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Curbing drug abuse in Iowa: one response to a growing problem

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ABSTRACT

The State of Iowa in the United States of America faced a growing drug-related problem, with cocaine abuse increasing in the cities and cannabis availability spreading to rural areas. The State also experienced a concomitant rise in crime, particularly by juveniles, which was demonstrably linked to the prevalence of illicit drugs. To counter these problems, Governor Robert Ray convened a State-wide Crime Prevention Conference, provided help to communities in organizing drug abuse prevention programmes, proposed legislation to seize illegally gained assets and allocated additional funds to law-enforcement agencies for narcotics operations. The Governor's programme included, *inter alia*:

(a) The establishment of a "crime stoppers" hot-line, providing a toll-free telephone number for citizens to report crime anonymously;

(b) The outlawing of "look-alike" drugs, i.e. pills designed to look like controlled substances (usually amphetamines) but actually containing licit substances such as caffeine;

(c) The outlawing of "turkey" substances, such as baking flour and detergent, which were not themselves illegal but which dealers sold as illegal substances to test whether a purchaser might be an undercover police officer;

(d) The proposal for a criminal justice improvement fund to provide money to enhance State-wide law enforcement efforts.

Introduction

Iowa is one of those states in the United States of America which are not usually associated with serious drug abuse. Situated in the heart of the agricultural mid-west, it is dotted with small towns and cities where

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traditional values have predominated for years. One of America's most productive farm states, Iowa's rural underpinnings have produced a society that has, generally, always been ranked among the lowest in the United States in terms of crime and drug abuse. In 1980, Iowa ranked forty-third in the country in terms of violent crimes. Its violent crime rate was 66 per cent below the national average, and its overall crime index 20 per cent lower.

Yet, like every other part of the United States of America, Iowa has experienced a rise in crime, drug trafficking and drug use during the past twenty years. While still retaining a low crime rate, as compared with most other states, several developments have, in recent years, prompted a heightened concern in Iowa over the issue of drug abuse.

Rural drug use

While drug abuse had, as would be expected, increased in cities in Iowa, with cocaine traffic rising steadily, illicit substances, primarily cannabis, began finding their way into rural areas—a phenomenon that had not previously been experienced—with a concomitant rise in rural crime. For example, in 1980, crime in rural areas of Iowa increased by almost 20 per cent over the preceding year, with vandalism, drug abuse and thefts from farms becoming more prevalent. While still significantly below the levels in urban areas, this increase in crime and the availability of narcotic drugs caused great concern to many State leaders.

Survey data

In addition, surveys of certain specific population groups revealed a startling relationship between the abuse of drugs and/or alcohol and crime. For example, in interviews with adult prisoners at the Fort Madison State Penitentiary, 72 per cent reported a history of drug or alcohol abuse, and more than 50 per cent said they were using drugs at the time of their arrest. But most shocking were the statistics indicating that 13 years of age was most frequently given by the prisoners as the age at which they first began to take drugs or to drink alcohol.

Disturbing as these adult figures were, the statistics for juveniles were even worse. A survey of the young people admitted to the Eldora and Mitchelville training institutions indicated that 60 per cent had a moderate to severe drug or alcohol problem. In addition, 85 per cent of the respondents in this survey reported that they had used illegal drugs. They most frequently gave 12 years of age as the year when they took their first drug or began to drink alcohol outside the home.

Crime statistics

An analysis of available crime statistics showed that these young offenders represented one of the most serious problems facing the State law-enforcement officials. Forty per cent of all serious crime in Iowa in 1980 was committed by persons under 18 years of age. Juveniles were responsible for approximately 50 per cent of all burglaries, acts of arson and vandalism; and for over 60 per cent of motor vehicle thefts. The correlation between the increases in drug abuse among young people and the higher levels of juvenile crime during the past two decades led Iowa government officials to the conclusion that there was a significant relationship between drug abuse and crime among young people.

Comprehensive State programme

Faced with these facts and reports of increased trafficking in cocaine and other harmful substances in the State, Governor Robert Ray, in 1981, presented a comprehensive programme designed to fight crime and reduce drug abuse. From the start, Governor Ray was convinced that this campaign would have to take place within certain parameters:

(a) Any effort to combat juvenile drug abuse would have to include families and community leaders. It could not be done by the Government alone;

(b) Since it was taking place during a period of significant fiscal austerity, the new effort could not be financially supported by significant additional amounts of State money. If more money was required, new sources of funds would have to be found;

(c) Laws designed to reduce the illegally acquired financial assets of drug traffickers would have to be developed. Governor Ray noted that in the United States of America people used to say "crime does not pay". "Now", he continued, "we hear people saying the problem is that crime does pay. It pays all too well." His reference was, of course, to the large amounts of illegal financial gains realized by drug traffickers and the inability of the State to seize those funds even after arrests had been made;

(d) Further, efforts would be needed to provide additional resources to law-enforcement officials to enable them to identify and apprehend illegal drug dealers.

As a first step towards implementing this programme, a special Crime Prevention Conference was convened in Des Moines, the State capital, in October 1981. It was attended by over 700 persons, representing all concerned groups from the State of Iowa, including: law enforcement; civic associations; substance-abuse agencies; social-welfare organizations; re-

ligious and charity associations; and business and labour groups. Following two days of seminars and workshops in various aspects of crime, the assembled delegates were urged to return to their communities and organize programmes aimed at preventing drug abuse and crime. To assist them in this endeavour, the following forms of aid were provided by the State:

(a) Small cash grants were given to help set up groups or organizations to assist young people and to prevent juvenile crime (the contemplated number of such groups and organizations was up to 50);

(b) Five regional seminars were conducted by the Iowa Department of Substance Abuse entitled "Helping Communities Help Themselves". Following the seminars, start-up grants were made available to approximately 80 communities to assist them in initiating drug and alcohol abuse programmes;

(c) A State-wide "crime stoppers" hot-line was established, providing a toll-free telephone number to members of the public for the purpose of passing on information about crimes. The "crime stoppers" programme guaranteed complete anonymity, through the use of code numbers, to persons providing such information; and offered cash rewards, contributed voluntarily by concerned businesses, for information leading to preventing or reducing crime.

New legislation

In the area of legislation, Governor Ray proposed a series of new laws to combat the illegal drug trade. The centrepiece of this legislation was the drug profits act [1], which provided for the forfeiture of proceeds (including property) derived from illegal drug sales. Heretofore, the State was able to confiscate only those assets, usually automobiles or aeroplanes, used directly in the sale or transportation of illegal substances. The old law was written in such a restrictive way that funds used by undercover police agents to buy illegal drugs could not be reclaimed by the State, even after the dealers had been arrested. The new drug profits act, however, allowed the State to recover its own funds and, through a civil procedure, to seize all monies involved in drug operations as well as all funds and property (such as houses, businesses, financial instruments) owned by drug dealers that could be traced to illegal drug sales. To further tighten this restriction, under the provisions of the drug profits act, it became incumbent upon drug dealers to prove that their assets were derived from legal transactions in order to prevent their forfeiture to the State. The new statute reads as follows:

"The following are subject to forfeiture . . . :

"Everything of value that is furnished or intended to be furnished in exchange for a controlled substance in violation of this Chapter.

“All proceeds including real and personal property traceable to such an exchange.

“All monies, negotiable instruments, securities and conveyances used or intended to be used in violation of this Chapter.

“All monies, coin and currency, found in close proximity to the controlled substances, to drug paraphernalia or to any records (relating to the exchange) . . .

These are presumed to be forfeitable under this paragraph. The burden of proof is upon the claimant of the property to rebut this presumption.”

Another measure proposed to penalize persons convicted of illegal drug trafficking was to increase the fines associated with the crime. This was done through the relatively simple procedure of amending the current law to provide judges with the power to double or even treble the fines set by statute for each type of offence.

Other modifications to the drug laws put forward by the State of Iowa were the outlawing of “look-alike” drugs and the enactment of a so-called “turkey” ordinance [2].

“Look-alike” drugs, i.e. pills designed to look like controlled substances (usually amphetamines) but actually containing licit substances such as caffeine, ephedrine and phenylpropanolamine, were presenting an increasing health problem in the State. Known by their street names, such as “Christmas trees”, or “black beauties”, these “look-alike” pills posed a health hazard for several reasons. First of all, there were increasing reports from doctors and hospitals of near fatal cases involving excessive use of the “look-alike” pills themselves. More pernicious results were deaths caused by overdoses of the real drugs after capsules were bought on the street under the assumption that they were imitations. Since the individual invariably needed a large number of the “look-alikes” to produce the desired effect, ingesting large numbers of capsules containing the real substance would lead to a serious reaction and possible death. A third danger came from the fact that taking “look-alike” drugs could lead young people into patterns of drug use from which they would later switch to more powerful and more dangerous drugs. Before this new prohibition on these substances was enacted, “look-alike” capsules were available legally in speciality and drug-paraphernalia shops and by mail order, making them easily accessible to persons of any age.

The “turkey” law related to substances that were not themselves illegal but were presented as such. Drug dealers had used decoy packages containing ordinary baking flour or detergent to test whether a purchaser might be an undercover police officer. The dealer presented packages that presumably contained illicit substances. If he was arrested by the officer, he claimed no violation of the law, since the materials involved were only harmless substances found in every American kitchen. To prevent such

occurrences in the future, The Imitation Controlled Substances Act was proposed to make it illegal to present licit substances as illicit ones, and to impose the same penalties for such offences as for selling the illicit substances themselves.

Law-enforcement programme

The Governor's comprehensive programme also involved significant measures to strengthen law-enforcement agencies. These included:

(a) Funds to increase, by 33 per cent, the number of undercover agents working for the State's Division of Criminal Investigation (DCI);

(b) An increase in the amount of money allocated to DCI agents to make undercover drug purchases;

(c) The establishment of a special revolving fund from which the Director of DCI could make funds available to the police agencies of small towns and cities to carry out their own undercover drug purchase operations;

(d) Additional staff for the State crime laboratory to facilitate analyses of confiscated drugs and substances, especially for those requested by local police forces without access to a laboratory.

Fund raising

Since these staff augmentations and special funds required additional financing, Governor Ray proposed the enactment of a special criminal justice improvement fund. This fund was to be financed by adding a 10 per cent surcharge on all fines collected in the State (with the exception of parking tickets). It was anticipated that through this procedure, approximately \$2.5 million to \$3 million could be raised annually.

Results thus far obtained

The 1982 session of the Iowa General Assembly enacted the entire drug abuse prevention programme proposed by Governor Ray. Most of the laws went into effect on 1 July 1982, so it is still too soon to evaluate their impact on the State's drug problem. None the less, there are already some encouraging results. Community awareness programmes have sprung up in a number of Iowa towns and cities, and impressive crowds have turned out to hear noted anti-drug speakers. In one county—Dubuque—about 40,000 parents and students attended lectures on the subject over a two-day period, giving ample testimony to their community effort.

Some of the laws have also had an immediate effect. The State crime laboratory has reported a "marked decrease" in the number of "look-alikes" being sent for analysis, and the State Pharmacy Board reports that most "head shops" are now in compliance with the law banning their sale.

The fund providing drug purchase money to local police and sheriffs' departments has been successful. In the first four months of operation, over 50 per cent of available funds were "lent out", and 38 arrests were made by local authorities in police operations using these monies. The augmentation of the DCI agents and their funding has also permitted greater operational effectiveness, and the new staff in the crime laboratory have speeded up analysis of criminal evidence.

On the other hand, it is still too early to assess the impact of some of the other laws such as the drug profits and the "turkey" law which, by their nature, will take longer to produce results that can be evaluated.

Surely no one, including Governor Ray, expects that this or any other programme of drug abuse countermeasures will be totally effective in halting the flow or use of drugs. What was hoped, rather, was that it might prove to be an important element in making large portions of the State's population aware of this problem and in helping law-enforcement agencies to prevent further expansion of the trade in illegal substances. In this regard, the Iowa programme seems to have a reasonable chance of success.

References

1. *1983 Code of Iowa*, chap. 204, "Uniform controlled substances", para. 204.505 (1)(F).
2. *1983 Code of Iowa*, chap. 204A, "Iowa Imitation Controlled Substances Act".