

# 16 USE DRUG TESTS TO REDUCE DEMAND FOR NARCOTICS

by James Q. Wilson

*Many of our worst drug abusers—who spin destruction across society through their habits—are already under the supervision of the criminal justice system because they are on probation or parole. By drug-testing these individuals frequently and punishing them for use, we can take a big bite out of total drug demand.*

There is no doubt that drugs, especially crack cocaine, contribute to crime. What divides experts is why. For some, drugs cause crime because they are illegal: people steal in order to afford their fix, or shoot rivals in order to control illegal markets. For others, drugs cause crime because they alter the subjective state of drug users: drug abuse makes people unfit for regular employment and unable to manage their own lives. Whichever view one takes, crime would be less if the demand for drugs were less.

There is some reason to think that drug demand has in fact declined from 1980s peaks, but this drop is confined almost entirely to light or casual users. For cocaine at least, the number of regular users and the amounts they consume have increased dramatically. As a result, the cocaine problem is as bad today as it was 10 years ago in terms of total consumption, and far worse in terms of its concentration among heavy users.

Efforts to reduce drug demand by choking off supplies so that prices rise have had little if any effect. The price of cocaine has been declining and its purity has remained high. Given the vast resources pumped into supply reduction, this seems puzzling, but it can be explained by the economics of drug production.

Experts at the RAND Corporation estimate that the price of cocaine in transit to the United States is \$17,000 per kilo, but on U.S. streets that same kilo is worth

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\$129,000. That enormous spread means that even if authorities manage to seize 1 out of every 10 kilos shipped (which seems to be about as much as can be hoped for) the street price on the supplies that get through need only be raised by 1.5 percent to make up for the lost shipment.

This has led most experts to conclude that it is more cost effective to invest in treatment programs—if they work. They do work for people who remain in them. The trouble is that many users, especially young ones, are not really seeking a permanent break from the drug. Increased emphasis on treatment will reduce drug demand among heavy users only if more of them become motivated to end their abuse.

One way to make them as motivated is coercion. This is neither as organizationally difficult nor as constitutionally dangerous as one might suspect—if we take advantage of the fact that cocaine use has become concentrated among a relatively small population.

Urine tests in jails show that a majority of newly admitted inmates were using drugs within a day or two preceding their confinement. In the course of a year or two, a large fraction of the heavy crack users in this country fall under the supervision of the criminal justice system. For this reason, prison-based drug treatment programs should be expanded. But they have two limits: First, without community-based follow-up, the relapse rate is likely to be high. Second, three-quarters of all supervised offenders are on the streets on probation or parole, not in prison.

Several experts, notably Mark Kleiman, Eric Wish, and Robert DuPont, have proposed making probationers and parolees subject to frequent, random drug tests, with modest but increasingly severe sanctions if they fail the test. Given the short time horizon of drug users, “frequent” would mean several times a week and the sanctions (a night or two in jail, a week on an arduous work crew) would have to be promptly imposed.

Because we would be testing persons already under the supervision of the criminal justice system, the civil liberties problem would be much reduced. Probationers and parolees are not subject to the full protection of the constitutional bar on unreasonable searches, and, in some states, have waived such protection as a condition of their release.

We know from studies that coerced participation can improve the chances of successful treatment. Kleiman estimates that the cost of the testing would be about \$2,500 per person per year. There would be additional costs for sanctions, but these could be relatively low if punishments were mild but swiftly applied. All of these outlays would be partially offset by a reduction in drug-caused crime and the attendant investigatory and imprisonment costs.

Such a program has been tried on a pilot basis, but never in a large jurisdiction for an extended period. In order for this to be done, probation, parole, and police officers would need to become aggressive about identifying and testing drug-abusing convicts, judges would need to respond crisply to those who failed the tests, and correctional authorities would need to create a graduated set of sanctions.

Some of our new drug courts may be able to achieve these things. But the task would not be easy, as it would require our criminal justice system to succeed at some things it has generally not been good at.

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## 17 CONTROL, TRACK, AND LOCK UP SEX PREDATORS

by Marc Klaas

*Violent sex criminals cannot be cured. They will prey on innocent people, especially children, repeatedly throughout their lives unless they are tightly controlled. Sex predators ought to undergo behavior modification therapy, they ought to be tracked closely and revealed to their neighbors, and many of them ought to be locked up for long sentences.*

Did you know that offenders who continue to perpetrate sexual assaults against children commit an average of 380 molestations in their lifetime? In 1986, one out of eight violent offenders in state prisons were serving time for victimizing a child. This totals 40,000 young victims. Did you know that the rape rate of girls under 17 is four times the adult rate? Did you know that in California there are 65,000 registered sex felons, and only one out of every five arrests for child molestation results in a conviction? Every child in America is at risk from sexual assault.

The typical child molester tends to be a mild-mannered, friendly person who seeks employment that gives him access to children. Ashley Estell was abducted, molested, and murdered while attending her brother's soccer match in Plano, Texas in 1993. Videotape confiscated as evidence identified three pedophiles in attendance, including the referee.

Forensic research units at state hospitals throughout the United States have

Robbery or  
carjacking are no  
more about  
property than  
rape is about sex.  
Violent crime  
commandeers the  
victim's person  
and liberty.  
It is an act  
of enslavement.

had sex offender rehabilitation programs for years. According to Dr. Chris Hatcher, a clinical psychologist at the University of California, San Francisco, professionals can expect to gain only slight control over the impulses that drive sex felons. Efforts to cure child molesters do not work—because they are driven by compulsions, like alcoholism, that have never proven curable. If any degree of suppression is to be achieved, long-term treatment, behavior modification, and drug therapies are necessary.

Legislative solutions are necessary to protect society from recidivist sex felons. States that adopt sex offender registration laws that notify communities and monitor sex offenders released back into society send a clear message. "We are not going to take it anymore. Deviant behavior will not be tolerated in our jurisdiction." Because of the transient nature of sexual offenders, the information collected in these databases must be made available to law enforcement officials throughout the country.

The aim of sex offender registration laws that include community notification is fourfold: to assist law enforcement investigations; to establish legal grounds to hold known offenders found in suspicious circumstances; to deter offenders from committing new offenses; and to offer citizens information so they can protect

themselves. To allay fears of retribution, California's statute has a felony enhancement of five years in prison for anyone who uses public notification information to persecute a released offender.

The FBI estimates that of all federal and state arrest fingerprint cards processed, two-thirds of the subjects have prior arrests. Of those, 25 to 30 percent have both federal and state arrest records in more than one state. Therefore, a law enforcement official in Wisconsin ought to have the same information that's available to his counterpart in California. In 1984, the Interstate Identification Index (III), a voluntary, decentralized national recordkeeping system for criminal histories, was established to make rap sheets available to law enforcement at the patrol car level. Of the 50 million criminal sheets available in states today, the III database contains only about 20.5 million. It is a betrayal of the public trust that 21 states don't supply the III with the criminal backgrounds of paroled violent and sexual felons. This should be remedied.

Meanwhile, the deterrence value of prison for sex offenders is pitiful in most places. Habitual offenders, including child molesters, serve an average of just 37 percent of their sentence behind bars. Victims of sexual assault spend years recovering from the horror of molestation, yet the average rapist is in jail for only three years, and the average child molester serves only 2 1/4 years in prison. Citizens everywhere must demand truth-in-sentencing laws based on the federal standard of 85 percent of sentence served as a minimum. Every day a child molester is behind bars is a day he cannot victimize an innocent youngster. By focusing our incarceration efforts on truth-in-sentencing with sentence enhancements for repeat crimes, we can save the lives of countless children. The person accused of murdering my daughter Polly Klaas has a violent criminal history dating back over 20 years. Yet he served less than half of a 16-year prison term for the assault and robbery of his second kidnap victim. Less than three months later, Polly was dead.