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# OBSTACLES TO THE SUCCESSFUL ABATEMENT OF THE DRUG ABUSE PROBLEM AS PERCEIVED BY THE POLICE COMMUNITY

by JOHN E. FAHNESTOCK\*

This presentation is the summation of recent periodicals and current literature authored by both police and drug enforcement administrators, and includes a brief review of various academic research projects which have dealt with enforcement issues. It should be noted that considerable literature is available which deals with the entire drug abuse problem from the production of synthetic drugs, as well as opium and cocaine, through the economic impact of increased enforcement, to the failure of adequate treatment and social reform programs. However, it is significant that there is still very little statistical data available to substantiate many of the currently popular recommendations and conclusions. It is also noteworthy that in many cases the data which is available is contradictory in nature.

As a general statement, the law enforcement community feels that an increase in drug addiction has occurred for four main reasons: (1) the rise in real incomes, (2) the movements toward personal liberation among the youth, (3) the influence of the Viet Nam War, and (4) the continued disintegration of lower income families living in the central city. There is no literature available at this time which deals with all of these issues in one neat package; however, many works address one or more of the issues. In addition to the four common themes running throughout the majority of the available literature, there exist a number of problems specifically identified by law enforcement officers. In order to better understand the complexities of these problems, it is necessary to examine each of them as they relate to the enforcement officer's ability to understand his role and to effectively enforce the narcotic laws. The problems can be categorized in the following manner: (1) the social problem, (2) the enforcement problem, (3) the prosecutorial problem, (4) the adjudication problem and (5) the treatment and rehabilitation problem.

The social problem, as identified by the law enforcement

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The opinions expressed herein are those of Mr. Fahnestock and not necessarily of the Illinois Law Enforcement Commission.

community, is significant, since it is reflective of how law enforcement agencies feel they are perceived by the community. It is felt that society as a whole does not take the drug abuse problem seriously and, until it does, the police cannot possibly enforce any system of laws in a way which would have any significant impact. Additionally, the law enforcement community believes that society does not demand that drug addicts be forcefully detained because detention is viewed by society as a violation of an addict's civil rights. Finally, and quite possibly most significantly, enforcement officers are of the opinion that there is great pressure placed upon them to concentrate their efforts on major pushers and to ignore lower echelon user-addicts. There are, however, many in the police community who believe that the only successful way to completely dry up the demand for illegal drugs is to confine addicts, who are directly responsible for the demand. They feel that the enforcement effort at the pusher level merely inflates the price of drugs, as well as the price of crime. It is also believed that the pusher is the most easily replaced member of the system and, therefore, attempts to combat the problem at that level are largely ineffectual.

In the police community the enforcement problem presents the largest single set of identifiable issues and, among all the problems mentioned, it is the one most frequently discussed. It is interesting that numerous articles exist which discuss changes in case law as they relate to admissible testimony and evidence. However, very little has been written addressing the fact that drug enforcement officers may be enforcing antiquated, incomplete, and/or unpopular legislation.

Nearly every known addict has probably been arrested at some time in his or her life, yet, at any one time, it is estimated that as many as 90% to 95% of all known addicts are on the streets. Why is this? Two reasons are frequently ascribed to this phenomenon. First, police officers must have them on the street in order that they can be used as informants. Second, the courts are reluctant to send them to prison because it will not cure their habits, and because contamination by the prison community may, in fact, make addicts even better criminals, thereby allowing them to increase their habit.

Naturally, virtually every enforcement agency feels that it lacks sufficient manpower to deal with the enforcement problem, particularly as it relates to females and to the minority communities. It follows that these agencies also believe that they are inadequately equipped, inadequately supported financially, and, in some instances, are unreasonably restricted by right-to-privacy legislation and court rule. Except on a limited and sometimes personal basis, there is no established system within the law

enforcement community which allows for an acceptable and adequate exchange of intelligence and arrest information on a regional, statewide, or national basis. It is the opinion of some experts that the very nature of traditional law enforcement policies has directly contributed to the police community's inability to establish such a system.

The greatest single problem regarding prosecution in the eyes of the police community is that drug laws in the various jurisdictions vary greatly. In addition, there are widespread beliefs in the police community that a significant amount of criminal law relating to drugs such as marijuana cannot be effectively enforced and that a large segment of society would prefer that such laws be totally ignored. This gives the enforcement administrator the burden of determining which laws should be vigorously enforced, which haphazardly enforced, and which completely ignored. As a result, the officer's role changes from that of enforcer to that of prosecutor, judge and jury.

There are also a few problems regarding prosecution which are peculiar to the state of Illinois, and therefore deserve special attention. Illinois has 102 State's Attorneys, 50% of whom are currently serving their first term in office, and many of whom have little or no experience in prosecuting even small drug cases, much less drug cases which involve complicated conspiracies and transgress local jurisdictions. In addition, a significant number have limited understanding of the operation methods of effective covert narcotics enforcement efforts. Further complication arises since what one state's attorney accepts as evidence may be totally unacceptable to the state's attorney in an adjoining county. Thus, the officer who covers more than one jurisdiction is confronted with the necessity of being aware of what each state's attorney requires and of being able to adapt his enforcement effort to meet these requirements.

The problems identified in the adjudication process are few in number. However, it is the opinion of the enforcement community that they contribute greatly to the overall problem. In many instances, the judiciary have few alternatives from which to choose when dealing with the pusher-addict. Also, court delays cause considerable loss in enforcement productivity.

It is natural to assume that treatment and rehabilitation programs are looked upon by the law enforcement community with suspicion. The law enforcement community has historically found it difficult to deal with and to understand the social service role. In fact, the relationship between the social service community and the law enforcement community has often been less than cordial. However, there are some indications that limited

changes can and are being effected. In addition to the overall problem of understanding, police officers are convinced that many drug rehabilitation programs have been and still are poorly administered. In particular, it is believed that methadone maintenance programs have failed or, at best, have not lived up to their expectations. This is due, in part, to the fact that there has not been enough medical research or evidence to support the methadone substitution concept.

#### THE ILLINOIS EXPERIMENT

Illinois has initiated a number of new and innovative programs to deal with many of the problems as identified not only by the law enforcement officers but also by the various government administrators and research analysts throughout the country. Admittedly, we have only taken the first steps toward resolving these problems, and the program is still very much in its infancy. Nevertheless, we believe our program offers a model of significant value for other states. A portion of the theory that is being implemented has required and will continue to require drastic deviation from traditional law enforcement practices. Our particular program establishes seven multi-jurisdictional narcotic enforcement units, called MEGs (Metropolitan Enforcement Groups), which rely upon financial support from the Illinois Law Enforcement Commission, the Illinois Department of Law Enforcement, 26 counties in Illinois and Iowa, and over 75 cities and villages throughout the state. This program marks the coordination of efforts at the local level with various state and federal agencies involved not only in the enforcement effort, but also in areas of prosecution, adjudication, criminalistics and treatment. During 1975, state agencies and local units of government will expend approximately \$1.5 million toward this effort which will serve a population in excess of seven million persons.

Each MEG unit has a governing board consisting of the chief administrators of the various agencies which directly contribute manpower or financial support to the MEG unit. Each board is charged with establishing policy and giving direction both to the operation of its unit and to each unit's mission in addressing the demands of its particular jurisdiction. It is significant to note that these demands change from one jurisdiction to another and from the more densely populated areas to those less populated. Each board has become a quasi-governmental unit in that the local governments have validated the program by way of formal intragovernmental contracts. Each MEG unit has as its head an operating director directly responsible to the board for the operation of his unit. Also, each unit has a number of narcotics enforcement agents covertly operating within their

respective jurisdictions. These agents are deputized by the sheriffs of their respective counties. At this time, the largest unit consists of approximately 60 agents, while the smallest has only five.

The individual units are united by state agencies and receive operational support from the Illinois Department of Law Enforcement and particularly from the Illinois Bureau of Investigation. The Bureau has provided training for all MEG agents and has established a system which allows for uniformity in records and reports among all seven MEG units. In addition, the Bureau has provided a statewide communications network for the units and is in the process of establishing a meaningful and responsive intelligence capability which can be utilized by each unit. At the request of the Illinois Law Enforcement Commission, the Bureau has also provided an inspectional role in the MEG units for the commission, and the Bureau has assigned two senior agents to monitor the procedures and activities of all units.

The Illinois Law Enforcement Commission has recently addressed the issue of bringing the enforcement officers and the 26 State's Attorneys closer together in an overall understanding of their roles and problems. The Illinois State's Attorney's Association is in the process of coordinating this effort and has agreed to provide the necessary vehicle to achieve this goal. In addition, the Attorney General of the State of Illinois has established a special prosecutions unit which is available to lend prosecutorial assistance to county State's Attorneys upon request. We anticipate that in the very near future a more meaningful effort in the area of adjudication and a better understanding of roles can become a reality. A system which will yield coordination of effort between the enforcement community and the social services community has already been established, and the Illinois Law Enforcement Commission, in cooperation with the Illinois Dangerous Drugs Commission, is in the process of providing this service by establishing a coordinated working relationship.

As was briefly stated, we in Illinois recognize this project is still in its infancy. However, we believe that it is the most significant effort ever undertaken by any state in an attempt to address some of the issues that we are confronted with daily in the enforcement of narcotics laws, the apprehension of the offenders, and the rehabilitation of the abused. More importantly, we believe that, should this project be successful, it could be applied to other facets of the law enforcement effort. And, above all, the theory could be adapted to the entire criminal justice system, making the current *separate* criminal justice components a true criminal justice *system*.