

# ILLEGAL DRUGS: THE CHALLENGE TO LAW ENFORCEMENT

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## I. INTRODUCTION

That illegal drugs are a major problem in the US is not news, nor is the corruptive influence of drugs on law enforcement news. Nevertheless, few people really grasp the true impact of drugs on American society, in part because there is a great ambivalence, and even hypocrisy, about drugs. Drug offences have frequently been called "crimes without victims," and there is an active movement in the US to legalize drugs. It is argued that those who use drugs harm only themselves, that some drugs (primarily marijuana) have medicinal benefits, that legalization would reduce the cost of drugs and therefore the necessity of committing other crimes to support a drug habit, and that a great deal of money is spent on detecting, prosecuting and incarcerating drug offenders, money that could be better used for drug education and for the reduction of violent offences. They point to the widespread use and abuse of alcohol and tobacco, both legal drugs.

The argument against drug use is based primarily on social, moral and medical grounds. Many drugs, the opponents argue, are harmful to the body. As a result, drug users are not productive members of society, are poor parents, require disproportionate social services of the government, and account for much of the crime in society. There must, they say, be something wrong with people who constantly desire the kind of feeling induced by drugs. They use the alcohol argument as well, saying that while prohibition was a failure, and the likelihood

of banning it again is virtually impossible, it nevertheless is responsible for many ills in society, ills that would be compounded with the legalization of other drugs. And, the opponents say, drug use is largely responsible for the spread of AIDS in the US.

Despite the public support for keeping drugs illegal, there is nevertheless ambivalence among the public that freely uses legal drugs (alcohol, tobacco and caffeine) and considers illegal drug use a crime without a victim. Most citizens see no inconsistency between an abstract moral belief that drugs are harmful and should therefore remain illegal, and their own use of legal drugs. So not only is there a great demand for drugs by those who use them, there is little public support for a criminal justice system that places too much emphasis on combating drugs. What the public fears most is violent crime, and while many understand that a great deal of violent crime is associated with drugs, few fear that this crime will affect them, as they are not involved with drugs. The public perception is that violent drug-related crime is primarily directed at those involved in the illegal enterprise, not the average citizen. At most, the average citizen fears he or she will be a victim of a property crime committed by a drug addict to support his or her addiction. So while not entirely 'victimless', drug-related violent crimes are primarily directed at those involved in drug activity. Without widespread and strong public support, it is very difficult for criminal justice professionals to make much headway against well-organized and financed drug organizations.

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Regardless of the arguments of the proponents of drug decriminalization, however, public policy in the US is clearly and firmly against the legalization of drugs, with the possible exception of marijuana for medical use. There is currently a legal debate between the State of California and the US Government over this issue, with California upholding an initiative approved by voters that decriminalizes marijuana for medical use, and the federal government arguing that federal law on drugs prevails over state law. This debate is currently in the courts. California, however, is not typical of the United States as a whole, and in most states marijuana remains illegal for any use, a situation that is not likely to change in the foreseeable future.

The opponents and the proponents of drug legalization, however, rarely point to the corruptive influence of drugs on law enforcement and how this corruption affects society. Nor do they often discuss the international implications of drug abuse in the US. The Asian Wall Street Journal recently (September 27) ran an editorial entitled "The Cokeheads' Country," placing much of the blame for problems in Columbia on the thirst for cocaine in the US: *"If it weren't for the fact that so many Americans working for Fortune 1000 companies think the most important thing in life is sucking cocaine up their noses, the sovereign nation of Columbia might not be on its way to becoming the world's first drug republic."* The international implications of the US drug problem will be explored in more detail below, but it there is no question that the Journal has raised an important point in its editorial.

## II. EXTENT OF THE PROBLEM

Louis J. Freeh, Director of the Federal Bureau of Investigation (FBI), addressed the problem of drugs in the US at the 1996 Annual Meeting of the World Economic

Forum in Davos, Switzerland, by stating that it was a global crime threat. In the US, he said, it was both a social and economic problem:

- (i) Law enforcement agencies in the US spend approximately \$25 billion annually on drug control efforts.
- (ii) Drugs cost an additional \$67 billion each year in terms of crime, medical, and death-related expenses.
- (iii) The annual costs of drug abuse to businesses in terms of absenteeism, industrial accidents, insurance premiums, and lack of productivity was estimated at \$60-\$100 billion.

The GAO (Government Accounting Office) has estimated that the total cost of illegal drugs in the US amounts to \$110 billion. Whether it is \$60 billion or \$110 billion, these amounts are greater than the GNP of many countries in the world. The figures listed below further illustrate the problem:

- (i) In FY 1996, US attorneys dealt with 30,227 suspects in drug cases, or 31.7% of all suspect in federal crimes.
- (ii) In 1998, there were 1,559,600 state and local arrests for drug crimes, a figure 1% higher than in 1997, 17% higher than in 1994, and 20% higher than in 1989.
- (iii) DEA drug arrests in 1998 increased 11% over the previous year, and nearly doubled since 1995. Most of these arrests, 45.5%, were for cocaine offences, while 20.7% were for methamphetamine crimes. The rest were for heroin, dangerous drugs, and marijuana.
- (iv) Slightly over 20% of state and local drug arrests were for the sale or manufacture of drugs, while the remaining arrests were for possession.
- (v) In 1997, 98% of the 1,451 illegal drug

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- laboratories seized by federal authorities were used for the manufacture of methamphetamine.
- (vi) Also in 1997, the Drug Enforcement Administration's (DEA) program for marijuana eradication destroyed 241,000,000 plants in 69,665 plots, with 17,070 arrests, seizure of 4,713 weapons and \$39.5 million in assets.
  - (vii) In 1998, the DEA seized 2,568.5 kilograms of methamphetamine, 70,440.9 kilograms of cocaine, 624.6 kilograms of heroin, and 364,081.1 kilograms of marijuana.
  - (viii) In 1996, 15.8% of all jail inmates said they committed their offence to get money to buy drugs. In the same year, 15,289 homicides, or 5.1% of all murders, were drug-related.
  - (ix) In 1997, 33% of state prisoners and 22% of federal prisoners said they had committed their current crime while under the influence of drugs.
  - (x) In 1996, 82.4% of all state and local jail inmates and 73% of federal inmates said they had used drugs in the past.

The figures listed above leave no doubt that drugs are a major law enforcement problem in the US. What they do not show is the human misery caused by drug addiction, nor do they show the strain on law enforcement agencies, prosecutor's offices, the courts, and the correctional system caused by efforts to contain the problem. The drugs that cause the most harm, both social and medical, are cocaine, heroin and methamphetamines, all have long been drugs of abuse in the US, but which are now appearing in new forms or purity.

Cocaine is derived from the cocoa plant, which is indigenous to the Andean Mountain areas of South America. In the late part of the 19<sup>th</sup> and early part of the 20<sup>th</sup> centuries, cocaine was widely used as

a local anesthetic, but development of more effective anesthetics, as well as abuse of the drug, led to its being made illegal. While previously used primarily in its powder form (cocaine hydrochloride) by inhaling, it is currently most often used in its crystalline form, usually called "crack". Crack cocaine is smoked using a pipe, and results in an almost immediate intense, euphoric feeling that soon passes. The effect is very much like that of methamphetamine. Because of the short duration of the feeling, users crave additional doses frequently.

Heroin, derived from the opium poppy, was also used as an anesthetic, and later criminalized. It has traditionally been used by subcutaneous injection, but recent availability of very pure heroin, as well as the fear of HIV/AIDS transmission via used needles, has led to smoking and snorting (direct inhalation of the powder). While most heroin today comes from Southeast Asia, an increasing amount of the Mexican "black tar" variety is being smuggled into the US. Heroin, too, produces a feeling of euphoria, and while it is not as intense, it lasts longer than that of cocaine. It is a central nervous system depressant, and therefore overdose can be fatal.

Methamphetamine, derived from amphetamine, a drug used as a nasal decongestant, is a stimulant that produces a "high" that lasts for up to 8 hours. It has been used to treat attention deficit disorder and obesity, but has been supplanted by more effective drugs, and currently has few legitimate uses. In its pill form it is known as "speed" or "meth", while in its crystalline form it is called "ice" or "crank". In this latter form it is particularly intense and addictive and is ingested by smoking. It has quickly become a drug of abuse in epidemic proportions in some parts of the country.

Marijuana is the mostly widely abused drug in the US today, but does not have the severe effects, both personally and socially, as those discussed above. It produces psychoactive effects which peak 10 to 30 minutes after smoking, and which may last hours. In low doses it gives the user a relaxed, dreamy state of well being, while in higher doses it heightens the senses of sight, smell, taste and hearing. It has, according to some proponents, medical use in relieving nausea for those undergoing chemotherapy and in increasing the appetite of AIDS patients. It also has some negative effects in high doses and/or long-term use.

There are, of course, a number of other drugs of abuse, and new or "designer," drugs are being created ever year. Those listed above are the most widely used and, with the exception of marijuana, create the greatest damage to the individual and to society as a whole.

### **III. DRUG RELATED CORRUPTION IN LAW ENFORCEMENT**

Drug crimes are investigated by law enforcement agencies at the local, state and federal level. This amounts to over 700,000 sworn personnel at the state and local level, and over 13,000 federal law enforcement officials whose duties involve the investigation of drug offences (FBI and DEA, amongst others). The 700,000 plus sworn law enforcement officers at the state and local level are employed by approximately 19,000 different agencies. In addition, there are 2,343 state prosecutors' offices, employing over 71,000 personnel and 93 US attorney's offices in the US. The large number of different agencies and jurisdictions involved in the investigation and prosecution of drug crimes creates logistical and coordination problems, but this system of law enforcement is well-established and not

likely to change in the US. It also creates many opportunities for corruption.

Corruption of criminal justice personnel, by those involved in illegal drugs, primarily takes the form of bribery. While the bribe may be in the form of drugs themselves, it is most often in the form of cash. With the vast amounts of cash available to drug dealers and organizations, the money used to bribe criminal justice personnel constitutes petty cash. Yet that money may be highly attractive to those whose annual legitimate income is relatively small, attractive enough that they will risk losing their jobs, family, freedom, and perhaps their lives, for the enrichment it provides. What is given in return for bribe may take a number of forms. Among them are:

- (i) Information on law enforcement intelligence.
- (ii) Overlooking drug possession, sale or manufacture.
- (iii) Protection of drug dealers.
- (iv) Elimination through arrest of rival dealers.
- (v) Elimination through murder of rival dealers.
- (vi) Overlooking or facilitating smuggling.

In addition, criminal justice personnel may be blackmailed in order to obtain the above services or considerations.

The targets of corruption include all of those working in the criminal justice system: local police and sheriffs; state narcotics officers; federal Customs, Immigration, and Coast Guard personnel; FBI, DEA, BATF (Bureau of Alcohol, Tobacco, and Firearms) personnel; local, state and federal corrections personnel; local, state and federal regulatory officials; and prosecutors and judges at all levels. While there is no agency that has the responsibility of accumulating data on the

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drug-related corruption of public officials, the FBI does provide an annual report on corruption cases opened and officers convicted each year, and the GAO provides studies for Congress and the public on the issue. A 1998 GAO report not only points out the lack of any database from which to determine the extent of drug-related corruption among law enforcement, but also states that drug-related corruption cases may not always be identifiable as such, since they may be listed as perjury, (for lying as a witness during a trial), or theft (for stealing drugs from seized evidence).

In FY 1997, for example, there were a total of 190 cases of law enforcement corruption opened by the FBI (often in participation with state and/or local agencies), 48% of which were drug-related. In the same fiscal year, 150 law enforcement officers were convicted of corruption-related offences, 53% of which involved drugs. To put these figures in perspective however, those law enforcement officers convicted of drug-related corruption constitute .02% of all law enforcement personnel.

While official corruption cases are inherently difficult to investigate, those involving drugs pose particular problems. As Deputy US Attorney General, Eric H. Holder, Jr., stated at an international conference in February, 1999:

- (i) Prosecutors are often reluctant to investigate and prosecute police officers or other prosecutors with whom they regularly associate.
- (ii) Police agencies sometimes cannot be trusted to investigate themselves.
- (iii) Judicial corruption investigations can cause judges to distort their decision making process in unrelated cases to curry favor with their investigators or otherwise influence the outcome of

the investigation.

- (iv) Aggressive investigative techniques like undercover operations and electronic surveillance are often needed to make a provable case, but these techniques can destroy the morale of honest judges, prosecutors or police officers.
- (v) A code of silence or a culture of non-cooperation frequently keeps police officers from coming forward with information or otherwise cooperating with investigations involving corruption by fellow officers.
- (vi) Decisions not to investigate or prosecute allegations of judicial or law enforcement corruption are often difficult to justify publicly and can be perceived as efforts to cover up embarrassing misconduct.

Despite the difficulties cited above, criminal justice personnel are investigated, prosecuted and convicted. Here are some recent examples:

- (i) An Orange Country, California, district attorney was arrested in June for being part of a major drug distribution and money laundering ring.
- (ii) Thirteen corrections officers in Miami, Florida, were charged, along with 30 others, with running a drug-dealing operation in the Miami-Dade County jails.
- (iii) A county sheriff in Texas was arrested for stealing almost \$12,000 in seized drug money and trying to replace it by selling marijuana.
- (iv) A veteran Chicago police officer was among 10 people charged with running a drug ring that transported millions of dollars of cocaine and heroin between Chicago and Miami.
- (v) Three corrections officers in California were charged with smuggling marijuana,

- methamphetamine, cocaine and heroin into state prisons.
- (vi) A Pennsylvania State trooper, addicted to cocaine, was charged with stealing 2.5 kilograms of cocaine from the State Trooper evidence locker.
  - (vii) Two INS (Immigration and Naturalization Service) inspectors and one former inspector were charged with taking bribes amounting to hundreds of thousands of dollars to allow Mexican drug dealers to smuggle cocaine across the border.
  - (viii) Six local sheriffs in Texas were charged with helping to smuggle 800 kilograms of marijuana across the border.
  - (ix) A former INS inspector in Arizona admitted to accepting a \$75,000 bribe for allowing 585 kilos of cocaine to cross the border when he was on duty in 1996. Another officer is charged with attempting to import, possess, and distribute cocaine in return for accepting bribes totaling \$32,500.

The border between the US and Mexico poses a particular problem. It stretches from Brownsville, Texas, to Imperial Beach, California, a total of 1,962 miles (3,157km). It is manned by approximately 1,300 INS and 2,000 Customs inspectors at the numerous points of entry, and patrolled by over 6,300 INS Border Patrol agents at points in between. Even with all of these inspectors and agents, assisted by high-tech surveillance devices, it is virtually impossible to prevent the smuggling of drugs from taking place; and, it would seem, from preventing corruption of these personnel.

A 1999 GAO report details the cases of 28 INS and Customs personnel convicted for corrupt acts related to drugs between 1992 and 1999. Among the offences committed were the allowing of drug-filled

trucks to drive through ports of entry, coordinating the movement of drugs across the border, transporting drugs themselves across the border, selling drugs, and providing confidential information to drug dealers. Of the 28 convicted, 19 were INS employees and 9 were Customs employees, and they were stationed in California, Arizona and Texas.

#### **IV. WHY DOES THIS CORRUPTION TAKE PLACE?**

The simple answer to this question is money. One might well ask, using the examples cited above, whether the risk taken by these officials was worth \$32,500, or even hundreds of thousands of dollars. To the vast majority of criminal justice officials the answer is clearly "no". But all it takes is one corrupt officer to allow drug smuggling and distribution to take place, and given the huge profits made by these criminals, money spent on corrupt officials is an excellent investment. One can point to low salaries, poor morale, inadequate training, amongst other factors leading to corruption, but it is often a complex series of factors in each event that leads to an actual crime.

Law enforcement salaries in most police and sheriffs offices is quite low-often less than \$35,000 per year for experienced personnel, while prosecutors rarely earn over \$75,000 per year and judges \$100,000. Bribes equal to or several times these salaries are a small part of the operating expenses of major drug operations. This money can be very attractive, especially to those who are in debt or already living beyond their means. It is also difficult for law enforcement personnel when they compare their lifestyle to that of those they arrest-honesty and integrity don't buy the luxuries that those in the drug business have in quantity. But there are many other reasons as well.

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A May 1998 study by the GAO identified a number of factors that are correlated with drug-related law enforcement corruption; and distinguishes this type of corruption from other forms of police corruption. Drug-related corruption, for example, often involves protecting criminals or ignoring their activities, as noted above, as well as active involvement in the commission of a number of crimes, including drug theft, robbery, selling of drugs and perjury. It also has in common with other forms of corruption the police "code of silence" and cynicism about the criminal justice system.

The report lists a number of factors that are associated with drug-related corruption:

- (i) Opportunities.
- (ii) Recruitment standards.
- (iii) Training.
- (iv) Police culture.
- (v) Supervision.
- (vi) Code of integrity.
- (vii) Internal affairs.
- (viii) Police brutality.
- (ix) Family or neighborhood pressures.

And, I would add, the decentralized nature of law enforcement in the US.

#### **A. Opportunities**

The nature of law enforcement necessarily involves many opportunities to engage in illegal acts, ranging from accepting \$5 not to write a traffic citation, through taking small amounts of merchandise from burglarized stores, to protection of organized crime. With respect to drugs, there are opportunities to keep some of the drugs seized, or to keep some of the cash seized, during arrest. A recent scandal in the Los Angeles Police Department involved, among other things, the theft of a substantial quantity of cocaine from a police evidence locker. The use of undercover officers in narcotics

operations is especially troublesome, as it not only exposes the officers to seamy, but often exciting, drug culture. It may, under some circumstances, require that the officer actually use drugs as part of the undercover operation. That, in turn, may lead to addiction.

#### **B. Recruitment Standards**

The large number of law enforcement agencies in the US is due to historical and traditional decentralization of that function. That in turn means that each local agency enjoys a great deal of independence from both the state and federal government. While there are state standards for police training in most states, and minimum requirements for recruitment in some, there is no national standard for either. Nor is there any widely accepted accreditation process for law enforcement agencies. So recruitment standards vary widely. As a result, departments may hire those totally unsuitable for police work. Few law enforcement agencies at the state or local level require either a community or four-year college degree, although some are starting to require "some college education". Some agencies give preference to veterans, but few, if any, require prior military service for hiring. Psychological testing varies greatly, from none to extensive background investigations. Federal agencies, such as the FBI and the DEA, have higher standards, requiring a minimum of a bachelor's degree as well as passing an extensive background check, psychological testing, and a polygraph ("lie detector") examination.

#### **C. Training**

As noted above, training standards vary from state to state and from department to department. Some departments, especially the larger ones, do their own training, training which may be quite comprehensive and last for one year or

more. Smaller departments may pay for training at a regional academy, frequently run by a university or community college. Other may essentially use on-the-job training, putting virtually all of the emphasis on learning through experience. Regardless of which method of training is used, police departments or regional academies tend to place more emphasis on techniques of arrest, firearms training, crime scene investigation, routine patrol, etc, than on moral and ethical issues.

**D. Police Culture**

The GAO report listed the following characteristics of a police culture that supports corruption :

- (1) A code of silence with grave consequences for those who violate it; these consequences may include the failure to “back up” an officer in dangerous situations if that officer is perceived of as having violated the code of silence, even if that silence covers up serious crimes.
- (2) Loyalty to other officers above all else-your life may depend on it.
- (3) Cynicism about the criminal justice system and public support for law enforcement - a common characteristic of veteran police officers, especially those in large, urban, high-crime areas.
- (4) Indoctrination on the job as to what is acceptable behavior - “forget what you learned in the academy - this is how it is really done”. In general, police officers feel that only other officers can understand their job and that they can only trust other officers; all other citizens are by definition “suspects”.

**E. Supervision**

Although police departments virtually all have military-like command and rank structures, they are very unlike the

military in several important aspects. Most importantly, perhaps, is that police officers tend to either work alone or with a partner, rather than in squads or platoons as in the military. This means that they often work without direct supervision. Supervisors respond only when needed, and rarely have the opportunity to directly observe their subordinates carrying out their normal functions. They most often rate their subordinates on the basis of written reports, number of arrests made, number of citizen complaints, and other such numerical criteria. The higher in rank one rises, the less that person is aware of or primarily concerned with the day-to-day aspects of policing. Instead they must deal with budgets, purchasing and political functions.

**F. Code of Integrity**

There are a number of codes of conduct or codes of integrity in law enforcement. What is lacking, however, are effective methods and efforts to teach and enforce them. Most professional law enforcement agencies teach ethics in their academies, but they rarely have in-service training of ethics and integrity, nor do they use integrity as a criteria for promotion. Integrity training is especially important for officers assigned to units responsible for drug enforcement.

**G. Internal Affairs**

Most law enforcement agencies have internal mechanisms for dealing with violations of procedures, as well as violations of the law. These internal affairs units, as they are called, are tasked with investigating citizen complaints about officers, as well as taking proactive means to ensure adherence to procedures and the law. This duty is, however, generally distasteful, and officers assigned to internal affairs units are frequently referred to as “headhunters”. They cannot adhere to the code of silence, nor can they

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cover up for officers guilty of violations. But in practice in many departments, internal affairs units are less than effective. Many of the police departments of the larger cities in the US, such as Los Angeles, Chicago and New York, have failed over the past ten years to effectively deal with corruption and brutality, among other offences. Due to the nature of their work, officers assigned to drug enforcement often tend to be immune from internal affairs investigations.

#### **H. Police Brutality**

Police brutality is one of the most frequent complaints investigated by internal affairs units, and one of the most widely publicized by the media. The Rodney King incident in Los Angeles took years, and a violent riot, before it was finally resolved. Similarly, the recent brutalizing of an African immigrant by New York City police officers made headlines worldwide. Several studies have found that officers involved in drug-related corruption also have histories of complaints made against them for the use of excessive force.

#### **I. Family or Neighborhood Pressures**

Although many law enforcement agencies have policies that effectively place their officers on duty 24 hours per day, by requiring them to take action in any serious crime, even when off-duty, the practical reality is that police officers are citizens like everybody else. They have families and they live in neighborhoods. But sometimes families and neighborhoods create conflict with their duties to enforce the law. In several of the cases cited above, law enforcement personnel were enticed into corruption by family members. In other cases, neighborhood norms may put the officer in conflict with the norms of law enforcement. This is especially a problem in those cities which require their officers

to live in that city.

#### **J. Decentralized Law Enforcement**

The very nature of law enforcement in the US lends itself to inefficiency and lack of oversight. State and local law enforcement agencies in the US are essentially self-governing and are rarely subject to the oversight of a higher authority. There is tension between local/state agencies and federal agencies that is long-standing, and while the FBI, for example, has statutory authority to investigate corruption in state and local law enforcement agencies, it is frequently difficult to carry out that authority due to political pressures and lack of cooperation among local or state officials. State agencies, such as the Office of the Attorney General, rarely investigate local law enforcement agencies and rarely prosecute local law enforcement officials who are suspected of being corrupt. Drug enforcement units within police departments tend to be isolated and insulated from the rest of the department, in large part for the purpose of confidentiality. Therefore, corruption in these units is rarely detected.

#### **V. INTERNATIONAL IMPLICATIONS**

As noted above, the sources of the most abused and dangerous illegal drugs in the US are primarily foreign. Columbia is the source of most of the cocaine used in the US, while heroin comes from Southeast Asia and Mexico, the latter also being the source of much of the methamphetamine consumed in the US. Mexico, in addition to being a source of many of the drugs in the US, is also a major transit area as well - just last week 1,290 people were arrested in Jamaica, the Dominican Republic and Haiti, for drug trafficking. In the same week, 30 drug traffickers, including a number of major figures in Columbia's drug cartels, were arrested. The Colombian

operation is said to have been shipping 30 tons of cocaine into the US each month, or about \$60 billion a year worth of cocaine. The Colombian cartel used sophisticated communications equipment with encryption devices, but authorities were able to intercept the messages and break the encryption. Whether the Colombians will be extradited to the US, however, is not clear, even though they were arrested based on indictments handed down in Miami. Columbia restored extradition with the US in late 1997, which means that even if the drug traffickers are extradited they cannot be tried in the US for crimes committed prior to December 17, 1997. It should be noted that the penalties for drugs in the US are much more severe than those in Colombia.

As *The Asian Wall Street Journal* editorial cited above indicates, however, the real problem lies in the US. The US is giving Colombia \$289 million in anti-narcotics aid this year, but Columbia claims that this figure is not enough and has recently asked for \$1.5 billion over the next three years. Much of this money is for eradication of cocoa plants and payments to farmers for alternatives to this form of agriculture, as well as for equipment ranging from high-tech surveillance devices to helicopters. It is also safe to say that some of that money will be used to fight left-wing guerilla groups that support the drug traffickers.

The situation in Mexico is no better. Mexico is rife with drug-related corruption, corruption that has reached to the presidency of that nation. It is estimated that about 60% of the cocaine in the US comes across the US -Mexico border, with much of the rest coming through the Caribbean. As noted above, Mexico is also a major source of methamphetamine, heroin and marijuana. This has resulted in very large drug cartels in Mexico and

the resultant corruption of police, prosecutors and judges.

Columbia and Mexico are poor countries, and the amount of money available through drug manufacture and trafficking is enormous. Neither nation has industries or government jobs that can offer salaries that pay a fraction of what one can earn from illegal drugs. Who can blame poor farmers for growing cocoa or marijuana, or peasants for making methamphetamine, when other jobs are virtually non-existent? Similarly, who can blame poorly paid criminal justice personnel from taking bribes, when obeying the law and maintaining one's integrity does not put food on the table? The real dilemma is that just as citizens of these countries are seduced by drug money, high officials are seduced by US aid or by drug money, or both. All because of the enormous appetite for illegal drugs in the US.

This drug appetite has created an international disaster - politically, socially, and morally. The US should be working with its Latin and South American neighbors to achieve economic and political stability for the welfare of all its citizens, but instead all three nations find themselves working to stamp out drug manufacture and trafficking, neither of which results in much stability. It is thought by many that US efforts against Colombian drug traffickers have helped the rise of the leftist guerilla movement in that country, and of large organized crime groups in Mexico. While both countries have historically suffered from corrupt public officials, money associated with the drug trade has increased corruption significantly.

The huge appetite for drugs in the US, therefore, has created significant international problems for all of the Americas. Issues of sovereignty are raised

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by the presence of US drug agents operating on foreign soil and flying in foreign skies. Economic development of these countries suffer because of the energy and money that goes toward fighting drugs. There is no question that fighting drug traffickers is an international problem that requires international efforts, nor is there any question that this effort is necessary - the US cannot adequately guard its coastlines and borders against smugglers, so it must try to reduce or stop the flow of drugs from the countries of origin. But the price is high and there is no light at the end of the tunnel.

## VI. SOLUTIONS

Solutions to the problems discussed above can be divided into two categories: law enforcement and the rest of society. The first category is perhaps the easiest to solve, but only in comparison to the second. Despite the decentralized nature of law enforcement in the US, it is possible to significantly reduce corruption in those agencies, whether drug-related or not. So the question is not whether it is possible, but rather when there is enough public pressure and official commitment to see that it happens. Let us, then, examine the problems listed above and seek solutions to each of them.

### A. Opportunities

The nature of police work will always involve opportunities to engage in corrupt activities. But that is true of other professions and occupations as well. Bank tellers work with large sums of money daily, physicians have access to many drugs, and office workers have access to office materials. So there is always the temptation to embezzle, use drugs and steal. Opportunities can be reduced through effective supervision, and temptations reduced through effective recruitment and training.

### B. Recruitment Standards

The President's Commission on Law Enforcement and the Administration of Justice in 1967 issued a massive report which, amongst many other issues, addressed the recruitment issue. It suggested that all law enforcement agencies in the US start phasing in increased educational requirements for recruitment, eventually requiring a minimum of a bachelor's degree for hiring. This has not happened. The debate still rages over whether a college education makes a person a better police officer. At the same time, however, it is widely recognized that the federal agencies, especially the FBI, have far less corruption and are better trained than the vast majority of state and local departments. In large part this is due to higher recruitment standards, which not only include a college degree, but a comprehensive selection process as discussed above.

### C. Training

It used to be thought that the emphasis on training prospective law enforcement officers should be in the areas of the use of force - how to subdue an opponent and how to shoot accurately - as well as other operational requirements. Thinking has gradually shifted, however, so that more emphasis is placed on interpersonal communication, psychology, sociology and other "academic" subjects. What is lacking, however, is extensive and ongoing integrity training and the use of integrity measures for promotion. It is essential that this training takes place, and that it be supported by appropriate operational policies and by all supervisors. In addition, law enforcement officers should be required to make full and complete disclosure of all income, assets and debts. Departments should consider integrity testing, although it is recognized that this is controversial and may well be opposed by law enforcement unions.

#### **D. Police Culture**

This is one of the most significant problems facing those who are trying to reduce or eliminate corruption in law enforcement. It is even more of a problem among narcotics officers, as narcotics units are cultures within a culture. Narcotics officers tend to associate only amongst each other, and are generally under much less supervision than patrol officers or detectives. While some separation from the rank and file may be necessary for reasons of confidentiality, too much separation is not healthy. Nor is long-term assignment to undercover narcotics work. It is true that major drug investigations may take years, and undercover officers may have to maintain that status for years, but as soon as arrests have been made and the officer's identity known, the officer should be transferred to another division or unit. Rotation of personnel, then, is important in general in law enforcement, and especially important in drug units, as a means of reducing corruption.

#### **E. Supervision**

As noted above, police supervisors (generally, sergeants and above) actually engage in very little direct supervision. The vast majority of supervision is done on paper, and subordinates are evaluated by paper (reports, arrests, traffic tickets, etc). Corruption in US law enforcement is, for the most part, at the lower levels of police departments. The higher up in the chain of command one gets, the less likely that person will be corrupted for the simple reason that those administrators are not in a position to make decisions that will benefit drug dealers. In very small departments, of course, this is not the case, but most of the corruption in the US is found in larger departments. Therefore, supervision of those in the lower echelons is vital to effective law enforcement and the elimination of corruption. Many of the functions of higher ranking police

supervisors can be handled by civilian personnel. Ranking police administrators belong where they can effectively supervise those under them. Police supervisors must be held strictly accountable for the actions of those they supervise.

#### **F. Code of Integrity**

As noted above, there are numerous codes of law enforcement integrity, but they are meaningless unless they are effectively inculcated into the agency itself. Integrity training must be a continuous process, taking place both in the classroom and the field. It should be one of the criteria for evaluation and promotion, and administrative practices must make it clear to all officers that the agency does not tolerate breaches of integrity. Whether a law enforcement agency has an internal affairs unit responsible for maintaining integrity, or depends on an external unit, is not as important as the effectiveness of the unit itself. There has been a great deal of controversy over civilian review boards in the US. These boards have been established to serve as a watchdog agency over law enforcement, which would reduce or eliminate police brutality and corruption. But they have not been very effective, primarily because they rarely get much cooperation from the agency they are supposed to be monitoring. This is another example of the police culture, which says that "only a police officer can understand the actions of another police officer". So internal affairs units are more likely to be effective, but only with the total support of supervisory personnel.

#### **G. Police Brutality**

This problem has been addressed above, to some extent, but the problem is a serious one. Police are faced with many dangerous and volatile situations where their lives and those of innocent civilians may be at risk. The majority of uniformed police patrol officers and detectives in the US

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routinely wear body armour because the threat of being shot is very real. Given this perceived constant threat that can come from anybody - male or female, young or old - police are justifiably apprehensive, especially when involved in a situation that could result in violence. Just where to draw the line with respect to the use of force may be clear in academy training and general orders, but on the streets in the fast-moving, confusing situations that officers in many cities face every day, it is not that clear. Police officers are usually taught to use an escalation of force which is necessary to control the situation - use pepper spray to control a violent, unarmed person; use a baton to control a violent person who is not affected by the spray; use a firearm only when necessary to protect your own life or that of an innocent civilian, etc.

In theory this is a good policy, but in practice it is not always so easy to adhere to. It is quite difficult, for example, to handcuff a suspect who resists. Even two officers may not be able to cuff a resisting suspect. If more than one officer is involved, it may well seem to a civilian bystander that police are acting in a brutal manner. The suspect himself may sustain injuries in the process, which he will later claim were caused by police brutality. There is no easy answer to this problem, but it is clear that with good supervision police brutality will be minimized. The Rodney King incident in Los Angeles is an excellent example of this - Sgt. Stacey Koon did not exercise good leadership and as a result, Rodney King was treated in a brutal manner by officers under Koon's "supervision". So we come back to the supervision issue, which is of primary importance in law enforcement.

#### **H. Family or Neighborhood Pressures**

The solution to this problem is quite

straightforward: when one pins on the badge, one's primary loyalties shift to the citizens he or she serves. A police officer may well find that his or her pre-police friends and social groups are no longer appropriate. An old friend may drink too much and then drive home, or somebody may take out a marijuana cigarette in a social setting. What is the off-duty police officer supposed to do under these circumstances? This, unfortunately, gives rise to the police culture, but as noted above, there are ways that this problem can be minimized. It must be clearly understood when one applies to become a police officer that certain sacrifices must be made, and that may include some alienation from family and friends in the higher interest of protecting society as a whole, protection that cannot occur if a police officer gives his or her primary loyalty to family and friends.

#### **I. Decentralized Law Enforcement in the US**

This is the one problem that does not seem to have a solution. The historical and political roots of this form of law enforcement are so firmly embedded that change is virtually impossible. Therefore the inefficiencies caused by it must be made up for through better communication and coordination.

### **VII. CONCLUSION**

It is realized that even though solutions are suggested, there are no easy answers to any of the problems enumerated above, and implementation is never easy because there are always economic and political considerations. Nor will the same problems and solutions be applicable to law enforcement agencies in all nations. The principles involved, however - integrity, honesty, ethics, morality, and lawfulness - apply to all cultures, even though they may not be present in all cultures. These solutions

cannot work without the support of the society as a whole. From the highest elected officials to the lowliest voter, there must be support for a corruption free society, and with it, corruption-free law enforcement. A good place to start is to have no tolerance for drug use, for as long as the great thirst for drugs remains, there will be people willing to pay large sums of money to obtain those drugs, and that will in turn create a ruthless and well-financed group of people who supply the drugs to those who demand them. Bribing law enforcement officers or anybody else in the criminal justice system becomes part of the cost doing business, and creates problems that are international in scope. Until every society rejects this vicious cycle, until drug use becomes unacceptable, there will be police corruption. And as long there is police corruption, we will all suffer.