODEL

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INTRODUCTION

Problem

Controlled substance abuse and its measurement is one of our nation's most serious problems. Although progress has been made in some areas, the search for solutions remains foremost on the agendas of criminal justice administrators, educators, parents, and the community at large. Success in addressing this problem has been limited due to five complex factors that are present to some degree in every community.

- The diversity of the controlled substances (both legal and illegal) abused and the changing pattern of abuse.
- The dynamic nature of communities in general, their changing population patterns, social interaction, and changing values.
- The inadequacy of data and measurement techniques to evaluate the extent and scope of the problem.
- The lack of comprehensive strategies to combat the problem.
- The lack of full coordination of the resources employed to control the problem.

Proposal

The Controlled Substance Abuse Assessment Model presented here is intended as a method for the collection and analysis of selected data to measure the type and extent of the problem. The model's secondary purpose is to help local communities deal more effectively with their controlled substance abuse problem.

Objectives

The following comprises the objectives of the model:

- To develop a community organizational structure for implementing the **Controlled Substance Abuse Assessment Model**.
- To generate a community-based data collection system for selected controlled substance abuse indicators.
- To implement a method for correlation and analysis of controlled substance abuse data with census tract demographic data.
- To utilize a method which will yield data that will allow community, regional, and possibly statewide problem assessment and evaluation.
- To develop a *seriousness weighting* system to establish and/or demonstrate the relationship between controlled substance abuse and criminal activity.

Limitations

Commission staff have reviewed much of the literature on the measurement of controlled substance abuse. The data are generally of two types:

- Those based upon routinely collected general (usually summary) data such as controlled substance abuse arrests and seizures; or
- Special studies conducted in specific areas for short periods of time.

Neither of these types of data can be applied to our current problem because the routinely collected data are too generalized to give much insight to the details of the problem, and the small studies are time and location limited.

We are proposing that, on a community-by-community basis, some of the successful small study concepts be implemented and their operation be maintained indefinitely.

Three data problems exist regardless of what measurement method is used:

1. The controlled substance abuse indicators collected, even if reliability and validity posed no problem, are made up of complex variables over which no one has control. Indicators are not measures of causal connections among variables. Isolating the contributing factors of drug abuse may not be possible nor necessary to have this model succeed.
2. Data gathered will most likely *not* be comparable with historic data.
3. Once data are gathered, operating agencies will most likely react to the data; therefore, the baseline data will not stabilize for some time.

With these caveats in mind, it should be understood that the specific contents of the actual implemented model will require continual refinement and fine tuning. While difficulties will undoubtedly be encountered, implementation of the model is important so that five years from now California communities can know more and deal more effectively with the controlled substance abuse problem.

THE PROPOSED MODEL

Controlled Substance Abuse Policy and Evaluation Board

A Board should be permanently established within each community model area. The formation of the Board should be the responsibility of local law enforcement agencies and, at a minimum include representation from all law enforcement agencies, the education and medical professions, community drug treatment organizations, and the coroner's office, where it is independent of law enforcement. Each Board must:

- Develop a statement of authority and scope (although this will vary from community to community).
- Develop a statement of *major policies* for community agency involvement, policy analysis, access to data, etc.
- Identify, organize, and enhance the collection of community agency-based controlled substance abuse indicators.
- Document a *method* and time frame for the analysis and evaluation of controlled substance abuse.

Controlled Substance Abuse Indicator Data

Twenty-one controlled substance abuse indicators were reviewed as possible indices to be used in problem measurement. Of these 21, nine were identified (Part 1) as having actual or potential availability within local communities. They are:

- Drug law violation arrests.
- Drug seizures (drugs confiscated by law enforcement).
- Drug-related deaths.
- Drug abuse treatment admissions.
- General crime and arrest data.
- Number of prescriptions written.
- School disciplinary actions related to drug abuse.
- Non-fatal emergency room episodes.
- Arrests for driving under the influence of drugs (residence of arrestee).

It will be necessary for the Board to identify local sources of these data elements and others which they feel may be available in the community. Each indicator then must be standardized and a rigorous collection and coding system developed. Once this is accomplished, the indicator data may be placed in an automated data base to be correlated within demographic data.

Public and Expert Opinion Surveys

To determine the local community perception of the controlled substance abuse problem, periodic public and expert opinion surveys should be conducted. These surveys can be conducted:

- On a random basis to determine public opinion.
- Through cluster polling of organizations (PTA, service groups).
- Through Delphi — the use of multiple iteration questionnaires to identify expert consensus, and to measure unknown effects.

Methods for this polling should be developed during the initial pilot stage.

Identification and Documentation of Community Characteristics

Each community has unique characteristics which may affect its incidents of controlled substance abuse. These may be geographic (e.g., forest lands, coastlines, etc.); political (ports of entry, borders, military bases); seasonal (tourists, heavy snowfall), etc.

It will be necessary to identify and evaluate the effect of each community's unique characteristics upon its problem in order to properly integrate results from the model.

Controlled Substances Abuse Indicator/Community Demographic Analytical Reports

Correlation of the nine indicators with community demographics through the use of GBF/DIME (Geographical Base/Dual Independent Mapping Encoding File) can furnish local law enforcement agencies and Board with:

- Baseline data on the amount of controlled substance abuse-related activity within the community by location of the incident, arrestee/victim characteristics, type of substance, etc.
- Trend data indicating increases or decreases in drug activity, changes in the type of substance, the changes in high activity centers, etc.
- A tool to evaluate the application of different controlled substance abuse enforcement techniques.
- A tool for evaluating the relationship of controlled substance abuse to crime.

Because census tract data will be available from the U.S. Census Bureau, research on the demographic characteristics of drug abuse can ultimately be done. The potential is here to make this dynamic model have regional, state, and national value.

Maps and reports could be combined or aggregated with larger socially-defined neighborhoods, e.g., a community with 120 census tracts could be aggregated for analysis into 10 or 12 neighborhoods, each having 10 or more census tracts. Such aggregated analysis would help one better understand a community's drug problem in relation to census tract demographic variables.

Seriousness Weighting System

One of the objectives of this model relates to development of a *seriousness weighting system*. There are two aspects of this: one *comparative*, the other *predictive* or formula related. We propose using a composite index of indicators and adjust the index to population, thus creating *drug abuse or incident rates* that can be compared across communities. Secondly, in order to create a formula that demonstrates the relationship between controlled substance abuse and criminal activity, multiple regression analysis is proposed which creates a formula to connect several predictor variables (demographic and drug abuse indicators) with dependent outcome variables (e.g., crimes reported by type) involving criminal activity.

Implementation Plan

The following is a description of how a community might implement the model. First, the process will be for a state research implementation team to collect monthly data from community agencies and input data into a computer system which will generate most of the output. The minimum number of data elements needed are listed in Part 3. A detailed budget for the research implementation team can be found in Part 4.

Composition of the Team

The implementation team would consist of a Department of Justice (DOJ) Administrator I, three Research Analyst II's, and one Office Assistant II. The DOJ Administrator I would be implementation leader and oversee the entire operation. The three Research Analyst II's would work in various technical areas of data collection, analysis, and creation of the needed output. The Office Assistant II would provide typing and related clerical support.

Implementation Process

The team would move in sequence from one community to the next, leaving a staff member at each location to assure the smooth operation, consistency in data, etc. However, the state team would not build a major monitoring unit to implement this program in county after county. The initial program should be reviewed at the end of three years to determine if it is worth continuing based upon experience with the pilot project. EDP support for the model could be obtained from local support, state government, or by private contract. At the end of the pilot project, state staff should be replaced by local staff paid for by:

- Local funds
- OCJP funds
- Asset seizure funds

The state staff should thereafter be used to aid in:

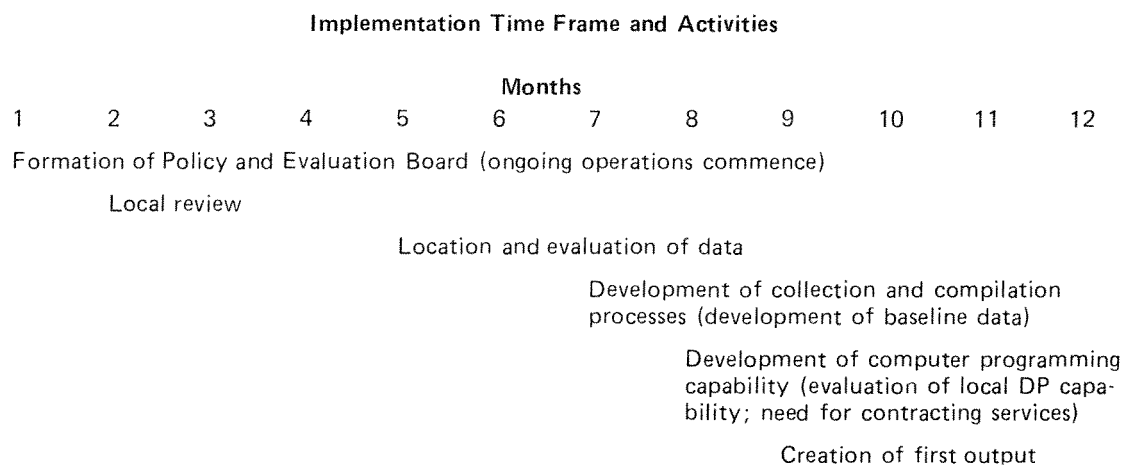
- Expanding the program to other communities
- Overseeing the comparability
- Analyzing the diversity of the program

Community Selection

Selection of target communities would depend upon several factors: 1) interest of local communities in using the proposed model; 2) demonstrated need, i.e., a high rate of controlled substance abuse (e.g., arrests for drug law violations, drug-related deaths, etc.) in the community by comparison to other communities; 3) resources available at the state level; and 4) potential for the local community to continue the operation of the data system after withdrawal of state resources.

General Time Lines

The following is suggested as one approach to implementation of the model as far as time frame is concerned:



APPENDIX A

PART 1

DRUG ABUSE INDICATORS EVALUATED

ATTORNEY GENERAL'S COMMISSION ON NARCOTICS

Controlled Substance Abuse Indicators Evaluation

Indicator:

Drug law violation arrests

Standardized Definition:

Drug law violations are defined in the Penal Code and Health and Safety Code

Availability of Data:

1977-82 Future Years

Yes Yes

Substances:

All drugs

Address/Location Availability:

Address of arrestee available from law enforcement and address/location of arrest

Data Source Category: ☒ Police
 ☐ Medical
 ☐ Schools
 ☐ Community

Data Source:

Bureau of Criminal Statistics
Local law enforcement agencies

Validity/Reliability of Data:

Number of drug law arrests varies with arrest policies and manpower resources of individual law enforcement agencies.

Influencing Variables:

The number of narcotic officers assigned and/or dedicated to enforcement
The degree of training of uniform divisions
A classification system for departmental policy, etc.
A procedure for making arrests by type of drug and by user/pusher classification

ATTORNEY GENERAL'S COMMISSION ON NARCOTICS

Controlled Substance Abuse Indicators Evaluation

Indicator:

Drug seizures (drugs confiscated by law enforcement)

Standardized Definition:

No known definition of a seizure. A more important distinction, however, is a definition of how drugs are measured. A guide to street-level value of narcotics and dangerous drugs is available.

Availability of Data:

1977–82 Future Years

BCS until 1981; only local law enforcement after 1981. It is unknown whether data were kept after 1981 by law enforcement

Substances:

All drugs

Address/Location Availability:

Law enforcement is a potential source for address/location of the seizure itself.

Data Source Category: ☒ Police
 ☐ Medical
 ☐ Schools
 ☐ Community

Data Source:

Bureau of Narcotic Enforcement
Local law enforcement

Validity/Reliability of Data:

Validity may be a problem. Seizures known depend upon law enforcement activity in this area. What is tapped is a measure of successful law enforcement activity related to drugs; the universe of all drug routes or supplies available is really unknown.

Influencing Variables:

Effect of the drugs on the economy of the community (political)
Staffing and lab availability
Staff training
Geography of the seizures
Cooperation of local law enforcement
Multiagency involvement

ATTORNEY GENERAL'S COMMISSION ON NARCOTICS

Controlled Substance Abuse Indicators Evaluation

Indicator:

Drug-related deaths

Standardized Definition:

On death certificates, only the primary cause of death is listed. However, county coroners have data on secondary and tertiary causes that are contained in the coroners' records.

Availability of Data:

1977–82 Future Years

Data are available for 1977–1982 (statewide). Also, data are broken down by opiates/all drugs less opiates

Substances:

Type drug usually identified when listed as a primary cause of death.

Address/Location Availability:

Address/location listed on death certificate at coroner's office. However, this data element is sometimes missing or unknown.

Data Source Category:

☐ Police
☒ Medical
☐ Schools
☐ Community

Data Source:

Data by county are available from the State Department of Alcohol and Drug Programs (aggregate data only)

Data with addresses (to tie them to census tracts) are available only from the county coroner's office

Validity/Reliability of Data:

Good reliable data given the nature of the variable

Influencing Variables:

Detectability of drugs upon autopsy

Family pressure put on private physicians reporting

Detectability of drug-related death by attending physicians in non-autopsy cases

ATTORNEY GENERAL'S COMMISSION ON NARCOTICS

Controlled Substance Abuse Indicators Evaluation

Indicator:

Drug abuse treatment admissions

Standardized Definition:

Admissions differ by source of referral. Reporting to NIDA under CODAP System includes prisons, hospitals, residential day care, and outpatient facilities.

Availability of Data:

1977–82 Future Years

Data are available from local treatment facilities for 1977–82 (CODAP).

Substances:

All drugs

Address/Location Availability:

Data are available in patients' records; however, confidentiality could be an issue.

Data Source Category:

☐ Police
☒ Medical
☐ Schools
☐ Community

Data Source:

Individual treatment facilities
California Drug Abuse Data System (CAL-DADS) — aggregate data only

Validity/Reliability of Data:

Possible underreporting

Influencing Variables:

Agency funding levels
Effectiveness of data collection at the local agency level
Agency reporting policy

ATTORNEY GENERAL'S COMMISSION ON NARCOTICS

Controlled Substance Abuse Indicators Evaluation

Indicator:

General crime and arrest data

Standardized Definition:

Legal definitions available, i.e., Penal Code, Health and Safety Code, Vehicle Code, etc.

Availability of Data:

1977–82 Future Years

Data is available

Substances:

There is clear research linking drug abuse and crime depending upon the offense

Address/Location Availability:

Location data are available where the arrest took place and data are available on the address of the arrestee.

Data Source Category: ☒ Police
 ☐ Medical
 ☐ Schools
 ☐ Community

Data Source:

Bureau of Criminal Statistics
Local law enforcement

Validity/Reliability of Data:

Validity depends on quality of law enforcement to charge an individual correctly
Reliability of data is good, i.e., reporting is consistent

Influencing Variables:

Degree of law enforcement effort
Degree of citizen involvement in reporting

ATTORNEY GENERAL'S COMMISSION ON NARCOTICS

Controlled Substance Abuse Indicators Evaluation

Indicator:

Number of prescriptions written

Standardized Definition:

Legislatively prescribed definition of pharmaceutical prescriptions that are controlled, i.e., Uniform Controlled Substance Act, Division 10, Health and Safety Code, Chapter 4, Article 1–5, Sections 11150–11208

Availability of Data:

1977–82 Future Years

Data are available 1977–82 and for future years

Substances:

Limited to what is in Schedule II

Address/Location Availability:

These data are available for analysis

Data Source Category: ☒ Police
 ☐ Medical
 ☐ Schools
 ☐ Community

Data Source:

Bureau of Organized Crime and Criminal Intelligence

Validity/Reliability of Data:

Good reporting

Influencing Variables:

Degree of over-prescribing by physicians

ATTORNEY GENERAL'S COMMISSION ON NARCOTICS

Controlled Substance Abuse Indicators Evaluation

Indicator:

School disciplinary actions related to drug abuse

Standardized Definition:

No known standard definition of a disciplinary action. Most actions taken by teachers or principals are informal. Formal disciplinary actions are recorded. Whether marijuana possession results in a formal disciplinary action uniformly throughout California is unknown.

Availability of Data:

1977–82 Future Years

Schools (K–12) keep records on disciplinary actions

Substances:

All drugs

Address/Location Availability:

Address of students is potentially available

Data Source Category:

☐ Police
☐ Medical
☒ Schools
☐ Community

Data Source:

Schools (K–12) in California

Validity/Reliability of Data:

Relatively good measure given a broad definition of disciplinary action

Influencing Variables:

Uniformity in applying standards

ATTORNEY GENERAL'S COMMISSION ON NARCOTICS

Controlled Substance Abuse Indicators Evaluation

Indicator:

Non-fatal emergency room episodes

Standardized Definition:

Episodes and emergency room mentions are defined by DAWN.

Availability of Data:

1977–82

Future Years

DAWN (Drug Abuse Warning Network) is a federal program which collects data in San Diego, San Francisco, and Los Angeles

Substances:

All drugs

Address/Location Availability:

Medical data confidentiality is an issue. Reason for visits not generally recorded; therefore there is no way to track individuals. Also, as in the DAWN system, no patient identifiers are collected. Since this data are currently not available, a new data collection system would need to be developed.

Data Source Category:

☐ Police
☒ Medical
☐ Schools
☐ Community

Data Source:

Local hospitals and medical facilities

Validity/Reliability of Data:

Validity/reliability is a serious problem. Not all emergency rooms report to DAWN. Only those counties listed above are involved. Episodes do not equal number of individuals since the same individual can be counted several times in different locations. Number of mentions relate to number of different drugs involved in the episode.

Influencing Variables:

Legal requirements for reporting
Attitude of attending physician
Hospital policy
Physician time available to complete paper work

ATTORNEY GENERAL'S COMMISSION ON NARCOTICS

Controlled Substance Abuse Indicators Evaluation

Indicator:

Arrests for driving under the influence of drugs

Standardized Definition:

Legally defined by statute 23153 VC, 23253(a) VC, 23153(b) VC — felonies, 655(b) HN, 23152(a) VC, 23152(b) VC, 23152(c) VC — misdemeanors

Availability of Data:

1977–82 Future Years

Arrest frequency counts available, 1977–1981.
Partial frequency counts available, 1974–1976.
Law change as of January 1, 1982 lumped this category in with others, i.e., arrests for alcohol and drugs are combined.

Substances:

Arrests — alcohol and drugs combined

Accidents — all drugs

Address/Location Availability:

Address/location of accident may be available from law enforcement locally.

Data Source Category: ☒ Police
 ☐ Medical
 ☐ Schools
 ☐ Community

Data Source:

Arresting agency records
California Highway Patrol Statewide Integrated Traffic Record (SWITRS)

Validity/Reliability of Data:

Validity is threatened by judgments made by investigating officer and accident may not occur in county of residence or the census tract residence of the drug abuser.

Influencing Variables:

Training of officer to detect and recognize drug states
Adequate police staffing
Accident investigation policy

APPENDIX A

PART 2

OPERATIONAL DEVELOPMENT OF MODEL

OPERATIONAL DEVELOPMENT OF MODEL

Introduction

The purpose of the Controlled Substance Abuse Assessment Model is to help local communities deal more effectively with the drug problem. It is the purpose of the model to also generalize indicators of drug abuse to other communities, to regions and to the state at large. Four problems contribute to the difficulty local communities have in dealing with the controlled substance problem. These problems include the diversity of the drugs (both legal and illegal) that comprise the ingested side of the problem, the uncoordinated efforts of a large number of local agencies, lack of knowledge and lack of procedural strategies to combat the problem, and finally lack of data and inadequate measures to evaluate the extent and scope of the controlled substances problem. The Controlled Substance Abuse Assessment Model is intended to serve as an initial general plan for addressing the problems outlined; however, actual implementation of the model at the local level will require continual refinement and improvement since local conditions or drug problems vary considerably. Once the community is selected, the Bureau of Criminal Statistics will provide technical assistance.

Goals

- To more fully understand the nature and scope of the controlled substance abuse problem at the local level which will take into account specific community characteristics and which will have localized operational value.
- To create a controlled substance abuse assessment mechanism for guiding policy and resource allocation for: law enforcement agencies, medical facilities, local schools, and drug treatment community organizations.

Objectives

- To utilize a method for doing controlled substance abuse and crime pattern analysis.
- To utilize a method which will yield data that will allow regional, and ultimately statewide, problem assessment and evaluation.
- To generate a data collection system that combines selected arrest data with narcotic enforcement procedures and case outcome.
- To develop a suggested community organizational plan outline for implementing the Controlled Substance Abuse Assessment Model.
- To develop a formula to establish and/or demonstrate the relationship between controlled substance abuse and criminal activity.

Desired Output

1. Census tract maps that provide pattern and trend analysis for:
 - Drug law violation arrests
 - Drug seizures (drugs confiscated by law enforcement)
 - Drug-related deaths
 - Drug abuse treatment admissions
 - General crime and arrest data
 - Number of prescriptions written
 - School disciplinary actions related to drug abuse
 - Non-fatal emergency room episodes
 - Arrests for driving under the influence of drugs

2. Quarterly reports that summarize the above data by census areas.
3. A general tape or disc file that contains extensive census tract social, economic, and demographic data with locally generated drug abuse information for research purposes. This file will be the basis for the topographic maps.
4. A special tape or disc file for law enforcement that selectively contains drug-related arrest data, narcotic enforcement procedural data, and justice system processing variables. This file will be used for evaluating narcotic enforcement procedures.
5. A document that spells out for locals how they should proceed to implement a Controlled Substance Abuse Assessment Model.

Overview of Model

It is proposed that the first four objectives can be met by use of one comprehensive method. The method itself is essentially the model for better understanding the nature of the drug problem and for improving drug enforcement procedures. It is proposed that communities combine locally collected drug abuse indicator data with geographically coded data from the U.S. Census Bureau in order to map the locations of drug-abuse incidents by census tract. A large number of users have made use of the GBF/DIME (Geographical Base/Dual Independent Mapping Encoding File). This census tract approach has been used in such law enforcement applications as dispatching, crime analysis, traffic analysis, manpower allocation, and others. The fifth objective is a straightforward document that outlines how communities might go about implementing the model.

Application of GBF/DIME to Drug Abuse

In recent years researchers have utilized a variety of indicators to monitor the extent of the drug abuse problem and to assess trends and patterns of drug use and abuse in their local communities. Drug abuse indicator data are often in unmanageable form, underreported, or are not timely enough to be a key to effective program planning and resource allocation. Studies in the field reveal that drug abuse conditions and problems do, in fact, vary between local communities as well as regions of the country; nevertheless, it is vital to focus on developing methodologies which can be generalized across several communities, regional areas, and finally at a statewide level.

In our model, it will be possible to take local data on individuals involved in drug abuse incidents and geocode them as the location of event, computer map the incidents with automated plotting and overtime, and create drug abuse trend and pattern analysis using various defined variables. For example, under crime analysis, project CAPER (Crime Analysis, Program Evaluation, and Research) System for Criminal Justice Agencies was initiated by Santa Clara County during 1974–75. Santa Clara County used the GBF/DIME File with law enforcement (crimes reported and arrest data) information to produce tabular output in the form of monthly, quarterly, and annual data. Also, a monthly geocoded tape was utilized in order to generate routine quarterly and annual maps. Utilizing a computer software package termed GRIDS, crime was displayed by coordinates, pinpointing crime locations within one-fifth of a mile. Routine printouts (both tabular data and maps) were delivered to respective police agencies where analysis and subsequent resource allocation took place. To increase the probability of departmental applications, a workbook packet was included with the data. The packet was designed so that departmental personnel with only a marginal statistical background could readily digest the information displayed in the output. CAPER programmers used primarily SPSS and other custom software to produce the data. Today, many graphic software packages are being marketed which potentially could be used to produce the desired output of this model.

The visual topographic display of small area drug patterns can be useful from a planning point of view. The graphic portrayal of drug abuse indicators can answer questions often asked of administrators, planners, and researchers. Is the problem getting better or worse? Are drugs migrating (or spreading) to new populations? What segments of the population are at greater risk? Answers to these and other questions are extremely important and useful to planners and administrators who must allocate police staff — or in the case of medical administrators — their need for increased staff or treatment facilities.

An additional feature of census study data is that requestors who provide the State Census Data Center with magnetic tape can have census tract data added to any user file. Census data are in the form of 100 percent items and sample items. 100 percent items include household relationship, sex, race, age, marital status, and Spanish/Hispanic origin or descent for every census tract. Other data on population (e.g., school enrollment, educational attainment, employment status, etc.) can be obtained on a sample basis. The possibilities for social and economic analysis and their relationship to the crime/drug abuse connection is almost unlimited with such a computerized system. Combined with local data, census tract data can form a very powerful research tool to study the ecological nature of drug abuse.

This describes in general how local data on drug abuse can be admatched with census tract data (GBF/DIME Reference File) as well as combined with other demographic census tract data in order to meet our objectives.

Why are Census Areas Important to Analysis of Crime?

Crime is not a random event. Patterns of criminal behavior exist in areas where other social problems occur. For example, in areas where delinquency rates are the highest, the rates of other problems are also highest: truancy, infant mortality, mental disease, tuberculosis, and adult crime. In every instance, these problems vary together: that is, they are highest near the center of the city and become progressively lower as one moves toward the periphery (Shaw and McKay, 1969: 105–106).

Of great relevance to this model is the relationship between crime and drugs. It is very likely that whatever strategies are developed to combat the drug problem may also be useful in plans to fight crime in general. This is because drug-using criminals, non-drug-using criminals, and non-criminal drug users tend to come from the same population, i.e., distribute themselves in census tracts or areas in the same way. However, previous research has suggested that there are major differences in the social and behavioral characteristics of these engaged in various types of crime and those using drugs. Additionally, as McGlothlin (1979) has noted, conceptual analysis and existing data imply that a relationship may only exist for particular types of crime and drug use. In an attempt to specify the relationship between the areal distribution of crime and drugs, types of criminal behavior, and types of drug use must be considered. A study (by McBride, McCoy, 1981: 281–302) looked at this very connection between types of criminal behavior and types of drug use.

The following is a table presented by McBride and McCoy in an article *Crime and Drugs* in the August 1981 issue of *Criminology*.

TABLE 1
McBride and McCoy Table on Multiple Correlation
of the Areal Distribution of Crime Type and Drug Type

Group 1	Group 2	Group 3
a. Narcotics/Crimes Against Persons	a. Narcotics/Property Crime	a. Tranquilizers and Sedatives/Crimes Against Persons
b. Narcotics	b. Narcotics	b. Tranquilizers and Sedatives
c. Crimes Against Persons	c. Property Crime	c. Crimes Against Persons
R=.76	R=.88	R=.23
Group 4	Group 5	Group 6
a. Tranquilizers and Sedatives/Property Crime	a. Marijuana/Crimes Against Persons	a. Marijuana/Property Crime
b. Tranquilizers and Sedatives	b. Marijuana	b. Marijuana
c. Property Crime	c. Crimes Against Persons	c. Property Crime
R=.34	R=.34	R=.26

McBride and McCoy presented their data showing the relationship between the areal distribution of narcotics users, those engaged in property crime, and crimes against persons. As the data show, areal rate distributions involving narcotics and property yield a slightly higher multiple R than those involving narcotics and crimes against persons. The relationship between narcotics users who engaged in property crime, narcotics users who did not engage in property crime, and those who engaged in property crimes and did not use narcotics yielded a multiple R of .88. This is about the same as the zero-order multiple R at .87 and is consistent with the literature that has consistently pointed out the relationship between narcotics use and property crime. The data also showed the distribution of narcotics users and crimes against persons yielded a multiple R of .76. Thus, the data indicated that individuals engaged in crimes against persons and narcotics use reside in the same areas of the community.

The remainder of the relationships in the table focused on tranquilizer-sedative and marijuana use and the similarity of these distributions to the rate distributions of crimes against persons and property crimes. The data show relatively weak relationships. The highest R was .34 between tranquilizer-sedative use and property crimes and between marijuana use and crimes against persons. The weakest relationship was .23 between tranquilizers and sedatives and crimes against persons.

One should understand that areal distributions of similar populations do not suggest causal connections. Ethnographic as well as ecological research has suggested that drug using and criminal behavior may not be causally related, but rather that both may be the result of a variety of social and economic variables that are related to census tract populations. For this reason, census tract data collected by the U.S. Census Bureau will prove to be useful for research purposes in studying social and economic variables and their relationship to crime, drugs, and their mutual interactions.

To the purist, the use of official data leaves much to be desired. Unreported crime (Biderman and Reiss, 1967) and charges of police bias in the decision to arrest (Chambliss and Seidman, 1971), have been recognized as particularly damaging to ecological research. However, exceptions to the use of official data can be found in the Shichor et al. (1979, 1980) studies in which victimization data were used. Victimization data are collected independent of the selection mechanisms of the criminal justice system and thus provide a potentially rich data base in which to explore the relationship between density and crime.

Robert J. Sampson writing in the May 1983 issue of *Criminology*, in an article on *Structural Density and Criminal Victimization*, explored this relationship. Density is not a unitary concept, but rather a complex variable that may refer to at least three types of density — internal density (number of persons per room), building or structural density (proportion of multiple dwellings in an area), and external density (number of persons per square mile). Some evidence suggests that crime rates may be differentially related to these various types of density. For example, Galle et al. (1972) found that internal density was a stronger correlate of delinquency than external density. Thus, the use of different measures of density has played a role in generating disparate findings across studies (see Gillis, 1974), thereby preventing simple generalizations regarding the impact of *density* on crime.

Sampson's study looked at National Crime Survey victimization data for the years 1973 to 1978. The results of his study showed that structural density was positively related to rates of robbery and assault victimization, controlling for age, race, and sex of victim, and for extent of urbanization. These findings using victimization data supported other findings using official statistics.

All of these research studies and findings point to the value of using census tract data on drug use and crimes in order to more precisely utilize police resources and to eventually meet our objective to develop a formula to show or demonstrate the relationship between controlled substance abuse and criminal activity. More precise data analysis by geographical area or census tract may prove very useful to law enforcement officials and researchers as well.

Feasibility of Proposed Model

The feasibility of the Controlled Substance Abuse Assessment Model will depend upon three factors:

- The quality and availability of drug abuse indicators
- Indicators selected must be available by census tract
- Local communities must be willing to implement the proposed model

Quality and Availability

Indicators selected should meet the following criteria of selection: validity, reliability, general availability, a reasonably good standardized definition, and must be available (location-coded) by census tract. These criteria aside, are there any other restrictions (locally generated) that would prohibit their collection? This last concern is also important to evaluating feasibility of a proposed model. Where data are not available, it will be necessary to create, at the local level, new data collection systems. Therefore, some variables selected may not meet all the criteria but still be selected for the model.

Indicators by Census Tract

All that is necessary to relate an indicator to census tract is an address/location of the arrestee, patient, or client in connection with the drug-related incident or activity. Without an address/location variable the creation of topographic census tract maps by selected indicators would not be possible.

Local Community Involvement

Success in any endeavor at the local level ultimately depends upon the willingness of the local communities to implement the proposed model. Willingness, in effect, actually translates into local interest, demonstrated need, and availability of local resources.

Summary Review of Indicators

In this summary review social indicators related to drug abuse tend to fall into one of four categories: measures of drug abuse, measures of poverty or affluence, measures of social conditions, and demographic measures. Recently the California Department of Alcohol and Drug Programs made a review of 51 variables from the above four categories in order to derive an allocation formula to distribute funds at the county level. The final allocation formula produced turned out to be a mixture of variables from all four categories. However, allocating funds at the county level is a different task than using indicators to develop census tract maps. The following represents those measures or indicators that are, in general, directly related to the controlled substance abuse problem.

Twenty-one measures/indicators were evaluated. Each indicator was evaluated on the basis of the following criteria:

- Standardized definition
- Address variable availability
- General data availability
 - 1977–82
 - 1983–Future years
- Validity of data
- Reliability of data
- Feasibility (willingness of the local community to provide data)

Additional Recorded Information

Substances involved
Data source category (police, medical, schools, community)
Data source (specific agency)
Influencing variables

Each of the indicators is listed in Part 1. Below is a listing of the drug abuse indicators that were evaluated for this model:

Drug Abuse Indicators

Police Indicators

Narcotic Registrants
Identified cannabis fields
Seizures (confiscation of drugs by law enforcement)
Drug law arrests
Drug crimes
Arrests for driving under the influence of drugs
Serum tests of arrestees
Number of pharmaceutical prescriptions written
General crime and arrest data

Medical Indicators

Non-fatal emergency room episodes
Serum hepatitis cases
Drug abuse treatment admissions
Drug-related deaths

School Indicators

School absenteeism
School trespassing incidents
Thefts, violent acts, informal school seizures not reported to police
School nurse drug user identification data
School disciplinary actions related to drugs

Community Indicators

Data from industrial and business treatment programs for employees
Unreported white collar crime
DDUI/BMQA pharmaceutical seizures (final products and precursors)

Data Sources

The types of data needed and their respective data sources will be many and varied. Data are needed from the State Bureau of Organized Crime and Criminal Intelligence, local law enforcement agencies, local schools, the county coroners' offices, local hospitals, and local drug treatment facilities.

Seizure data, drug law arrests, data on arrests for driving under the influence of drugs, and general crime data will all be obtained from local law enforcement agencies. Data on pharmaceutical prescriptions will be obtained from the State Bureau of Organized Crime and Criminal Intelligence. Data on drug-related deaths will be obtained from the county coroners' offices. Local drug abuse treatment facilities will provide data on admissions to treatment of their clients. Data on school disciplinary actions will, of course, be obtained from local schools. It must be understood that, although much of these data may not currently be available, we are suggesting a minimum number of data indicators that would be necessary.

The general issue surrounding all data collection also will be the willingness of local agencies to supply the needed data. Confidentiality may be an issue; however, names of individuals aren't needed to successfully operate the system. Addresses and locations of incidents or variable activities are important and needed especially in connection with the creation of topographic maps.

Standardized Data Format for Geocoding Drug Abuse Indicators

The minimum data elements needed for a community to successfully operate the model are listed in Part 3.

Selected Indicators for Controlled Substance Abuse Assessment Model

After a careful review, the following indicators were selected for the model:

Indicator	Criteria of Selection					
	Standardized Definition	Address Available	General Availability	Validity	Reliability	Feasibility (willingness of local communities to provide data)
Drug law violation arrests	YES	YES	YES	YES	YES	YES
Drug seizures	X	YES	YES	X	X	YES
Drug-related deaths	X	YES	YES	X	X	Unknown
Drug abuse treatment admissions	X	YES	YES	X	X	Unknown
General crime and arrest data	YES	YES	YES	YES	YES	YES
Number of prescriptions written	YES	YES	YES	YES	YES	YES
School disciplinary actions related to drug abuse	X	YES	YES	YES	Unkonwn	Unknown
Non-fatal emergency room episodes	YES	YES	YES	X	X	Unknown
Arrests for driving under the influence of drugs	Unknown	YES	YES	X	X	YES

YES = meets criteria
X = minor problem

It is recommended that local law enforcement operate the model for all interested community agencies. However, separate topographic maps will be developed for each of the indicators as well as a composite map showing the collective nature of the drug problem in that community. In this way coroners' offices, schools, hospitals, and drug treatment facilities would have a stake in providing data. Community agencies such as schools and drug treatment facilities may find the maps useful to developing drug abuse programs.

Selection of Target Communities

Selection of target communities will depend upon several factors: 1) interest local communities have in using the proposed model; 2) demonstrated need, i.e., a high rate of controlled substance abuse (e.g., arrests for drug law violations, drug-related deaths, etc.) in the community by comparison to other communities; and 3) resources available at the state level.

APPENDIX A

PART 3

MINIMUM DATA ELEMENTS NEEDED

MINIMUM DATA ELEMENTS NEEDED

Address/location of incident or individual (should include street direction and street type)

Sex

Ethnicity

Date of incident/arrest/admission/drug-related death/disciplinary action/accident

Drug code

Age of subject

Drug law violation section code (California)

Type arrest (Uniform vs. Narcotic Team)

Convictions (1=yes, 2=no)

Type incident (law arrest, seizure, admission, drug-related death, disciplinary action, accident)

Type facility reporting (police, treatment facility, coroner, school, state agency)

APPENDIX A

PART 4

FISCAL DETAIL

FISCAL DETAIL

Salaries and Wages	Personnel Years	Salary Range*	Amount
DOJ Administrator I	1	2529—3052	36,624
Research Analyst II	3	2197—2651	95,436
Office Assistant II (T)	1	1048—1214	14,568

* As of January 1, 1984.

	Current Year	Budget Year
TOTAL SALARIES AND WAGES	\$	\$ 146,628
Salary Savings @ 5%	-	- 7,331
NET TOTAL SALARIES AND WAGES	\$	\$ 139,297
Staff Benefits @ 31.30%		43,600
TOTAL PERSONAL SERVICES	\$	\$
Operating Expenses and Equipment		
General Expense		3,900
Printing		1,250
Communications		4,400
Postage		
Insurance		
Travel-in-State		10,000
Travel Out-of-State		
Training		900
Facilities Operations		7,100
Utilities		
Consultant & Prof. Svcs.: Interdep'l.		
Consultant & Prof. Svcs.: External		
Departmental Services 7.6% (Indirect)		20,463
Consolidated Data Center		
Data Processing		50,000
Central Administrative Services		
Equipment		8,800
Other Items of Expense		-0-
TOTAL OPERATING EXPENSES AND EQUIPMENT	\$	\$ 106,813
SPECIAL ITEMS OF EXPENSE	\$	\$
TOTAL EXPENDITURES	\$	\$ 289,710
Source of Funds		
General Fund	\$	\$ 289,710
Special Funds		
Federal Funds		
Other Funds		
Reimbursements		

APPENDIX A

PART 5

GENERAL POLICY AGREEMENTS FOR COMMUNITIES

GENERAL POLICY AGREEMENTS FOR COMMUNITIES

The following describes those policy agreements and guidelines that should comprise the purpose and authority of the Controlled Substance Abuse Policy and Evaluation Board (CSAPEB). These guidelines are divided into four areas: 1) general policy statements of purpose and authority; 2) suggested alternative organizations of CSAPEB; 3) suggested guidelines; and 4) recommended board functions and activities.

General Policy Statement of Purpose and Authority

The Controlled Substance Abuse Policy and Evaluation Board will be a group of knowledgeable individuals interested in community substance abuse prevention and control. The primary purpose of the Board will be to evaluate local drug abuse conditions in the community. The primary authority of the Board will be to recommend suggested policy for addressing the local community substance abuse problem.

Suggested Alternative Organizations of CSAPEB

Many communities have an existing organization which can or does deal with substance abuse. This will facilitate the speed with which some communities are able to implement the assessment model.

However, in the event a community has no such organization, four alternatives are presented for a Controlled Substance Abuse Policy and Evaluation Board. Under the first, one board and one advisory committee would be set up by law enforcement. Under the second, the county board of supervisors/city council would appoint members to one board. Under the third, there would be only one board set up and controlled by law enforcement. Under the fourth, there would be only one board composed of law enforcement officials and ex-officio members.

ALTERNATIVE NUMBER ONE

The board and a Substance Abuse Advisory Committee would be established by law enforcement agencies. The advisory committee would serve the board by collecting and analyzing non-law enforcement drug abuse data from the community. Law enforcement would take the lead in inviting other members to participate in the Substance Abuse Advisory Committee. The CSAPEB would be composed entirely of law enforcement officials. Three members of the board would also serve on the Substance Abuse Advisory Committee. All decision-making concerning funding and resource issues would be directed to the board.

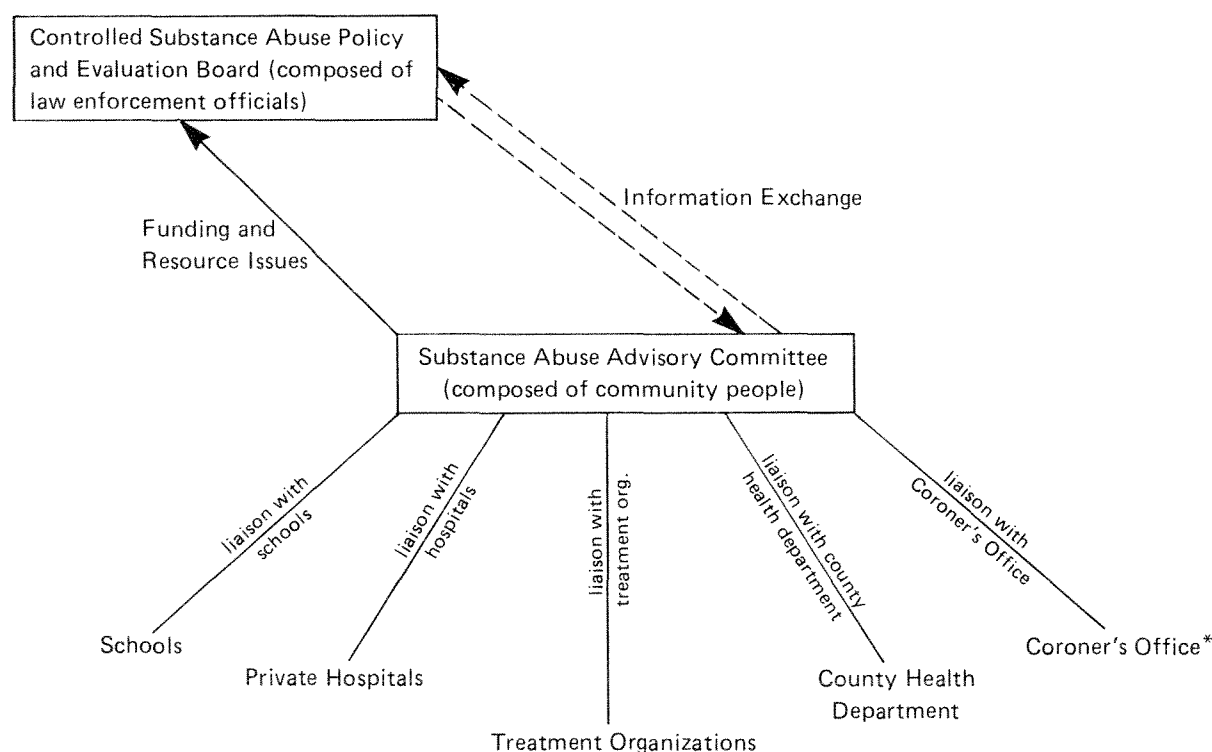
Advantages:

Greater control by law enforcement including law enforcement resource and allocation plans, control of press relations, and control of advisory committee activities. An advisory committee would be a ready-made network for conducting surveys and collecting data from the community across a wide spectrum of community organizations, e.g., schools, hospitals, treatment centers, etc.

Disadvantages:

Substance abuse is a political, social, and community problem of immense scope. Control of the board and its advisory committee may not comprehensively address the community's substance abuse problem. Also, community people with clout to influence others may not be willing to participate in an advisory organization to law enforcement if it is perceived that they have no decision-making or policy responsibilities. Pressure may also come from board of supervisors or city councils since substance abuse is a widespread community problem.

Organization Chart



*Only in those jurisdictions which don't have a Sheriff-Coroner combination.

ALTERNATIVE NUMBER TWO

The board of supervisors/city councils appoints membership to the Controlled Substance Abuse Policy and Evaluation Board. There would be only one board.

All planning, funding proposals, or resource issues would be submitted to the board of supervisors/city councils. The elected local officials control the resources of law enforcement; therefore, any monetary help in this area would require board of supervisors or city councils be convinced of the board's importance to the community.

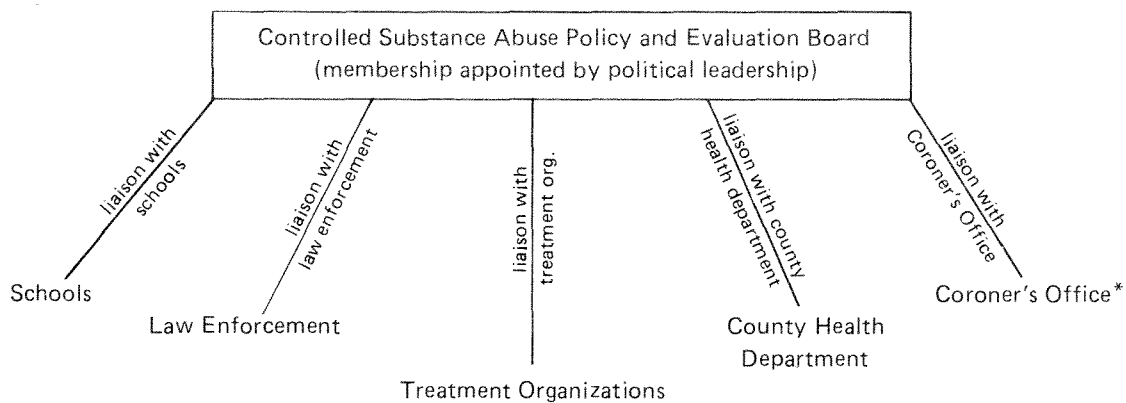
Advantages:

Having elected local officials involved enhances their awareness and increases the potential for policy changes and funding of the suggestions or recommendations of the board. There would be broad-based input and support from law enforcement and community leaders. Another advantage would be a ready-made community network for surveys, studies, and feedback regarding substance abuse. Also, this type of organization lends itself as a channel for getting political support from the community for all proposed legislative, social, or funding needs regarding substance abuse.

Disadvantages:

This organizational approach to membership on the CSAPEB might result in a lack of law enforcement control over its resources or direction of the board. There also might be greater susceptibility to criticism and uncontrolled media involvement since most board meetings might be open to the public. There is an increased potential for the violation of privacy and security regulations and disclosure of tactical enforcement information.

Organization Chart



*Only in those jurisdictions which don't have a Sheriff-Coroner combination.

ALTERNATIVE NUMBER THREE

Under this alternative, there would be one board set up and controlled by law enforcement. Membership on the board would be composed of several law enforcement officials (e.g., sheriff and several police chiefs), the district attorney, the county chief probation officer, and county coroner. This would be followed by membership of people representing hospitals, county health department, schools (e.g., PTA), drug treatment facilities, etc.

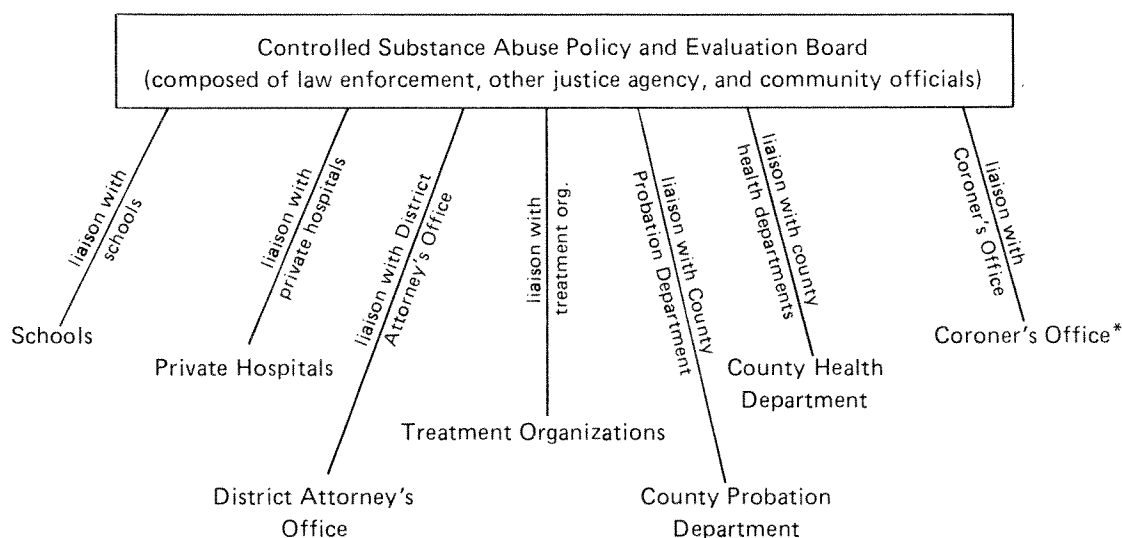
Advantages:

Only one board would be created, thus reducing bureaucracy at the local level. Community people might be more interested in participating. Those groups representing justice agency interests would make up more than 50 percent of the board. There would be more community involvement under this alternative organizational structure since community groups would have more decision-making responsibility.

Disadvantages:

Not as much control would be exercised by law enforcement compared to Alternative Number One.

Organization Chart



*Only in those jurisdictions which don't have a Sheriff-Coroner combination.

ALTERNATIVE NUMBER FOUR

Under this alternative there would be one board set up by law enforcement and composed of law enforcement officials and ex-officio members. Ex-officio members would be non-voting members appointed to the CSAPEB by virtue of their position in the community. These would be people who have been previously identified as having special knowledge, expertise, or interest in substance abuse prevention or control.

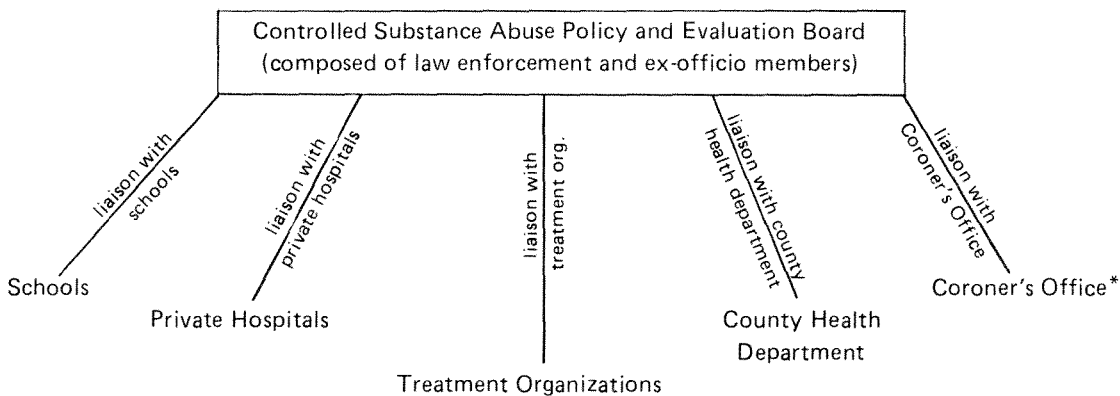
Advantages:

People who are skilled or very knowledgeable about substance abuse prevention or control would be an asset to any board. Their greatest asset would be the precision with which they are able to assess problems, analyze data, and propose workable solutions.

Disadvantages:

Sometimes experts have provincial interests that make them too individualistic or difficult to organize. Also, experts may or may not be individuals with clout that can influence other members of the community. Law enforcement may or may not be able to exercise control of the activities of a board composed of subject-area specialists.

Organization Chart



*Only in those jurisdictions which don't have a Sheriff-Coroner combination.

Suggested Guidelines

In order for the Board to operate under any organizational plan, certain operational guidelines are necessary. It is recommended that the following standards be considered:

- Each law enforcement agency has permanent membership.
- Non-law enforcement membership will be reviewed every two years.
- Meeting times and locations will be at the discretion of the Board's membership.
- All meetings will be closed except by invitation.
- No press releases will be allowed by any member without prior approval of the Board.
- Information-sharing with represented community groups is to be encouraged.
- The names of individuals identified in data collection activities will be confidential.
- Rules for substitute membership, staff support, volunteerism, and attendance requirements should be at the discretion of the Board.
- The Board will cooperate with all agencies, public and private, having an interest in drug or substance abuse.
- The amount and type of data to be distributed to interested parties will require board approval.

Recommended Board Functions and Activities

The following are recommended functions and activities that the CSAPEB should consider:

- Major functions:
 - a. Oversee data collection quality control efforts.
 - b. Oversee data analysis.
 - c. Identify local problems and trends.
 - d. Use information to evaluate the effects of those policies and operations.
 - e. Use information to provide feedback to all agencies and their representatives.
- Identify unique local characteristics which may affect the problem:
 - a. Military bases.
 - b. Ports of entry.
 - c. Touring.
 - d. Etc.
- Ongoing operations of Board:
 - a. Media relations.
 - b. Internal communications.
 - c. Special problem assessment procedures.
- Utilize community evaluation:
 - a. Predefined questionnaires (cluster polling).
 - b. Delphi.
 - c. Periodic problem perception survey.
- Annual Board assessment and evaluation:
 - a. Post-test results comparison (problem perception survey/predefined questionnaire).
 - b. Analysis of drug indicator maps (what changes have occurred?).
 - c. Evaluation of Board operations and functions.

VI. APPENDIX B: SUMMARY OF FEDERAL TESTIMONY

Federal Testimony Before the Attorney General's Commission on Narcotics

A. Federal Task Force Operations

Name/Title	Comments
Lowell Jensen Associate Attorney General Washington, D.C.	Associate Attorney General Jensen and the U.S. Attorneys provided the Commission with a two-hour detailed briefing on President Reagan's overall federal drug enforcement strategy together with a discussion of the specific operational details surrounding the three federal task forces operating in California under the supervision of the U.S. Attorneys.
Joseph Russoniello United States Attorney Northern California	
Alexander Williams, III United States Attorney Central California	Each of the U.S. Attorneys discussed their present manpower resources, the goals of their respective task forces, the unique characteristics of their particular areas, current and projected caseload, and the target selection process.
Peter Nunez United States Attorney Southern California	The federal task forces were praised for their unique opportunity to bring together agents from a variety of governmental units (DEA, FBI, U.S. Marshal's Service, ATF, Customs, etc.), each with a unique expertise.

B. U.S. Border Interdiction Efforts

Name/Title	Comments
Admiral Frederick Schubert Commander, 11th District United States Coast Guard	As head of the recently established National Narcotic Border Interdiction System (NNBIS), Admiral Schubert discussed plans for using U.S. Coast Guard vessels in a concerted attack on the illegal importation of illegal drugs along our coastline.
Quintin Villanueva Regional Commissioner United States Customs Service	Mr. Villanueva commented on intensified efforts taking place to interdict the shipment of illegal narcotics and dangerous drugs entering the United States. In addition to the increased commitment of the U.S. Customs Service, increased assistance is also being supplied by our U.S. military surveillance resources. Working in cooperation with NNBIS and local narcotic enforcement units within California, it is hoped that the enforcement net will be drawn tighter around the necks of drug traffickers illegally transporting controlled substances across our national borders.

Federal Testimony Before the Attorney General's Commission on Narcotics

C. Efforts by the National Governor's Association

Name/Title	Comments
Thomas Parker Executive Vice-President National Criminal Justice Association	<p>As staff to the National Governors Association (NGA), Mr. Parker provided an extensive discussion on the NGA's efforts in developing a comprehensive strategy for effective drug enforcement.</p> <p>Specific points contained in the NGA's suggested narcotic enforcement program include:</p> <ol style="list-style-type: none">1. Need for increased educational efforts.2. Need for intensified eradication and interdiction.3. Need for a national effort.4. Need for centralized information and intelligence data base.5. Need for concerted street enforcement activity.6. Need for standard legislation.7. Need for greater prosecutorial commitment.8. Need for the coordination of efforts of local agencies.

D. International Eradication Efforts

Name/Title	Comments
Dominick Di Carlo Assistant Secretary of State for International Narcotic Matters (INM) Washington, D.C.	<p>As the Reagan Administration's <i>point man</i> for the international drug control activities of the U.S. Government, Mr. DiCarlo is specifically responsible for diplomatic and program efforts to reduce the supply of illicit and dangerous drugs entering the United States.</p> <p>In his presentation before the Commission, Mr. DiCarlo provided a detailed report on our international narcotics control strategies and the connection they have with domestic drug control efforts.</p> <p>In analyzing worldwide illicit drug production activity and its impact on the United States, Mr. DiCarlo discussed the complexities that exist with international drug control efforts and identified some of the specific obstacles.</p> <p>Mr. DiCarlo also made a special point of emphasizing that the success of drug control efforts overseas is directly dependent upon the attitude, actions, and success of our domestic prevention and enforcement problems (e.g., marijuana eradication).</p>

Federal Testimony Before the Attorney General's Commission on Narcotics

E. U.S. Drug Enforcement Efforts

Name/Title	Comments
Dan Leonard Deputy Director Drug Policy Office The White House	Both Mr. Leonard and Mr. Monastero provided a brief commentary on the seriousness of today's national drug abuse problem. They indicated that President Reagan's federal drug enforcement strategy consists of five key elements:
Frank Monastero Assistant Administrator Drug Enforcement Administration (DEA)	<ol style="list-style-type: none">1. International Cooperation2. Drug Law Enforcement Efforts3. Education and Prevention4. Detoxification and Treatment5. Research
	Mr. Monastero stressed that a shift is taking place within the United States moving us toward more of a <i>source</i> country for drugs. He also identified legislative reforms, resource identification and coordination, criminal justice system improvements, and <i>asset forfeiture</i> laws as areas important to the overall success of our enforcement efforts.

