

# The Clinton Administration's Law Enforcement Strategy: Breaking the Cycle of Drugs and Crime



Taking Back Our Neighborhoods  
One Block at a Time

May 1999

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## Executive Summary

*“As we begin a new century and a new millennium, we have a remarkable opportunity to harness all the resources of our criminal justice system – our courts, prisons, prosecutors, probation officers, and police – to break the drug habits of our prisoners, and to break the cycle of drugs and crime for all time. Let us seize it.”*

– President Clinton  
January 5, 1999

President Clinton and Attorney General Reno, working with state, local, and tribal law enforcement officials and others, have launched an unprecedented effort to help America’s communities fight crime. Six years into this strategy, crime has dropped to its lowest level in a quarter of a century. This success is the foundation for further efforts to reduce crime and keep America’s neighborhoods safe. The Administration’s approach to crime is comprehensive: it includes funding 100,000 new community police officers, implementing tough gun laws to keep deadly weapons out of the hands of criminals, and enacting new laws to fight violent gangs, juvenile crime, terrorism, and international crime.

A critical component of the Administration’s law enforcement strategy is a tough, but smart approach to attack the link between drugs and crime. Drug use fuels much of the crime committed in communities across the nation. Many of America’s criminals commit their crimes either while high on drugs or to get money to buy drugs. Enforcing drug laws and punishing offenders are important law enforcement priorities, and the Administration has committed substantial resources to support such efforts at the federal, state, and local levels. But it is not enough simply to punish drug using offenders and then send them back out on the streets – still drug- and crime-dependent. Instead, the Clinton Administration supports using the coercive power of the criminal justice system to help break their drug habits and thereby break the cycle of drugs and crime. This approach can reduce crime permanently, save money, and allow law enforcement resources to be redirected to further crime fighting.

A comprehensive strategy to break the cycle of drugs and crime involves drug testing, treatment, and sanctions for offenders from the time of their arrest and continuing through incarceration and eventual release back into the community. Over the last six years, the Administration has advanced this strategy by supporting drug testing for arrestees, using drug courts to compel treatment and reduce recidivism by non-violent drug offenders, assuring that offenders receive effective treatment while incarcerated, and using testing, follow-up treatment, and sanctions to assure that offenders stay clean after they are released. Such efforts are demonstrably effective in reducing offender drug use and drug-related crime.

With this groundwork laid, the Administration now proposes a “Zero Tolerance Drug Supervision Initiative” to more than double existing federal support for drug testing and treatment programs for offenders at the state, local, and tribal levels. The Administration also seeks legislation to enhance such efforts nationwide and additional funds for testing and treatment of federal offenders.

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## **Illegal Drug Use is Fueling Crime Rates and Filling our Prisons**

Drug use and crime are closely linked. Studies of arrestees in 35 metropolitan areas around the country show that from half to three quarters have drugs in their system when they are arrested. About half of those charged with violent crimes or income-generating crimes like robbery, burglary, or theft tested positive for more than one drug. In 1997, a third of state prisoners and about one in five federal prisoners said they were under the influence of drugs when they committed the offenses that led to their incarceration. One in five state inmates and one in six federal inmates said they committed their current offense to obtain money to buy drugs.

### **Illegal Drug Use Carries Enormous Costs**

Illegal drug use costs our society more than \$110 billion annually. These estimated costs result from the human lives lost directly from overdoses and indirectly from drug abuse-related diseases or accidents, the various crimes committed by addicts to support their drug habits, and the resources expended to apprehend, sentence, treat, and incarcerate drug users. Drug abuse contributes to spousal and child abuse, property and violent crime, the spread of AIDS, workplace and motor vehicle accidents, and absenteeism in the workforce.

Reducing the number of drug-dependent criminals is critical in decreasing the amount of drugs consumed, the size of illegal drug markets, the number of dealers, and the amount of drug-related crime and violence. Chronic drug users account for as much as two-thirds of the cocaine, heroin, and methamphetamine consumed in the United States. The largest volume drug users are themselves frequent arrestees. The demand for drugs is met by illicit drug trafficking that thrives on a culture of crime and violence.

Increasing numbers of drug-involved offenders are filling our prisons and jails at enormous expense. The nation's incarcerated population now exceeds 1.8 million and could reach 2 million by 2001. Prisoners sentenced for drug offenses constituted 60 percent of federal

inmates in 1997, up from 25 percent in 1980. Between 1980 and 1997, the portion of state prisoners who were incarcerated for drug offenses more than tripled, growing from six percent to 21 percent. Hundreds of thousands of inmates committed their crimes to get money for drugs, were under the influence of drugs when arrested, or have a history of drug use.

Drug abuse treatment is essential, but too often not available. The number of arrestees who require drug treatment may exceed 2 million each year, including many chronic users of cocaine, heroin, and methamphetamine. Yet only one-sixth of those state inmates who need substance abuse treatment receive it while in prison. When not incarcerated, many hard-core drug users remain under criminal justice supervision through probation or parole. But only a small fraction of non-violent drug offenders or persons under probation or parole are involved in programs that require mandatory testing for continued drug abuse and appropriate treatment. As a result, many untreated or inadequately treated offenders are released back into their communities each year.

Most drug-dependent offenders will return to a life of crime. Merely incarcerating offenders without treating underlying substance abuse problems is shortsighted, expensive, and will not solve the crime problem. It simply suspends temporarily the criminal, destructive and costly interactions between offenders and our communities. Between 60 and 75 percent of untreated parolees with histories of cocaine or heroin abuse return to those drugs within three months of release. Failing to provide appropriate testing and treatment means that the cycle of drugs and crime will continue – with huge social, human, and economic costs for our nation.

## **A Comprehensive Approach to Breaking the Cycle of Drugs and Crime**

The Administration has developed a range of programs to help break the cycle of drugs and crime by assuring that offenders receive appropriate testing, treatment, and sanctions while they are under criminal justice supervision. These programs address federal offenders and also support efforts by state, local, and tribal governments to deal with drug-involved offenders in their respective jurisdictions.

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*Providing Drug Testing for Arrestees*

The Department of Justice has two programs for drug testing of arrestees. First, to study the relationship between drug use and criminal behavior, the Department of Justice supports the Arrestee Drug Abuse Monitoring (ADAM) program for state and local arrestees in 35 different sites throughout the country. This program uses confidential interviews and drug tests to monitor drug use by recently booked arrestees.

ADAM studies confirm that illegal drug use drives much of the crime that occurs throughout the nation. These studies also provide critical information about emerging trends in drug use in particular areas.

Second, acting on a directive by President Clinton, the Justice Department developed Operation Drug

According to ADAM data for 1997, about half those charged with violent or income-generating crimes test positive for more than one drug.

TEST in 1997 to test federal arrestees for drug use. Operation Drug TEST helps to identify persons whose release conditions should include regular drug testing and who need treatment, either before trial or after

conviction. The \$4.7 million pilot project, funded by the Department of Justice and implemented by the Administrative Office of United States Courts, is now in operation in 24 of the 94 federal judicial districts. Efforts are under way to expand Operation Drug TEST to approximately 10 more districts by the end of 1999. And other districts on their own initiative have adopted drug testing programs for federal arrestees.

*Using Drug Courts to Break the Cycle for Non-violent Offenders*

A key tool in the Clinton Administration's strategy for breaking the cycle of drugs and crime is the use of drug courts. These specialized courts have proved to be an effective way to address drug abuse problems for non-violent offenders, to reduce the burdens imposed on the criminal justice system by drug-related cases, and to help offenders become law-abiding, self-sufficient members of their communities.

In the late 1980s, court systems across the country experienced a huge increase in drug-related cases. More drug offenders were being arrested and convicted, but many of them received little, if any, substance abuse treatment. The result was a revolving door in which drug-using offenders were cycled in and out of courts, jails, and prisons in ever-growing numbers that threatened to overwhelm criminal justice resources. The first drug court was created in Miami, Florida in 1989, with the support of judges, prosecutors, including Attorney General Reno – then the county prosecutor – and defense attorneys. The drug court used a new approach that placed non-violent offenders in judicially supervised programs combining substance abuse treatment, sanctions, and incentives. The results in Miami were promising: there was a 33 percent reduction in re-arrests for drug court graduates as compared with non-drug court offenders.

**Federally Supported Drug Courts**

The Drug Court Program established by the 1994 Crime Act provides federal grants to support the operation of drug courts by state, local, and tribal governments. Drug courts supported by the Drug Court Program include the following features:

- an integrated system of sanctions, treatment, and services
- intensive case management with on-going judicial involvement
- mandatory periodic drug testing during periods of supervised release or probation
- drug abuse treatment for each participant
- the prospect of prosecution, confinement, or incarceration for failure to make progress
- aftercare and other services such as relapse prevention, health care, education, vocational training, job and housing placement, and child care

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Drug courts use a “carrot and stick” approach. Intensive supervision and sanctions are combined with the prospect of reduced charges or shorter sentences for offenders who successfully complete treatment. Although drug courts vary somewhat among communities, such courts typically involve active participation by judges, regular drug testing of offenders, and prompt, graduated sanctions. They also use a partnership approach that integrates drug treatment with other health and social services. As an alternative to traditional incarceration or probation, drug courts are an effective means to reduce drug use and recidivism and to save money that would otherwise be spent on jailing offenders.

With the backing of the Clinton Administration, the use of drug courts has expanded dramatically in the last

“Drug courts cut crime. More importantly, drug courts save lives. They help people rid themselves of addictions that kill.”

President Clinton, July 1998

five years. In 1994, there were only 12 drug courts operating nationwide. The 1994 Crime Act authorized the Attorney General to make grants to state, local, and tribal

governments to establish drug courts. The Justice Department has funded more than \$93 million in grants that have helped create more than 175 of the 359 drug courts now operating. Hundreds more are in the planning stages. More than 100,000 persons have entered drug courts, 70 percent of whom have graduated or remain as active participants.

Drug courts bring many benefits to the communities they serve.

- Drug courts can help keep offenders in treatment and provide treatment more effectively. On average, over 70 percent of drug court participants stay in treatment. Last year, Columbia University’s National Center on Addiction and Substance Abuse (CASA) released a study showing that drug courts provide closer, more comprehensive supervision and much more frequent drug testing and monitoring than other forms of community supervision.

- Effective treatment and supervision mean that offenders who complete drug court programs are much less likely to commit crimes in the future. Criminal justice professionals estimate that at least 45 percent of defendants convicted of drug possession will commit another similar offense within two to three years. In contrast, recidivism rates for drug court participants have ranged from 2 to 20 percent.
- Drug courts can help communities save money by reducing drug use and recidivism. Denver saved an estimated \$2.15 million annually and Washington, D.C. saved an average of \$6,455 per client per year (based on the cost of maintaining an individual in the drug court program as compared to the cost of incarceration). Hundreds of drug-free babies have been born to women receiving treatment through drug courts. Absent such programs, these babies could have been born with addictions that would have resulted in social service costs of approximately \$250,000 per child – or total costs, so far, of more than \$162 million.
- Drug courts are also helping families reunite. In Portland, Oregon nearly all of the over 100 female drug court participants who had lost custody of their minor children due to their substance abuse regained custody of their children after participating in the drug court program. Children benefit when their parents remain drug free and acquire the life skills learned through completion of drug court programs.

#### *Supporting Communities in Implementing Comprehensive Programs for Drug Offenders*

The Office of National Drug Control Policy (ONDCP) is working with the Department of Justice to develop model programs for drug-using offenders in several communities. These “Breaking the Cycle”

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demonstration projects seek to reduce offender drug use by providing continuous drug testing, treatment, and supervision with close oversight by the courts.

The first Breaking the Cycle project began operating in Birmingham, Alabama, in 1996 and was fully implemented last year. Nearly 4,000 offenders have participated in the program as a condition for release from jail. The program has cut the time needed to refer defendants to treatment from months to a matter of days, increased the number of defendants placed in appropriate treatment, enhanced treatment and supervision, and helped to reduce the county jail population.

In November 1998, Breaking the Cycle demonstration projects were added in Jacksonville, Florida and Tacoma, Washington. A juvenile program began operating in Eugene, Oregon in March 1999.

#### *Keeping Drugs out of Prisons*

Keeping drugs out of prisons and prisoners off drugs is critically important to breaking the cycle of drugs and crime. Consistent with legislation signed by President Clinton in 1996, all states have implemented programs for drug testing, sanctions, and treatment for offenders under criminal justice supervision. In early 1998, the President directed the Attorney General to amend the guidelines for the prison construction grant program to require state grantees to establish and maintain a system of reporting on their prison drug abuse problems.

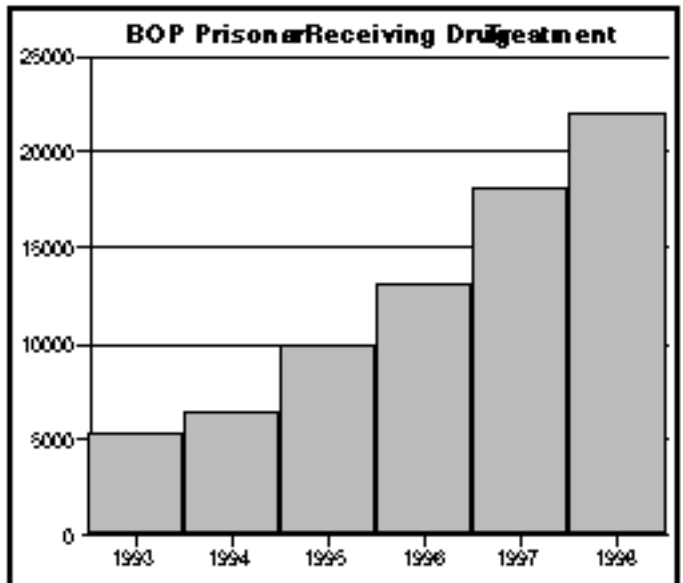
The Administration is also working to eliminate drugs in prison through Drug-Free Prison Zone demonstration projects. This \$6 million initiative is funded by the ONDCP and administered by the National Institute of Corrections and the Federal Bureau of Prisons (BOP) through an interagency agreement. Demonstration projects began in federal prisons in October 1998 and in selected state prisons in January 1999. Drug-control measures at the federal and state level include regular inmate drug testing, advanced detection technologies, and staff training. For 1999,

drug-free prison demonstration grants in amounts of \$423,000 to \$500,000 have been awarded to eight states: Alabama, Arizona, California, Florida, Kansas, Maryland, New Jersey, and New York. These grants will support further efforts to keep drugs out of prisons and prisoners off drugs.

The BOP is testing high-tech means of detecting illegal drugs in 28 facilities around the country. Ion spectrometry equipment can quickly and accurately detect microscopic traces of drugs on skin, clothing, and other surfaces. Preliminary results for this technology are promising – after 90 days, the rate of serious drug-related misconduct (introduction, possession, or use of drugs) dropped by 86 percent at the Federal Correctional Institution in Tucson, Arizona and by 58 percent at the Metropolitan Detention Center in Los Angeles, California.

#### *Breaking the Cycle through Testing and Treatment in Prisons and Jails*

The period while a person is incarcerated and subject to criminal justice sanctions offers a great opportunity to provide effective substance abuse treatment. A study last year by the National Center on Addiction and Substance Abuse at Columbia University (CASA) showed that 1.4 million offenders – or 80 percent of all



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incarcerated adults – were either high on drugs or alcohol when arrested, stole property to buy drugs, or have a history of drug abuse. This same study showed that residential treatment combined with appropriate follow-up care after release can reduce relapse and recidivism. Studies have also confirmed that treatment that is compelled by the threat of sanctions can be as effective as voluntary treatment.

Providing effective treatment programs for inmates, combined with education, job training, and health care, also makes economic sense. According to the CASA study, the cost of residential treatment averages about \$6,500 per inmate per year. Each inmate who successfully completes such treatment and becomes a law-abiding, tax-paying citizen generates a 10-fold return on that investment in the first year. For every 10,000 drug addicted inmates who stay off drugs and crime after release, there is an estimated reduction of one million crimes per year.

#### **Testing and Treatment that Works**

In the Amity program at the Donovan medium-security state prison near San Diego, California prisoners must attend drug rehabilitation treatment and submit to intensive aftercare that includes drug testing and counseling while on parole. According to a 1997 study, inmates who completed the Amity program were one-fourth as likely to be rearrested within one year of their release as compared to inmates who did not participate.

Over the last six years, the Clinton Administration has significantly increased drug testing and treatment for federal prisoners. In 1998, federal prisoners were subject to nearly 133,000 drug tests. The BOP estimates that nearly 30 percent of federal prisoners have substance abuse problems and, consistent with its statutory mandate, the BOP provides treatment to all eligible federal prisoners. From 1993 through 1998, the number of federal inmates who received drug treatment quadrupled – from 5,450 in 1993 to 21,995 in 1998. Another 12,000 inmates participated in drug education programs in 1998. Today 42 federal correctional

institutions offer residential treatment, almost a 25 percent increase since 1994.

A recent study showed that BOP inmates who completed residential drug abuse treatment programs were 73 percent less likely to be rearrested in the first six months after release as compared to similar inmates who did not receive treatment. This time period is significant because recidivism is generally the highest within the first year after release from prison.

The Administration is also working to address the compelling need to provide substance abuse treatment to inmates in state and local correctional institutions. The nation's prison population grew 4.4 percent in 1998 – more than 1,000 new inmates per week. According to a 1997 survey of state corrections departments, approximately 70 to 80 percent of all state prison inmates need substance abuse treatment. The same survey indicated that only about 15 percent of inmates in reporting states complete a prescribed substance abuse treatment program and just over one of three of those needing treatment in the community after release will receive it.

Providing drug treatment for incarcerated offenders is a logical, convenient, and cost-effective way to reduce illegal drug use and associated crime. Recognizing this fact, the Administration supported the creation of the Residential Substance Abuse Treatment (RSAT) grant program as part of the 1994 Crime Act. The RSAT program provides formula grants, administered by the Justice Department, for substance abuse treatment programs in state or local correctional facilities. Between FY 1996 and FY 1998, the Department provided over \$144 million to states through the RSAT program. In FY 1999, the RSAT program will provide another \$57 million in grants. The Clinton Administration has also obtained authority from Congress for states to use up to 10 percent of their federal prison construction grants in FY 1999 to pay for testing and treatment of offenders while in prison or on post-release supervision.

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### The Clinton Administration's Record of Accomplishment In Breaking the Cycle of Drugs and Crime

- 1994 President Clinton signs Crime Act authorizing both the RSAT grant program to help states provide residential substance abuse treatment to inmates and the Drug Court program to support state, local, and tribal governments in operating drug courts for non-violent offenders.
- 1996 Federal prison construction grant and RSAT grant programs amended to require states to implement programs for drug testing, sanctions, and treatment for offenders while incarcerated or under criminal justice supervision.
- 1997 Operation Drug TEST provides resources to 24 federal courts to begin pretrial drug testing for persons charged with federal crimes.
- Breaking the Cycle prototype begins operating in Birmingham, Alabama to demonstrate the use of system-wide intervention strategies designed to identify, supervise, and treat all drug-using offenders.
- 1998 Federal prison construction grant program amended to allow states to use up to 10% of their grants to support testing and treatment of violent offenders while in prison or under post-release supervision.
- The BOP administers nearly 132,000 drug tests to inmates and more than 22,000 federal inmates receive residential treatment, a four-fold increase since 1993.
- 1999 More than 359 drug courts are operating nationwide – up from 12 in 1994 – with hundreds more in the planning stages.
- President Clinton calls for \$215.1 million funding for Zero Tolerance Drug Supervision Initiative to further support state, local, and tribal governments in testing, treating, and supervising drug-involved offenders.

### Next Steps in Breaking the Cycle of Drugs and Crime

Over the last six years, the Clinton Administration has laid the groundwork for a comprehensive approach to testing, treatment, and sanctions for drug-abusing offenders. Now, to build on these accomplishments and to reduce crime permanently, the Administration is proposing a “Zero Tolerance Drug Supervision Initiative” that will nearly double federal support for state, local, and tribal efforts to provide drug testing and treatment programs for persons under criminal justice supervision. The Zero Tolerance Drug Supervision Initiative, along with other budgetary and legislative proposals being advanced by the Administration, will go far in helping to assure that drug-involved offenders receive drug testing and treatment while incarcerated, appropriate supervision after their return to the community, and sanctions if they fail to participate in treatment or to stay off drugs.

#### *The Zero Tolerance Drug Supervision Initiative*

The \$215.1 million Zero Tolerance Drug Supervision Initiative has three components:

- **\$100 million** to establish a new Testing and Treatment Program that will provide discretionary grants to states, local governments, state and local courts, and Indian tribes to support comprehensive programs for drug testing, treatment, and sanctions for prisoners, parolees, and probationers. These grants will be offered to jurisdictions that have a demonstrated commitment to furthering a system-wide strategy of universal drug testing for offenders, combined with treatment and graduated sanctions for failure to comply. Such funds may be used, for example, to purchase drug testing equipment, to implement improved information management systems to allow judges to instantly access an offender's drug and arrest history, or to create treatment referral programs in jails. Both juvenile and adult systems will be eligible for grants under this program.



- **\$50 million** (which is a \$10 million increase over FY 1999) for the Drug Courts Program administered by the Department of Justice. Through this discretionary grant program, additional funds will be available to state, local, and tribal entities to help plan, establish, or enhance drug courts for non-violent offenders. Such courts effectively use the coercive power of the criminal justice system to break the cycle of drug abuse and crime by combining drug testing, treatment, and sanctions.
- **\$65.1 million** (which is a \$2.1 million increase over FY 1999) for the Residential Substance Abuse Treatment Program. This program provides formula grants to states for use by state and local governments to develop and implement residential substance abuse treatment programs. RSAT supported programs have shown consistent reductions in drug use and recidivism for offenders who complete treatment.

*Other Budgetary and Legislative Proposals*

In addition to the Zero Tolerance Drug Initiative, the Clinton Administration is advancing other budgetary and legislative proposals to help break the cycle of crime and drugs. To increase our understanding about the relation between drugs and crime around the country, the Administration is requesting \$4.8 million in FY 2000 to expand the ADAM program from 35 to 50 sites. Increasing the number of sites will expand the ability to inquire into drug problems in particular cities and allow more accurate estimates of drug use. With these resources, the Department will also initiate an outreach effort to learn more about the relation between drugs and crime in understudied areas such as rural, suburban, and Native American lands.

The Administration also wants to keep drugs out of prisons. For FY 2000, the Administration is seeking \$6

million for new Drug-Free Prison initiatives to support surveillance systems, drug-sniffing K-9 teams, advanced drug-detection technologies, and other efforts to detect and deter drug use by federal and state inmates.

Another important goal is providing the BOP with adequate resources to treat federal prisoners with substance abuse problems. For FY 2000, the Administration is requesting \$2.09 million and 31 positions for residential and community-based transitional drug treatment programs. This expansion will increase the BOP's drug abuse treatment program capacity by 2,000 inmates, consistent with a long term goal of increasing capacity by 2,000 in each of the next five years.

To provide needed treatment for state prisoners, in addition to requesting an increase in RSAT funding, the Administration proposes to amend the grant program to allow funds to be used to monitor and intervene with prisoners after their release. This will help ensure that offenders are being held accountable and receiving needed post-incarceration treatment and supervision.

“One of the most effective things we can do to reduce crime further is to make sure that prisoners don’t get out of jail unless they test clean for drugs and that when they do get out, they continue to get appropriate testing and treatment.”

Attorney General Janet Reno,  
January 5, 1999

The Administration is also seeking formal reauthorization of the Drug Courts program, which Congress has continued to fund each year since enactment of the 1994 Crime Act. Consistent with prior appropriations for this program, the proposed reauthorization would allow the Attorney General to make grants to states, state courts, local courts, and Indian tribal governments to operate drug courts for non-violent offenders.

The Administration proposes to amend the Edward J. Byrne Memorial State and Local Assistance Program in order to facilitate the ability of states to use grants under this program to support drug testing, treatment, and intervention for offenders. Under existing law, Byrne Formula Grants may be used to support 26 identified activities, including treatment in prison and jails; programs for

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adult-juvenile drug-dependent offenders; monitoring of drug addicted offenders; innovative programs to include community-based intervention, surveillance, and supervision; and alternative incarceration programs for offenders who pose no danger to the community. Programs funded with Byrne grants generally are limited to no more than four years, but an exception to this four-year limit was created several years ago for multi-jurisdictional task forces. To increase the funding options for states, the Administration supports also eliminating the four-year limit for those activities that relate to drug testing treatment, or intervention for offenders.

## **Conclusion**

We have the opportunity to use the coercive powers of the criminal justice system to break the cycle of drugs and crime once and for all. The Clinton Administration proposes to seize that opportunity by supporting comprehensive programs of testing, treatment, and sanctions for drug involved offenders. The next key steps are the Zero Tolerance Drug Supervision Initiative and the Administration's other budgetary and legislative proposals described in this report. By working to keep offenders off drugs, the Administration's strategy will cut crime rates further, reduce other human and economic costs from illegal drug use, and strengthen our communities.