

LAW ENFORCEMENT MANAGEMENT INSTITUTE

NARCOTICS ENFORCEMENT: ITS EFFECT ON
JAIL OVERCROWDING

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GLOSSARY

Jpop. The number of prisoners being held in a correctional facility, at a given period of time.

Manday. The number of consecutive days, a prisoner is incarcerated in a correctional facility.

Jail Overcrowding: an Overview

The United States Justice Department has announced that the nation's prison population has reached a record high of over 500,000 prisoners (American Jurisprudence 1988, 60b : 1183). This statement was first published in May of 1987 in U. S. News and World Report, and conditions are increasingly worse. Prisons, county jails, and local jails are bursting at the seams. The overcrowding situation seems to stem from response to public pressure for more stringent sentences. The population of state and federal institutions increased fifty percent between 1980 and 1985. Approximately 3.4 million adults were supervised by the corrections system in some fashion by the end of 1987 (Ingley 1989).

Rates of incarceration continue to increase. In 1987 the number of sentenced prisoners per 100,000 population was 228, which set a new record. This number indicates that all levels of law enforcement are feeling the effect of overcrowding. In a 1987 survey by the Bureau of Justice Statistics, it was reported that most jurisdictions were operating above reported capacity. Only six states reported that they were operating below ninety-five percent of their highest capacity. Most state prisons were reported to be operating at approximately one hundred five percent of their

highest reported capacities. The federal system was reported to be operating between thirty-seven percent and seventy-three percent above capacity.

The overcrowding situation has caused problems with inmates as well as law enforcement administrators. The overcrowded conditions have provoked increased violence, vandalism, and unsanitary conditions. These conditions also create a dangerous potential for frustration and tension among the inmates.

The State of Texas is very much aware of the consequences of the effects overcrowding have placed on prison inmates. On January 14, 1982, Chief Judge William Wayne Justice handed down a ruling on the Ruiz v Estelle case (666 F2d 854 5th Cir.). This ruling ordered the State of Texas to reduce the total population of prisoners in facilities operated by the Texas Department of Corrections, as well as the prisoner population at each prison unit operated by the Texas Department of Corrections. The bottom line of the order stated:

By November 1, 1983 defendants (Texas Department of Corrections) shall reduce overall Texas Department of Corrections population to the number of persons who can be housed in dormitories that afford sixty square feet (excluding bathing, toilet, and activity areas) per prisoner. Defendants shall not thereafter, until further order of the court, accept any prisoners whose confinement would cause the population to exceed such figure.³

After a lengthy battle, which included the threat of contempt fines exceeding twenty-four million dollars a month, the Texas Department of Corrections reluctantly bowed to the

court. In doing so, the Texas Department of Corrections lost sixteen percent of their capacity, requiring a depopulation of six thousand prisoners. This came on top of a sixty percent shortfall already existing in capacity in the prison system due to increased admissions.

What has this all meant to local jails in the State of Texas? The Texas Department of Corrections has to close the doors to their facilities and cannot accept prisoners over their ninety-five percent capacity. The lack of capacity in the state prison is causing the county jails overcrowding problems. Thousands of inmates remain in county jails, because the Texas Department of Corrections is only accepting a limited number of prisoners from the counties in Texas. Counties, such as Tarrant County, are well above capacity. This creates the same frustration and tension for inmates in county jails as it does in the state and federal prison systems. Counties are becoming reluctant to run their jails at capacities that are well above one hundred percent, on a daily basis. The imminent threat of legal action by the inmates, increased medical problems, and a general atmosphere of unrest, is forcing counties to seek relief. Some counties are placing "caps" on their facilities, limiting the number of prisoners they will accept from local jurisdictions. Such is the case in Tarrant County. In November of 1988, Sheriff Don Carpenter set the maximum number of prisoners he would allow in the Tarrant County jail at 2350. Since Tarrant County jail was already at capacity, the Tarrant County jail

began refusing to accept prisoners from local, state, and federal law enforcement agencies. The effect of this shut-down at the county level did not have an immediate impact. The effect of the shut-down took approximately two months to surface. The City of Fort Worth was forced to build wire cages in an unused portion of their police facility, to house prisoners. Fort Worth became so overrun with prisoners, they had to attempt to contract with smaller agencies in hopes of gaining additional bed space for Fort Worth prisoners.

The City of North Richland Hills also began feeling the effects of the shut-down by Tarrant County. North Richland Hills, having opened a new detention facility in January of 1988, did have bed space for thirty-eight prisoners. North Richland Hills detention facility, however, was filled to capacity in November 1988 when the county shut-down was announced. The North Richland Hills detention facility immediately began surpassing bed space capabilities on a daily basis. From November 1988 to the present, the North Richland Hills detention facility has maintained an average jail population of 38.7 prisoners per day in their thirty-eight bed facility. The North Richland Hills detention facility has been forced to hold as many as seventy prisoners at one time in their thirty-eight bed facility. To accommodate seventy inmates, it was necessary to issue mattresses and blankets to be placed on any available floor space in the lock down areas. The following table will show the population in the North Richland Hills detention facility

during the peak overcrowding periods.

Table 1.-- North Richland Hills Jail Totals for October 1988
through March 1989

North Richland Hills Detention Facility				
Jail Totals				
Month/ Year	Prisoners	Mandays	Average Daily Jpop	Average Mandays Per Prisoner
Oct.88	333	1041	33.5	3.12
Nov.88	403	1166	38.3	2.89
Dec.88	398	992	32.0	2.49
Jan.89	518	1531	49.3	2.95
Feb.89	348	1574	56.2	4.52
Mar.89	366	1726	55.6	4.71

Source: North Richland Hills yearly jail report 1989

The numbers presented by the North Richland Hills detention facilities jail totals, assures further problems for local law enforcement administrators. The overcrowded conditions on the local level have presented some special problems. Liability issues concerning the housing of so many inmates are inevitable. The City of North Richland Hills has already been faced with two federal civil rights lawsuits. These suits stem from the fact that local detention facilities are not equipped to accommodate the needs of prisoners incarcerated in local facilities for extended periods of time. Local facilities are maintained and equipped as twenty-four hour holding facilities, not prisons. Inmates are not afforded such luxuries as exercise areas, clergymen, libraries, smoking areas, etc.. Most local detention

facilities do not have adequate room or equipment to prepare meals which will meet needed nutritional requirements for extended stay prisoners. Local agencies are also absorbing increased medical expenses associated with holding excessive populations of inmates.

The situation of overcrowding has not only effected the entire criminal justice system and the inmates it facilitates, it is costing the taxpayers enormously. Unless drastic changes from the Supreme Court on down are made, the problem of jail overcrowding will continue to escalate.

Narcotics Enforcement's Contribution

Jail Overcrowding has been attributed to many different factors, among which we find narcotics enforcement.

Illicit narcotics is a business much like any other business. Its entire success is dependent upon the theory of supply and demand.

When there is a situation in which a lot of arrests are being made and narcotics are being seized, there becomes less of a supply to those who depend on the substance. When this occurs the price of the substance goes up dramatically. The majority of people using illicit narcotics are people who cannot readily afford to pay the price demanded to obtain the illegal narcotics. This causes those people to resort to other means to provide funding for their use of illegal narcotics.

Last year, American drug users spent twice as much on illegal narcotics as the entire population spent on oil and gas⁴. It is estimated that organized crime takes in approximately three hundred fifty million dollars a year on illegal narcotics. Texans are spending over twenty billion⁵ dollars a year buying drugs. Marijuana alone accounted for approximately twenty-three billion dollars in sales in the United States in 1978. Over sixty percent of the illegal⁶ narcotics in the world are consumed in the United States.

Where is the money coming from to support such high figures? The answer is from citizens in every community across the nation. Narcotic laws and enforcement have made the ingested substance illegal, difficult to obtain, and/or expensive. Narcotics abusers are crime-prone people and often revert to crime to support their use of narcotics.

In Grand Prairie, Texas, a seventeen-year-old was arrested in November of 1939. He admitted to a ten day crime spree where he committed nineteen burglaries and four robberies in Grand Prairie, four robberies in Arlington, one robbery in Dallas, and one robbery in Irving. The youth indicated he had started using cocaine at the age of eight, and by last year, he had a thousand-dollar-a-day addiction to crack cocaine. This is not an isolated incident, it is becoming more the "norm" for drug users. A vast majority of narcotics abusers cannot earn the money needed, legitimately, so they are obliged to commit crimes to obtain their needed funds. It is a known fact that in selling the proceeds or fruits of these crimes they will only receive less than twenty-five percent of the worth of the goods, so they must obtain three to four times the value in property of the cost of their daily use. Incredible numbers of thefts, robberies, burglaries, etc. must be committed daily to sustain the nation's narcotic abusers.

All crimes committed by this element are not major burglaries or robberies. Enormous amounts of petty property crimes are also committed to obtain funds to purchase

narcotics. One couple admitted that they would steal large jars of vitamin pills from drugstores and markets. They would then exit the store, circle the block, and return to the victimized store to claim dissatisfaction and demand a refund under the "money back guarantee". They would visit twenty to thirty stores per day deriving a very comfortable income.⁷

There was another case in which a female, who chose not to resort to prostitution, would prowl bowling alleys in midafternoon, when women's groups of bowlers had their club gatherings. Being less conspicuous than a male, she would make off with numerous purses. This woman would visit every bowling alley in three adjacent counties. It is clear to see that because of illegal narcotics, crimes are being committed, lives are shattered, homes are invaded, and the safety of society is increasingly in jeopardy.⁸

A survey of approximately ten thousand inmates in the New York correctional facilities during 1966 revealed that forty percent had an admitted drug history.⁹ In a report by the Bureau of Justice Statistics in 1983, it was reported that a third of all state prisoners were under the influence of an illegal drug when they committed the crimes for which they were incarcerated. More than half had taken drugs during the month just prior to the crime. In 1986, forty-three percent of state inmates were using illegal drugs on a daily basis prior to being incarcerated. In 1986, of four hundred people processed through Manhattan Central Booking in

September and October, more than eighty percent, tested positive for cocaine¹⁰. In 1989 the Crime Control Digest released a figure of eighty-two percent of men and women arrested in fourteen major cities throughout the country during the last quarter of 1988, tested positive for illegal drugs. Most men tested had been arrested for felony offenses¹¹ other than the sale or possession of drugs. It is apparent that the relationship between drugs and crime continues to mount.

Narcotics arrests have been increasingly on the rise, facilitating the need for more jail space. Between 1979 and 1988 narcotics arrests have increased eighty-nine percent. The following table displays changes from 1982 through 1988:

Table 2.-- Number of narcotic arrests over seven year period

NARCOTICS ARRESTS 1982 - 1988	
YEAR	NUMBER of ARRESTS
1982	676,000
1983	661,400
1984	708,400
1985	811,400
1986	824,100
1987	937,400
1988	1,155,200

Source: Uniform Crime Report for the United States by the Federal Bureau of Investigation 1982, 83, 84, 85, 86, 87, and 88

Law enforcement administrators must accept the fact that they are the people responsible for filling up our correctional institutions, with the war on drugs. Does this mean that law enforcement should let up on the illicit narcotic industry? On the contrary, law enforcement officers should step up their enforcement and, more importantly, their educational efforts. Law enforcement has a responsibility to do what can be done to ensure that the citizens of our communities are able to enjoy and exercise their freedoms and enjoy the right to be safe in their homes.

There are proponents for the legalization of drugs. Unless the legalization proponents intend to sell any drug, to any person, at anytime, and in any amount desired, then a black market for drugs, and the attendant problems of crime and violence, will continue to exist. If drugs are freely available in the legal market and present addiction rates are maintained, it is reasonable to expect that the number of persons and amount of drugs dispensed in the illegal market will increase. Thus, any short-term reduction of crime, however unlikely, would be rapidly negated. In the long term, the problems would probably be worse.

Summary

Stepped up efforts in narcotics enforcement are placing a burden on the illicit narcotics business, which, in turn, is reducing the supply and increasing the demand for illegal narcotics. Prices for illegal narcotics are getting higher every day. This is ever present with the introduction of the the drug "Ice", which is currently selling for five hundred dollars per gram.

Crimes are being committed by users to support their expensive habits, and law enforcement officers are making numerous arrests, eighty percent plus of which are drug related in some sense. Yes, law enforcement is filling our correctional facilities, because of illegal narcotics and enforcement of laws against illegal narcotics.

Law enforcement has only dealt with the tip of the iceberg, but in so doing it can and will start the pendulum swinging in the other direction. It has taken over twenty years to get into the position narcotics has presented, it will take time to get things back on track. Law enforcement is however finally attacking the area of demand, by educating the young people with programs such as DARE (drug abuse resistance education). It may take an additional twenty years to to turn it around, but in the years to come there will be fewer and fewer inmates in correctional facilities who are also associated with narcotics. There is a light at the end.

of the tunnel, which will grow larger, if law enforcement continues on its present course.

List of Abbreviations

Jpop. The number of prisoners being held in a correctional facility, at a given period of time.

Manday. The number of consecutive days, a prisoner is incarcerated in a correctional facility.

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