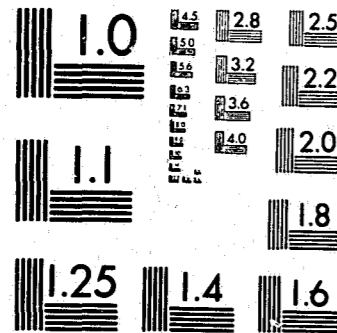


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Bureau of Justice Statistics Bulletin

Federal Drug Law Violators

U.S. Department of Justice
National Institute of Justice

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Violations of the Nation's drug laws are a problem of major proportions both domestically and internationally. The more than half a million arrests for drug violations reported each year by the Federal Bureau of Investigation are generally considered to be a substantial understatement of the enormity of the domestic side of the problem; actual violations of drug laws are probably many times larger. Revenue from illegal drug activity substantially surpasses the revenues of many major U.S. industries; in 1980, for example, illegal drug traffic was estimated at \$79 billion in retail sales volume, much larger than that for either the computer or the clothing market.¹

The number of drug law violators convicted in Federal district courts rose from 1,400 in 1964 to 8,000 in 1976 and, after declining to 4,700 in 1980, rose again to 6,300 by 1982. Similarly, the number of criminal actions filed against drug violators in Federal courts, which had decreased from 7,819 in 1978 to 6,678 in 1980, increased sharply in 1981 (to 8,149) and 1982 (to 9,085).² This represents a more than 35% increase in the number of filings against drug violators between 1980 and 1982.

In managing its effort to control illegal drug traffic, the Federal Government, until very recently, has had no opportunity to develop or modify its strategy on the basis of information consolidated from all relevant data sources. The development of an integrated data base from the several

Drug violations are pervasive and serious crimes. They rank high among crimes that concern the American public. In recognition of the impact of illicit drug-related activity on American society, 12 task forces have been established by the Federal Government to focus on the control of such crimes. Since drug offenses may be prosecuted at the Federal or State level, coordination of such activity is also a key concern to the Law Enforcement Coordinating Committees established in 1981 to achieve more effective crime control through closer Federal-State-local cooperation. This bulletin describes the first

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attempt to provide statistical information about Federal drug law violations derived from an integrated Federal justice data base. The creation of such a statistical data base was made possible through the cooperation and invaluable assistance of the Federal Bureau of Investigation, the Executive Office for U.S. Attorneys, the Administrative Office of the U.S. Courts, and the Federal Bureau of Prisons. The integrated data base permits the analysis of case processing across the entire Federal criminal justice system.

Steven R. Schlesinger
Director

agencies that participate in the control of illegal drug activity—Federal investigators, prosecutors, courts, and prisons—will enhance the ability of the Government to respond to the problem of drug law violations in a coordinated, effective manner. The data presented here for 1979 illustrate the analytic potential of such an integrated data base.

Federal drug offenders

According to integrated data from 10 pretrial service districts, almost 64% of drug law offenders in 1979 were involved with some level of selling, distributing, or dispensing controlled substances, 14% were involved with manufacturing, 11% with possession, 6% with importation, and 5% with other offenses, such as prescription violations. Of these, 13% were related to marijuana, 42% to narcotics,

and 45% to other controlled substances.³ Charges on which defendants were actually convicted, however, were less serious.⁴

³ Percentages were derived from data collected by the Federal Pretrial Services Branch of the Administrative Office of the U.S. Courts. Drug conspiracy cases are classified according to the substantive offense and thus do not appear as conspiracy offenses in these statistics; excluded are income tax cases that may have been motivated by the nonreporting of income by major drug dealers.

⁴ Analysis of sample presentence investigation reports documenting cases filed during 1975-79 indicated that, based on the application of DEA criteria, 33% of defendants were convicted on charges of possession or minor distribution; 28% on charges relating to mid-level distribution activity; 13% on charges involving major distribution schemes; and 10% on charges of highest level involvement in smuggling, trafficking, and manufacturing.

¹ Drug Enforcement Administration, *The Supply of Drugs to the U.S. Illicit Market from Foreign and Domestic Sources in 1980*.

² Administrative Office of the U.S. Courts, *Annual Report* selected years.

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A composite portrait of a typical accused drug law offender shows a male, about 30 years old, most likely to be white, with about a 7% chance of opiate use or addiction and a 14% chance of current or past abuse of other drugs. Because "drug offenses" encompass widely differing types of criminal acts, drug offenders may be white-collar employees, unemployed drug addicts, street corner dealers, or successful businessmen. Persons charged with drug possession tend to be younger than those charged with the sale of drugs; illegal drug producers tend to be the oldest of all. Consistent with their youthfulness, persons charged with drug possession tend to be less well educated, less often married, less wealthy, and less often repeat offenders than persons charged with other drug offenses (see table 1).

Drug law violators also differ from other types of Federal offenders (see table 2). When Federal drug defendants are compared with Federal fraud defendants (a "white-collar" crime) and with Federal bank robbery defendants (a "street" crime), the drug law violators are clearly younger than fraud offenders and older than bank robbers. As a result, they also tend to fall between the other two Federal-offender groups in terms of education, marital status, income, and prior record.

The Federal response to drug offenses

It is difficult, if not impossible, to estimate the probability that a drug law violator will be apprehended. However, once caught, the majority of violators whose cases were presented to the U.S. Attorneys were prosecuted. Of defendants prosecuted, the 1979 data indicate

Table 1. Defendant characteristics: Manufacturers, dealers, possessors

	Manu- factur- ing	Deal- ing	Pos- ses- sion	All drug offend- ers
Less than 26 years old	19 %	26 %	39 %	27 %
No college education	70	76	76	75
Unmarried	60	67	72	66
No dependents	38	39	51	41
Income \$10,000 or less*	74	78	81	78
Prior record	51	53	33	49

* Income from legitimate sources

Source: Federal Pretrial Service Branch of the Administrative Office of the U.S. Court and BJS Integrated Federal Justice Statistics data, base year 1979.

Table 2. Defendant characteristics: Fraud, drugs, and bank robbery

	Fraud	Drugs	Bank robbery
Less than 26 years old	7 %	27 %	38 %
No college education	64	75	82
Unmarried	41	66	75
No dependents	30	41	50
Income \$10,000 or less*	57	78	95
Prior record	41	49	82

* Income from legitimate sources.

Source: See source, table 1.

that the conviction rate was 76% and that 55% of prosecuted defendants were sentenced to incarceration. The data show, however, that of the offenders convicted of offenses carrying a 15-year statutory maximum term, about 85% received sentences of 5 years or less and that, on the average, incarcerated drug offenders actually served only 75% of sentence time. Thus, the actual time served by incarcerated drug offenders averaged slightly more than 3 years. Incarceration data are of particular interest since, as indicated, about 89% of all drug defendants appeared to be involved in activities other than possession.

Integrated Federal data provide a ready means of comparing these statistics with outcomes of other high-volume offenses. Among eight major offenses brought to U.S. Attorneys in 1979—drugs, bank robbery, weapons, embezzlement, fraud, forgery, immigration, and larceny—drug law violators had a rate of conviction and incarceration (36% of the matters received) that was second only to bank robbers (47%). For the other six crimes, less than 25% of all matters received by Federal prosecutors ended in felony conviction and incarceration (see table 3).⁵

The number of drug matters brought to U.S. Attorneys that end in imprisonment is primarily the result of what happens at two key stages of the Federal justice process: filing and sentencing. The Federal filing rate for drug law violations (66% of all matters presented for prosecution are filed as felonies) surpassed the filing rate for each of the seven other offenses (the combined rate for the seven was 45%), and the rate at which convicted drug law violators are sentenced to terms of incarceration (72%) was substantially

⁵ Investigations presented to the U.S. Attorney for prosecution are classified as "matters." Those matters filed in a U.S. District Court for prosecution by a U.S. attorney are classified as "cases."

higher than the rate for all of the offenses except bank robbery (see tables 3 and 4). Note, however, that this represented an incarceration rate of only 55% of total defendants prosecuted and that, despite the high likelihood of incarceration, the average time actually served was about 3 years or approximately 75% of total sentence time.

Case processing statistics indicate that in several significant areas drug offense processing rates do not fall between fraud and bank robbery rates, however. Specifically, as noted earlier, drug violators' cases are filed at a rate (66%) that surpasses those of the seven other major classes of Federal offenders. In contrast, the rate at which filed drug cases end in conviction (76%), while high, is nonetheless lower than the corresponding rates for fraud (80%), bank robbery (86%), and the five other major Federal offenses (84% combined). (See table 4.)

Additionally, of persons found guilty of drug offenses, a greater percentage (28%) were convicted after trial than were defendants found guilty of other Federal offenses (14% overall for the other seven offenses). Since substantially more time is required for cases terminated by "trial" rather than plea bargaining, only 35% of all 1979 Federal drug law violators had their cases disposed within 90 days; in contrast, 58% of the defendants in the combined total for the other seven Federal offense categories had their cases disposed within 90 days.

Drug use among Federal offenders

Federal drug law violators are not

Table 3. Case attrition, 1979: Drugs, fraud, and bank robbery

	Drugs (11,578)	Fraud (13,664)	Bank robbery (2,832)
Matters received	100	100	100
Felony cases filed	66	45	59
Convictions	50	36	51
By trial	14	5	10
By plea	36	31	41
Sentences	50	36	51
Incarcerations	36	14	47

	Drugs	Fraud	Bank robbery
Average sentence (months)	54	16*	122
Percent of time served	75	82*	55
Average time served (months)	41	13*	67

* Calculated on the basis of mail fraud and income tax fraud only. These constitute about 60% of all fraud cases filed in Federal courts.

Source: BJS Integrated Federal Justice Statistics data, base year 1979.

always users of illegal drugs. Indeed, the majority (80%) appear not to be.⁶ The data further indicate that some other types of Federal offenders may in fact be more active drug users than are drug law violators. Compared to the 20% of drug law violators who were drug users, approximately 35% of Federal bank robbery defendants reported drug use.

While illegal drug use is a problem by itself, it may also indicate the likelihood of nondrug criminality as well. Federal offenders who use illegal drugs, especially heroin (or heroin in combination with other drugs), tend to have worse criminal records than other Federal offenders; they also commit subsequent crimes, both drug and nondrug, at a higher rate than Federal offenders who do not use illegal drugs.⁷ Current analysis of the types of crimes committed by drug users, together with a substantial body of prior research,⁸ suggests that many drug users commit property offenses to support their expensive drug habits.

Other findings

Analysis of the integrated Federal justice statistics data base provided other insights into the processing of drug offenses:

- Of all drug matters brought to U.S. Attorneys in 1979, 88% were brought by agents of the Drug Enforcement Administration.
- Terms of imprisonment actually served by drug offenders run an average of 75% of the sentences given (about average among Federal offenders generally); however, the percentage tends to decrease as the sentence given grows longer.
- Drug law violators tend to receive longer sentences when:
 - the drug involved is heroin (this factor adds an average of 5.5 months to the sentence),
 - the conviction is by trial rather than by plea (adds an average of 6.7 months),
 - the offender is a male (adds 16.5 months),
 - the offender has previously served a prison term of at least a year (adds 10.9 months), and
 - probation or parole has previously been revoked (adds 22.9 months).
- Pretrial release is given to 82% of charged drug offenders compared to 95% of persons charged with fraud and 32% of bank robbers.
- Each year, about 6% of all drug law violators released on probation or parole have their release status revoked.

⁶ Percentages derived from data collected by the Federal Pretrial Services Branch of the Administrative Office of the U.S. Courts.

⁷ Forst, Brian, et al., "Targeting Federal Resources on Recidivists: An Empirical View," *Federal Probation*, June 1983, Vol. 46, No. 2, p. 10-20.

⁸ Moore, Mark, Buy or Bust, Lexington, Mass.: Lexington Books, 1977; Inciardi, James A., Ed., *The Drugs-Crime Connection*, Beverly Hills, Calif., Sage 1981.

Table 4. Case processing statistics: Fraud, drugs, and bank robbery

	Fraud	Drugs	Bank robbery
Matters filed as felonies	45 %	66 %	59 %
Defendants detained prior to trial	5	18	68
Detainees held for 6 days or more	9	33	83
Defendants represented by public defender or CJA attorney*	32	34	77
Defendants convicted	80	76	86
Ratio of guilty pleas to guilty verdicts	6:1	3:1	4:1
Filed cases disposed within 90 days	48	35	48
Convicted defendants incarcerated	39	72	92
Incarcerated offenders sentenced to more than 1 year	45	76	96

* A CJA attorney is appointed by the court under the Criminal Justice Act.

Source: BJS Integrated Federal Justice Statistics data, base year 1979.

Conclusion

The costs imposed on society by users of illegal drugs, in terms of nondrug crimes alone, are enormous. The Federal Government has initiated ongoing action not only against drug crimes but also against many of the crimes committed by drug users. The integration of Federal justice data substantially enhances society's ability to address the problem of drug-related crimes. In particular, the statistics for 1979 provide a baseline against which subsequent drug control efforts can be measured.

Methodology: The integrated data base

This study of Federal drug offenders was made possible through analysis of integrated data bases that had been maintained within separate and discrete Federal information systems. In addition, secondary analysis of other relevant data, including reports from the Drug Enforcement Administration, was conducted to provide as comprehensive a view of drug law violations as available information would readily allow.

To create the integrated data base, data from 1979, the most recent year for which sufficiently complete data were available, were assembled from computerized files maintained separately by several Federal criminal justice agencies. The Executive Office for U.S. Attorneys, the Administrative Office of the U.S. Courts, and the Federal Bureau of Prisons together provided five computerized bases for integration. The Executive Office provided a computer file from the Docket and Reporting System on all cases handled by U.S. Attorneys in the 94 Federal districts. The Administrative Office furnished three data sets: the master file of all criminal cases processed in Federal District Courts, computerized pretrial release interview data maintained by Federal pretrial services agencies in 10 Federal districts, and the computerized

file containing data on all probationers and parolees under the supervision of Federal probation officers. The Bureau of Prisons provided data on incarcerated Federal offenders from its Inmate Information Systems.

The process of integrating disparate data files is called "matching and merging." As the name implies, pairs of files are searched for an offender's record. Records "matched" at rates that were generally higher than expected and that were suitable for statistical analysis. Federal law prohibits use of the integrated file for any purposes other than research or statistics.

Further bulletins based on the analysis of the integrated data base will be forthcoming, and data for more recent years are being collected. In addition, a more complete analysis of Federal drug law processing and offender characteristics is included in the BJS Report, "Federal Drug Law Offenders," to be issued soon.

Bureau of Justice Statistics
Bulletins are prepared by the staff of BJS. Carol B. Kalish, chief of data analysis, edits the bulletins. Marilyn Marbrook, head of the BJS publications unit, administers their publication, assisted by Lorraine L. Poston and Joyce M. Stanford. This bulletin was written by Brian Forst, INSLAW, Inc., under the direction of Carol G. Kaplan, chief, Federal statistics and information policy branch.

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