

United States General Accounting Office

Report to the Chairman
Subcommittee on Investigations
Committee on Government Operations
U.S. Senate

Observations and
Selected Data
Concerning
Value



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U.S. Department of Justice
National Institute of Justice

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General Government Division

B-230748

May 14, 1990

The Honorable Sam Nunn
Chairman, Permanent Subcommittee
on Investigations
Committee on Governmental Affairs
United States Senate

Dear Mr. Chairman:

In January of this year, the Subcommittee told us it would hold field hearings examining how the criminal justice system in Portland, Maine, is responding to drug crime and violence. You asked that we provide general background information on the extent of illegal drug activity in that city and efforts to combat it so that the Subcommittee could become familiar with the overall situation before the hearings. To respond to that request, we interviewed a number of individuals at the state and local level and collected data that were readily available. This report is a compilation of the opinions and perspectives we obtained and selected data intended to provide a broad overview of the situation.

Results in Brief

Officials of the criminal justice system in Portland—as well as the rest of Maine—are concerned with what they consider to be a significant increase in illegal drug activity. The consensus of those we talked with is that cocaine is now the drug of choice but that the use of heroin and LSD is increasing. Although exact data are not available, many of those we talked with believe that the increase in drug use is responsible for an increase in other types of crimes, especially property crimes. Data to show the effect of drug crimes on the rest of the criminal justice system are also not available. However, officials we spoke with generally believe that drug crimes have worsened an already serious overcrowding of corrections facilities.

To combat drug crimes on a statewide basis, Maine has legislated a coordinated effort of federal, state, and local law enforcement officers and criminal prosecutors. Local enforcement efforts are also continuing.

**Objective, Scope, and
Methodology**

As agreed with the Subcommittee, our original objective was to collect general background information on the extent of drug crime and violence in Portland, Maine, and local efforts to combat this problem. Because it is difficult to address Portland's problems with illegal drugs without discussing those of Maine as a whole, we expanded our efforts

to include gathering readily available information and data on a state-wide basis.

During the week of March 26, 1990, we visited Portland and the state capital in Augusta and spoke with a number of individuals, including members of Portland's city council, state and local law enforcement officers, state corrections and probation officials, the U.S. Attorney for the district of Maine, substance abuse counselors, a state superior court justice and superior court clerk, and the president of the Maine Police Chiefs Association. In addition to obtaining the opinions and perspectives of these individuals, we reviewed statewide crime statistics and Maine's drug strategy and collected readily available caseload and arrest data from state and local law enforcement, judicial, and corrections offices. Reports on Maine's Department of Corrections and the probation system were also obtained and reviewed.

We did not verify any of the information or data given us nor did we draw our own conclusions from it. The conclusions and opinions expressed in this report are either those of individuals we spoke with or else were contained in studies and reports provided us.

Geography and Economy of Maine and Portland

Maine is the largest of the six states in New England. About 320 miles long and 210 miles wide with an area of 33,215 square miles, it has a population of 1,187,000. Maine is the most sparsely populated state east of the Mississippi river but has nearly half of the total area of New England.

The state has 16 counties, 22 cities, 424 towns, and 416 unorganized townships. Only a few cities have 25,000 or more inhabitants. About half of the state's population is concentrated in the four counties in the southwestern tip of the state.

More than 80 percent of Maine's total area, about 17 million acres, is forestland. Maine has 3,478 miles of coastline and more than 2,000 coastal islands. It has a common border with Canada that runs for 591 miles and has 62 unguarded border crossings. Maine also has approximately 200 unattended and uncontrolled airports, most of which are located in rural areas.

Portland is the state's largest city and the county seat of Cumberland county. It has a population of 61,572 but is the center of a metropolitan area with a population of about 184,000.

While Maine is considered a relatively poor state, with the second lowest per capita income in New England, the Greater Portland Council of Governments considers the area's economy sound. The 1990 unemployment rate for the Portland area is 3.1 percent, up slightly from the 2.2 percent rate for 1989. Retailing, wholesaling, services, manufacturing, commercial fishing, and shipping contribute to Portland's diversified economy. The city is just over 100 miles from Boston and a popular tourist attraction for much of the Northeast.

Illegal Drugs in Maine and Portland

Appendix I contains selected statistics regarding illegal drug activity in Maine.

In the 1970s and early 1980s, Maine was confronted primarily by the problem of marijuana smugglers who took advantage of the state's extensive coastline to import the drug into the United States from Central or South America. For the most part, the smuggling organizations did not distribute the drug on a wholesale or retail basis within the state but usually transshipped it to other areas of the country.

According to state law enforcement officials, seaborne marijuana smuggling has been greatly curtailed in the last several years. While marijuana use continues, especially among juveniles, most of it is now locally grown or smuggled into the state by automobile from states to the south. Marijuana is currently available in multiple-ton quantities, with wholesale prices for low-grade Colombian at \$350 to \$800 per pound. A November 1988 seizure netted 10,000 pounds smuggled into the state for distribution in Maine and southern New England.

officials generally concede that, since approximately 1983, Maine has seen a dramatic upsurge in cocaine use by every age and socio-economic group within the state. The state faces all of the facets of criminal activity associated with cocaine:

- users,
- individual retail dealers,
- smuggling and wholesale trafficking organizations, and
- national and international production and smuggling cartels.

According to the state's drug strategy, cocaine is available in multiple-kilo quantities, with wholesale prices varying from \$18,000 to \$30,000 per kilo. Several kilo quantity cases were made during 1988, with a 3-kilo seizure occurring in January of 1989.

We were told by several law enforcement officials that crack, an especially addictive derivative of cocaine that is smoked, is not currently readily available in Maine although, in time, it could be.

Maine law enforcement officials have also noted an increase in the use of LSD. It is believed this drug is resurfacing because it is relatively cheap and does not have to be smuggled into the state but can be manufactured in home laboratories. Additionally, heroin is becoming an increasing problem in Maine. The state's largest seizure occurred in 1988, netting 6 pounds of Asian heroin. Heroin wholesale prices average \$200,000 per pound.

The extent to which illegal drug activity has increased other types of crime in Maine and Portland cannot be accurately measured. Most of the individuals we spoke with, however, believe it is substantial and they generally attribute an increase in property crimes throughout the state to drugs. For example, thefts from vehicles of such items as stereos and radar detectors reached such a level that legislation was recently enacted making it a felony to break into a vehicle with the intent of stealing property.

Cocaine especially is thought to be a major influence on property crimes and crimes of violence. Many individuals we spoke with echoed the opinion of the U.S. Attorney for the district of Maine, who is also the former State Attorney General. In a 1988 article, he wrote:

"The drug of choice is now cocaine. It is both easier to conceal as well as more profitable. Unfortunately, it is also much more dangerous in terms of addictive potential as well as psychological and physical destructiveness. It in turn has fostered an alarming upsurge in derivative crimes such as burglary, robbery and theft committed to finance its acquisition. In addition, unlike the marijuana smuggling organizations which we confronted in the late 1970s and early 1980s, those who traffic in cocaine, both on a retail and on a wholesale level, have proven to be much more prone to violence. For example, in 1985 there were 5 homicides directly related to cocaine trafficking in Maine."

"Frankly, we have never seen in the history of this state a crime problem that has had such a deleterious impact on our citizens of every geographic and demographic level throughout the state. Nor have we seen a crime problem which has had such an enormously destructive effect on the quality of life of Maine's citizens, be they a user of the substance or be they the victim of a crime perpetrated by the user of the substance."¹

¹Richard S. Cohen, "Maine Strikes Back," Maine Trial Practice, Volume 4, Number 1, (November 1987 - January 1988), p.5.

Another disturbing aspect of the increase of illegal drugs in Maine is the participation of organized crime. In a 1987 survey of Maine law enforcement agencies, nearly half reported that more than 20 percent of the drug trafficking activity in their jurisdictions was controlled by a criminal organization of some form. Cocaine trafficking has been linked to traditional crime organizations. Additionally, Maine's local motorcycle gang members are seen to have ties with larger national groups with chapters in the southern New England region, particularly involving the distribution of hallucinogenic substances.

State and Local Law Enforcement Efforts

Maine has recently passed a number of laws designed to strengthen its efforts against illegal drugs. For example, the procedure for asset forfeiture has been clarified and refined, and the ability to seize real estate has been included. Recent trafficking statutes include the following:

- possession of specific amounts of cocaine and heroin is now a presumption of unlawful trafficking or aggravated trafficking,
- specific offenses of trafficking to minors and repeat drug offenders have been created, and
- minimum mandatory sentences have been established for certain drug trafficking offenses.

Other significant legislation includes the Intergovernmental Drug Enforcement Act of 1987, which, among other things, established within the Maine Department of Public Safety the Bureau of Intergovernmental Drug Enforcement (BIDE). BIDE's mission is to develop, coordinate, and carry out a statewide drug enforcement program at all levels of law enforcement, including federal, state, county, and municipal levels and including both prosecutorial as well as investigative agencies.

BIDE began operations in April 1988 and currently has 55 officers detailed to it from state, county, and local law enforcement agencies. The assignments generally last for 1 year, and the state reimburses the officer's salary. In addition, BIDE has 10 prosecuting attorneys assigned to it: 4 from the U.S. Attorneys Office and 6 from the state's Office of the Attorney General.

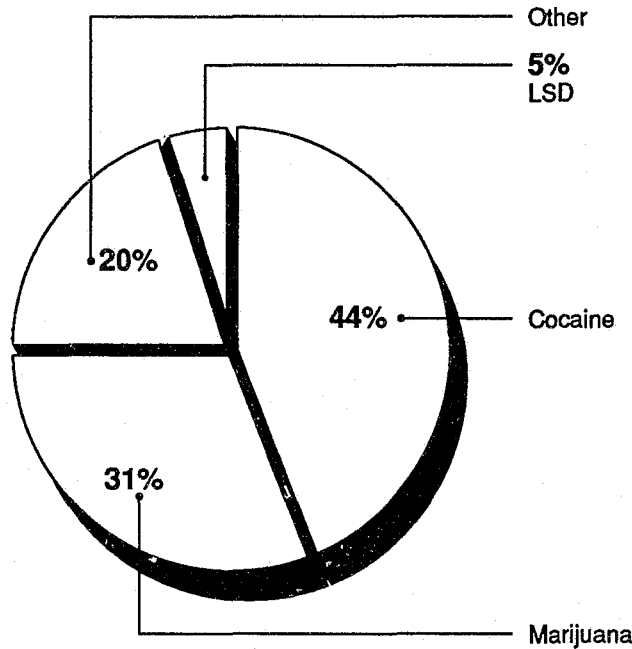
BIDE has eight field offices across the state. Its funding, approximately \$3.5 million for the current fiscal year, comes from the state general fund, federal block grant assistance, and asset seizures and forfeitures.

BIDE was established after the success of several task forces in Maine composed of federal, state, and local law enforcement and prosecuting officers. Officials we spoke with consider the bureau to have a number of advantages over task forces. It has "institutionalized" the coordination believed essential for effective drug enforcement and has put the funding for these efforts on a permanent basis. It is a very efficient means of attacking the drug problem in a state where most of the police departments are very small and often do not have the resources necessary for drug enforcement work. Officers receive extensive training and experience while assigned to BIDE that they take back with them when they return to their departments.

Another of BIDE's advantages that was related to us is flexibility. All officers are deputized as U.S. Marshals, which allows them to work with federal as well as state grand juries and to investigate leads outside the state. Federal and state attorneys are authorized to prosecute in either judicial system. In 1989 approximately a third of the arrests made by BIDE were prosecuted in federal court by the U.S. Attorney. The remainder were prosecuted in the state court system.

BIDE's arrests and drug seizures (see app. II) are increasing rapidly. Total arrests in 1989, its first full year of operation, were 377. The Bureau expects that number to reach 600 in 1990. As figure 1 illustrates, almost half of BIDE's arrests were for offenses involving cocaine during the period from April 1988 through March 1990.

Figure 1: Bureau of Intergovernmental Drug Enforcement Arrests by Illegal Substance, April 1988 Through March 1990



N=795

Source: Bureau of Intergovernmental Drug Enforcement.

Local law enforcement agencies are also involved in drug enforcement. The Portland Police Department has 153 officers. Its narcotics unit is staffed by a detective sergeant-in-charge, three detectives, and one patrolman assigned on a rotational basis. The Department's total 1989 budget was about \$5.7 million, of which about 10 percent went to drug enforcement efforts. In 1989 the Department seized and purchased over \$650,000 worth of illegal drugs and drug paraphernalia and made over 360 arrests for illegal drugs.

Adjacent to Portland is the city of South Portland, with a population of about 23,000. The South Portland Police Department has 55 officers. In January of this year, in order to combat a growing drug problem, the Department increased its narcotics unit from two to four officers. In addition, the Department has two dogs trained to detect drugs. In 1989, the Department made 236 arrests for illegal drugs.

According to Maine's annual crime reports, the greater Portland area has a significantly higher crime rate than other urban and rural areas within the state. Assisting the Portland and South Portland police

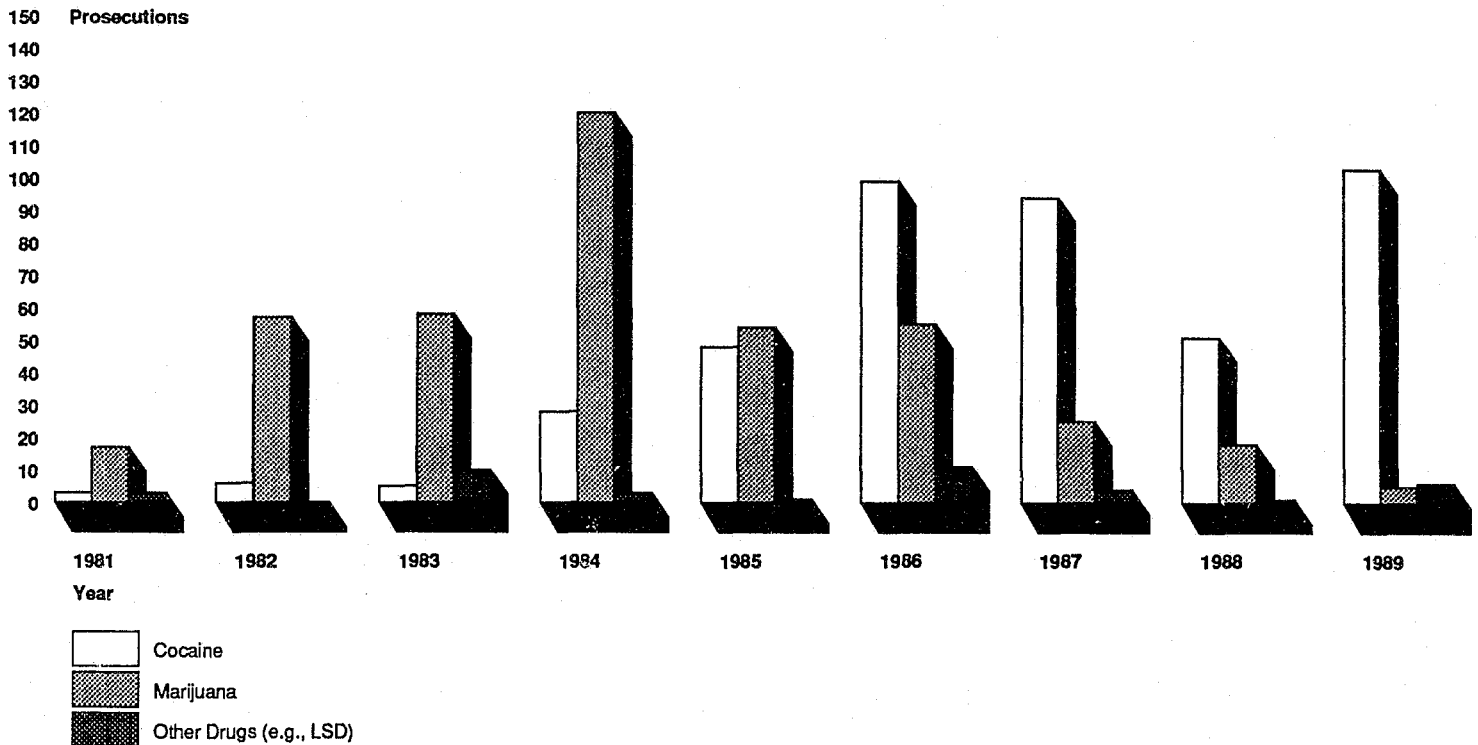
departments in providing law enforcement in the area is the the Cumberland County Sheriff's Office. The office, which has 28 patrolmen and 5 detectives, does not have a separate narcotics unit, and data on arrests and seizures involving drugs are not available.

The Judicial System

In Maine, the more serious state offenses are tried in superior court. There are 16 superior court districts in the state, 1 for each county. From 1986 through 1989, 243 indictments naming 317 individuals were issued for illegal drug activity. During that same period, the Superior Court for the Cumberland County district held a total of 17 trials for drug offenses. In the first 3 months of 1990, 23 indictments naming 33 individuals have been issued and 4 trials for drug charges have been held.

In fiscal year 1989, the U.S. Attorney prosecuted 114 defendants in federal court for drug offenses. (See app. III for additional data.) Figure 2 depicts prosecutions by the U.S. Attorney since 1981 by illegal substance.

Figure 2: Breakdown of United States Attorney Prosecutions for Drug Offenses by Illegal Substance



Source: Office of the United States Attorney, District of Maine.

Corrections

Individuals we talked to and reports we reviewed indicate a general concern that state correctional facilities and county jails are seriously overcrowded and that the probation system is becoming saturated to an alarming degree. Some corrections officials attribute much of the overcrowding to an increase in illegal drug activity. Other factors cited by officials and in reports include drug offenders being given long sentences and the recent passing of mandatory sentences for drug trafficking and other drug-related offenses.

As of March 31, 1990, 7.5 percent of the state's prisoners were serving sentences for possession, trafficking, or furnishing illegal drugs. Although exact data on the role played by drugs in other offenses are unavailable, it is generally believed that a significant amount of other criminal activity is committed either to finance drug use or under the

influence of drugs. Substance abuse counselors at one correctional facility estimate that 90 to 95 percent of the inmates have a substance abuse problem—either drugs and/or alcohol—and that this abuse caused or was at a minimum a contributory factor in the inmate's offense.

The Maine Department of Corrections operates 8 adult facilities with a total capacity of 1,106 inmates. The system is currently housing 1,448 prisoners, with 26 prisoners housed in county jails and 87 in out-of-state facilities or other facilities, such as federal prisons, nursing homes, or halfway houses. The Department estimates that by 1995, the state will still be short about 600 beds even after all planned construction and improvement projects are completed.

There is severe overcrowding at the Maine Correctional Center, a medium security facility located approximately 10 miles from Portland. The facility has a capacity of 293 inmates but is currently housing 485. To cope with the crowding, the center is keeping two and three prisoners in cells originally intended for one and housing others in dining rooms, classrooms, and work areas. In 1973 this facility had just over 80 prisoners. The Center's superintendent attributes most of the increased population to drug crimes and drug abuse.

The Maine Youth Center is the state's only juvenile facility and is located in South Portland. With a capacity of 190, it is currently housing 249 youths, male and female, between the ages of 11 and 18.

Maine's county jails are also overcrowded. The 16 facilities have a total capacity of 721. During 1989, the average statewide population was 763. This does not reflect, however, the extent of overcrowding at some facilities. We were told by a Department of Corrections official that one county jail, for example, has a capacity of 34 but routinely holds 90 to 120 prisoners. Similarly, the Cumberland County jail has a capacity of 100, but at the time of our visit it held 210 prisoners.

Maine's Division of Probation, which is part of the Department of Corrections, is also strained. In December 1985, the Division's total caseload was 5,753, of whom 1,891 were juveniles. In December 1989, the total caseload had increased to 8,823, of whom 2,156 were juveniles. The average caseload for officers handling adult cases is now 137, 60 for officers handling juveniles. Because case supervision is only one area of responsibility for field officers, the Division is concerned that severe constraints are being placed on the individual officer's ability to supervise cases.

Substance Abuse Treatment

A recurring comment of law enforcement, court, and correction officials we spoke with was that there was a shortage of affordable or publicly funded substance abuse treatment. Law enforcement and corrections personnel see this shortage as increasing the number of repeat offenders among those who committed a crime under the influence of drugs or in order to support a drug habit. They believe that incarceration of addicts without adequate treatment will not address the basic cause of the problem. In fact, some believe it makes the situation worse since these individuals will be exposed to more experienced criminals who will pass on this expertise. Several officials told us that the shortage was preventing the use of rehabilitation and treatment as alternatives to incarceration.

Substance abuse counseling and rehabilitation treat both alcohol and drugs. A survey of selected treatment programs in October 1985 showed that of the 235 individuals in treatment on one particular day, 42 percent were being treated for cocaine use and abuse: 9 percent for cocaine only and 33 percent for cocaine and alcohol. A similar survey in August 1986 showed that of the 239 persons being treated on one particular day, 31 percent were being treated for cocaine use: 1 percent for cocaine only, 12 percent for cocaine and alcohol, and 18 percent for cocaine and other drugs.

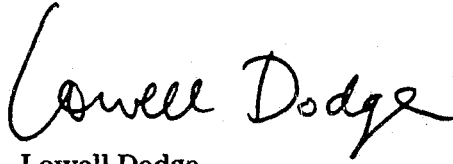
Drug treatment resources dedicated to criminal justice clients are considered inadequate. According to a Department of Corrections' estimate, 90 percent of the juveniles at the Maine Youth Center have drug and/or alcohol problems and 67 percent of these youths are drug and/or alcohol addicted. Rehabilitation and educational services are provided, but overcrowding is making the work more difficult. At the time of our visit, there were 42 youths in the substance abuse program, which has a capacity of 35. There are few treatment services available for the remaining offenders within the general population.

The Maine Correctional Center, with a population of 560, has recently increased its staff of substance abuse counselors to 6. The counselors have been hampered, however, by a lack of space at the facility in which to operate.

As arranged with the Subcommittee, unless you announce its contents earlier, we plan no further distribution of this report until 30 days from its issue date. At that time, we will send it to interested parties and make copies available to others upon request.

The major contributors to this report are listed in appendix V. If you have any questions concerning the report, please contact me at 275-8389.

Sincerely yours,

A handwritten signature in cursive script that reads "Lowell Dodge".

Lowell Dodge
Director, Administration of
Justice issues

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Selected Arrest Data for Illegal Drugs for Maine

Table I.1: Total Arrests for Manufacturing/Selling and Possession of Illegal Drugs

Year	Manufacturing selling	Possession	Total
1986	400	1,347	1,747
1987	346	1,516	1,862
1988	310	1,545	1,855
1989	713	1,775	2,488

Source: Maine State Department of Public Safety.

Table I.2: Adults and Juveniles Arrested for Manufacturing/Selling of Illegal Drugs

Year	Adults	Juveniles	Total
1986	357	43	400
1987	308	38	346
1988	280	30	310
1989	675	38	713

Source: Maine State Department of Public Safety.

Table I.3: Adults and Juveniles Arrested for Possession of Illegal Drugs

Year	Adults	Juveniles	Total
1986	1,179	168	1,347
1987	1,313	203	1,516
1988	1,318	227	1,545
1989	1,575	200	1,775

Source: Maine State Department of Public Safety.

Table I.4: Arrests for Manufacturing/Selling by Illegal Substance

Year	Cocaine ^a	Marijuana	Synthetic narcotics	Other ^b	Total
1986	126	228	24	22	400
1987	110	203	19	14	346
1988	103	191	4	12	310
1989	327	316	42	28	713

^aIncludes cocaine derivatives and opium.

^bIncludes LSD.

Source: Maine State Department of Public Safety.

Appendix I
Selected Arrest Data for Illegal Drugs
for Maine

**Table I.5: Arrests for Possession by
 Illegal Substance**

Year	Cocaine^a	Marijuana	Synthetic narcotics	Other^b	Total
1986	165	1,092	44	46	1,347
1987	167	1,248	32	69	1,516
1988	160	1,308	19	58	1,545
1989	207	1,410	37	121	1,775

^aIncludes cocaine derivatives and opium.

^bIncludes LSD.

Source: Maine State Department of Public Safety.

**Table I.6: Arrests for Manufacturing/
 Selling and Possession by Sex**

Year	Males	Females	Total
1986	1,557	190	1,747
1987	1,639	223	1,862
1988	1,622	233	1,855
1989	2,149	339	2,488

Source: Maine State Department of Public Safety.

Selected Data for the Bureau of Intergovernmental Drug Enforcement, April 1988 Through March 1990

Table II.1: Arrests for Trafficking by Illegal Substance

Substance	Number of arrests
Cocaine	350
Marijuana	243
LSD	41
All Other	161
Total	795

Source: Maine State Department of Public Safety.

Table II.2: Illegal Drug Seizures

Substance	Amount seized
Cocaine	20.0 Kilos
Marijuana	611 Pounds
LSD	13,674 Doses

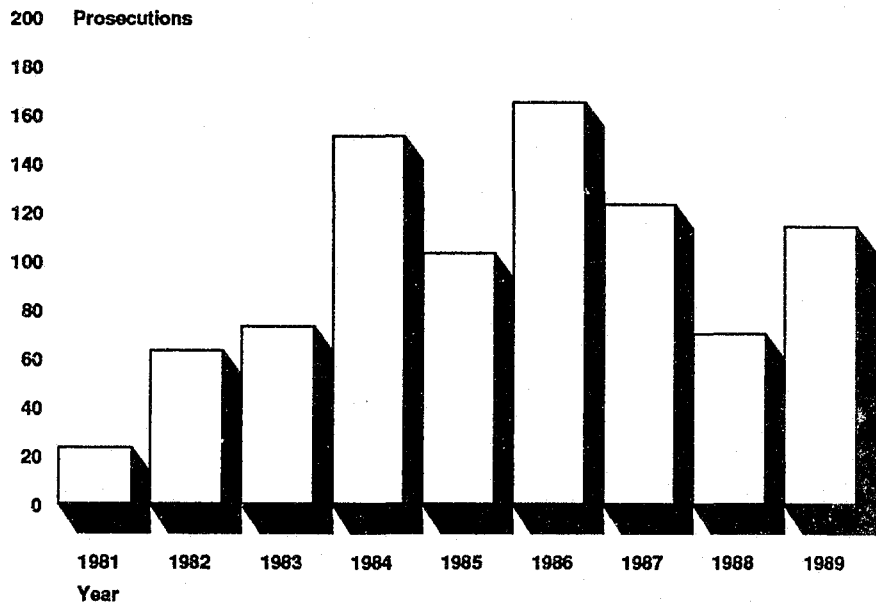
Source: Maine State Department of Public Safety.

Table II.3: Estimated Value of Illegal Drug Property Purchased or Seized

Estimated value of drug purchases	\$267,398
Estimated value of forfeiture proceedings: includes currency, firearms, real estate, and vehicles	\$1,861,127
Estimated street value of marijuana eradication activities	\$26,466,000

Source: Maine State Department of Public Safety.

Prosecutions by United States Attorney for Drug Offenses

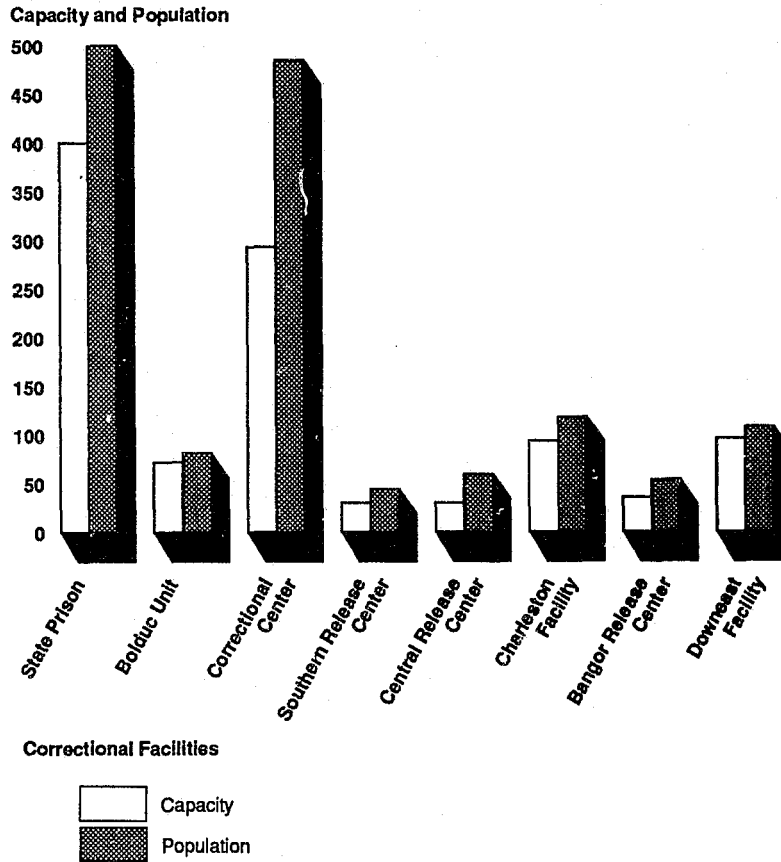


Note: There will be an overlap for 1988 and 1989 figures. Figures for 1988 are for calendar year and figures for 1989 are for fiscal year.

Source: Office of the United States Attorney, District of Maine.

Selected Data for Maine's Department of Corrections

Figure IV.1: Capacity and Population of Maine's Adult Correctional Facilities

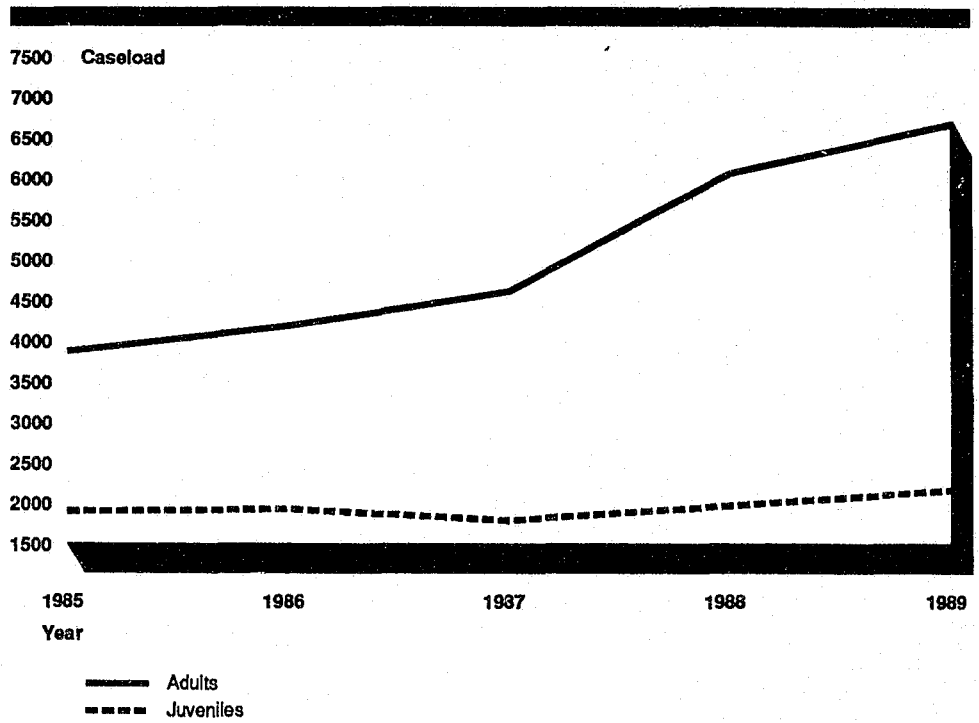


Note: Population as of February 6, 1990.

Source: Maine Department of Corrections.

Appendix IV
Selected Data for Maine's Department
of Corrections

Figure IV.2: Maine's Probation and
Parole Caseload Growth



Source: Maine Department of Corrections.

Major Contributors to This Report

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REPORT OF THE COMMISSIONER OF THE GENERAL LAND OFFICE

IN RESPONSE TO A RESOLUTION OF THE HOUSE OF COMMONS

PASSED ON 11th MARCH 1964

BY THE HOUSE OF COMMONS

ON 11th MARCH 1964

IN RESPECT OF THE

LANDS BELONGING TO THE CROWN AND TO THE SEVERAL

STATES

AND THE LANDS BELONGING TO THE SEVERAL STATES

IN 1963

BY THE COMMISSIONER OF THE GENERAL LAND OFFICE

AND BY THE SECRETARY OF STATE FOR THE ENVIRONMENT