Baltimore’s Eastern District:
- 280 officers (1 of 9 police districts).
- 42,000 residents (99% Black).
- More than one in ten (12%) men is murdered before age 35.
- Annually, police handle:
  - 113,000 calls for service;
  - 20,000 arrests;
  - 40 Homicides.

Homicide Rates in Western Europe and the US

Source: 2011 UNODC

© Peter Moskos
### Calls for Service

<table>
<thead>
<tr>
<th>Category of Dispatched Call for Service</th>
<th>As Percentage of All Calls (n)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Calls for Service</td>
<td>100% (113,205)</td>
</tr>
<tr>
<td>Drugs</td>
<td>25.6% (28,959)</td>
</tr>
<tr>
<td>Disorder</td>
<td>10.5% (11,874)</td>
</tr>
<tr>
<td>Gunshots</td>
<td>0.9% (980)</td>
</tr>
<tr>
<td>Assault, Shooting</td>
<td>0.3% (324)</td>
</tr>
<tr>
<td>Assault, Cutting</td>
<td>0.3% (312)</td>
</tr>
</tbody>
</table>

### Arrest Discretion

"Sometimes I'll flip a quarter for a biter. Tails he goes to jail and heads he doesn't. They'll be going. 'Heads! Yeeah!'"

### Arrests Per Officer

<table>
<thead>
<tr>
<th>Officer</th>
<th>Arrests (6-month total)</th>
<th>Felony arrests</th>
<th>Non-Felony Arrests</th>
<th>Traffic citations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jake Atz</td>
<td>77</td>
<td>5</td>
<td>72</td>
<td>135</td>
</tr>
<tr>
<td>Squad Avg. (mean)</td>
<td>27.4</td>
<td>3.6</td>
<td>23.8</td>
<td>44.2</td>
</tr>
<tr>
<td>Phil Lowe</td>
<td>10</td>
<td>1</td>
<td>9</td>
<td>28</td>
</tr>
</tbody>
</table>

Correlation Between:  
- Non-felony arrests and felony arrests: F = .075, Sig = .81  
- Non-felony arrests and traffic citations: F = .785, Sig = .001*  
- Felony arrests and traffic citations: F = .018, Sig = .95
High-Discretion vs. Low-Discretion Arrests

- Officers have high discretion for misdemeanor arrests and traffic citations.
- Officers have low discretion for felony arrests.

Officer Discretion and Arrests

**Suspect-based variables**: race, crime, age, demeanor, dress, education, employment.

**Institutionally based variables**: District, sergeant, crime rate.

The police officer as variable: Overtime

**AKA: “Collars for Dollars”**

- Officers who want to make a lot of arrests, do. Officers who don’t, don’t.
- The key variable is officer’s *desire for overtime*.
- Areas with *public drug dealing* have an unlimited supply of arrestable offenders.

Police Discretion in the Literature 1/3

<table>
<thead>
<tr>
<th>Author</th>
<th>Key Concept and Significance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Vollmer 1936</td>
<td>Professional police introduced</td>
</tr>
<tr>
<td>Whyte 1943</td>
<td>Different police response in different neighborhoods</td>
</tr>
<tr>
<td>Goldstein 1960</td>
<td>Introduces discretion and police power not to invoke the law</td>
</tr>
<tr>
<td>LaFave 1962 &amp; Kadish 1992</td>
<td>Equates discretion with racism through non-enforcement of law in black neighborhoods</td>
</tr>
<tr>
<td>Piliavin &amp; Briar 1964</td>
<td>Discretion based on demeanor more than race</td>
</tr>
<tr>
<td>Banton 1964</td>
<td>Discretion as a theoretical dilemma, police officer in a bind in low-class neighborhoods</td>
</tr>
</tbody>
</table>
Police Discretion in the Literature 2/3

<table>
<thead>
<tr>
<th>Author</th>
<th>Key Concept and Significance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bittner 1967</td>
<td>Discretion is a learned skill key to policing</td>
</tr>
<tr>
<td>Wilson 1968</td>
<td>Varies according to “service,” “watchman,” &amp; “legalistic” police department.</td>
</tr>
<tr>
<td>Alex 1969</td>
<td>Black police officers have tougher job in black neighborhoods</td>
</tr>
<tr>
<td>Black &amp; Reiss</td>
<td>Complainant’s desire taken into account. Wishes of black complainants responsible for disproportionate number of black arrests.</td>
</tr>
<tr>
<td>Van Maanen 1978</td>
<td>“Assholes” get locked up.</td>
</tr>
</tbody>
</table>

Police Discretion in the Literature 3/3

<table>
<thead>
<tr>
<th>Author</th>
<th>Key Concept and Significance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Anderson 1990</td>
<td>Describes conflict of cultures in the ghetto. Regular patrol officers versus specialized units.</td>
</tr>
<tr>
<td>Klinger 1997</td>
<td>Service varies by police district, regardless of neighborhood variations within district</td>
</tr>
<tr>
<td>Arwater v. Lago Vista 2001</td>
<td>U.S. Supreme Court ruling grants police constitutional authority to arrest for any offence</td>
</tr>
<tr>
<td>Moskos 2009</td>
<td>Officer-based variables more important than suspect-based variables. Overtime key incentive.</td>
</tr>
</tbody>
</table>

The “War on Drugs”

1968: “War on Drugs”
first used by Richard Nixon

1973: DEA Established
(from Bureau of Narcotics and Dangerous Drugs).
• Rockefeller Drug Laws take effect in NY State.

1986: Anti-Drug Abuse Act
(Sets mandatory sentences for crack cocaine and allows greater pee testing in the workplace)

Notorious B.I.G.’s Ten Crack Commandments:

1: Never let no one know how much dough you hold.
2: Never let ‘em know your next move.
3: Never trust nobody.
4: Never get high on your own supply.
5: Never sell no crack from home.
6: Extend no credit.
7: Keep your family and business completely separated.
8: Never keep drugs on you.
9: Don’t snitch.
10: Consignment? If you ain’t got the clientele, say ‘hell no.’

Cardinal Rule of DrugDealing:

*Keep the Drugs & Money Separate*

The customer dropped money near a telephone pole. The dealer picked it up, and one of the dealer’s agents put the drugs in a crevice in the same telephone pole. “Where money is taken by one person and the package is inserted by another, conviction is difficult if not impossible.”


Incarceration Rates
Select Countries

<table>
<thead>
<tr>
<th>Country</th>
<th>Incarceration Rates per 100,000</th>
</tr>
</thead>
<tbody>
<tr>
<td>China</td>
<td></td>
</tr>
<tr>
<td>Canada</td>
<td></td>
</tr>
<tr>
<td>Austria</td>
<td></td>
</tr>
<tr>
<td>France</td>
<td></td>
</tr>
<tr>
<td>Germany</td>
<td></td>
</tr>
<tr>
<td>Denmark</td>
<td></td>
</tr>
<tr>
<td>Sweden</td>
<td></td>
</tr>
</tbody>
</table>


© Peter Moskos
Massive U.S. Incarceration

Incarceration Rates (per 100,000)

- US
- China
- Canada
- Austria
- France
- Germany
- Denmark
- Sweden


Incarcerated Americans (1925 – present)

Source: U.S. Department of Justice

US Incarceration Rate (1925 – present)

Source: U.S. Department of Justice

US Homicide Rate (left axis, red) & Incarceration Rate (right axis, blue)

Source: U.S. Department of Justice

Prohibition to Prison

Prohibition → Illegal Dealing → Prohibition Violence → Police Action → Incarceration → Arrests

Chance of Men’s Imprisonment by 35

Whites: 2.9%  Blacks: 20.5%

Courtesy of Professor Bruce Western, Princeton University
Longer Sentences & the War on Drugs

- Mandatory Sentencing
- Reduced Judicial Discretion.
- More racial disparity: Federal drug sentence 50% higher for blacks in 1990 (11% higher before 1986 crack laws).


War on Drugs Timeline

1884: Cocaine invented: First effective medicinal anesthetic!
1895: Heroin Invented: Bayer markets heroin as cough sedative and opium substitute.

19th Century Bayer Ad for Heroin
1906: Food & Drug Act
Feds have authority to regulate.
1910s: US States Ban Marijuana
Solution in search of problem.
1914: Harrison Narcotics Act
Feds get in the game, ban *unprescribed* opiates and cocaine. (NYPD establishes first “drug squad.”)
1920: Prohibition 18th Amendment & Volstead Act
ban alcohol production, distribution, and sales

1924: Heroin Act
Prohibits manufacture of heroin
1930: Federal Bureau of Narcotics
Prohibition agent, Commission Anslinger leads anti-marijuana campaign (helping to popularize drug).
1933: Prohibition Ends
21st Amendment repeals 18th Amendment.
1937: Marijuana Tax Act
Effectively bans Marijuana at Federal level

Like Al Capone During Prohibition:
“The vast bulk of crack-related homicides occurred between dealers or dealers and users. They did not involve the murder of strangers outside the crack world.”


Alcohol Prohibition

Like Al Capone During Prohibition:
“The vast bulk of crack-related homicides occurred between dealers or dealers and users. They did not involve the murder of strangers outside the crack world.”


Circumstance Of Drug-Related Homicide (New York City, 1988)

Learn the lessons of Prohibition:

1) Drug **dealing** (prohibition-fueled violence) and drug **use** (recreational use and addiction) are two different problems.
2) If regulation works for alcohol (and tobacco), why not for other drugs?
3) Focus on ends, not means. Focus on the goal. Regulate distribution. Education. Make drug use safe, legal, and rare.

US exports War on Drugs

- Fox didn’t sign the bill. Many billions $$$ promised.
- With the “Merida Initiative,” Pres. Calderón ramped up the war on drugs.

Not Winning in Mexico

- In 2006, Mexican President Vicente Fox was worried about 2 drug-war deaths per day.
- In May, 2006, President Fox said he would sign a bill that would legalize the use of nearly every drug and narcotic.
- Fine print: “The U.S. government Wednesday expressed a rare public objection to an internal Mexican political development.”

“"The drug war created the violent situation. The violent situation did not create the drug war."

–Jorge Casteneda, Mexico’s Secretary of Foreign Affairs, 2000-2003
A bunch of angry, fed-up federal police in Juárez launched a mini-rebellion against some of their commanders Saturday, accusing them of corruption.

— El Paso Times, August 2010

Kingpins Captured or Killed

- El Chapo escaped (again) in 2015.

Since Calderon’s 2006 Crackdown

2006: 2,120 Drug War Deaths.
2007: 2,275
2008: 5,500
2009: 6,600
2010: 11,580
2011: 12,360 (peak year)
2014: 9,000

Source: Reforma Ejecutometro, Grupo Reforma

War is Peace!

“Washington says the rising death toll is a sign the drug gangs are weakening under President Calderon’s military crackdown.”

— Dec 17, 2009 http://news.bbc.co.uk/2/hi/americas/8417531.stm

- The U.S. has delivered a fraction of promised aid, in kind.
- Vincente Fox, along with many Latin American leaders, has since come out in favor of drug legalization.
- Current President: Enrique Peña Nieto

“Sorry, Amigo”
“Drug addiction, like prostitution, and like liquor, is not a police problem; it never has been, and never can be solved by policemen. It is first and last a medical problem.”

—August Vollmer, 1936, President, International Association of Chiefs of Police

Benchmarks for success? War on Drugs
- Lower drug usage
- Fewer drug overdoses
- Fewer/more arrest
- Less/more incarceration
- Less/more seizures
- Less/more violence
- High/lower drug prices
- Great/lesser drug purity

Not winning the drug war in the USA
- America leads the world in illegal drug usage.
- Drug use is not going down.
- Drug deaths are not going down.
- Drug prices are not going up
- Incarceration highest in the world. Ever.

Ending the Drug War
- We can’t regulate what we prohibit.
- “Regulation” sounds better than legalization.
- Regulation won’t:
  - end drug addiction (but may reduce it).
- Regulation will:
  - solve the problem of public drug dealing.
  - save lives (fewer overdoses, homicides).
  - save money (on law enforcement, courts, & incarceration).
Portugal decriminalized drugs in 2001

- Possession (less than 10-day supply) is an administrative (not criminal) violation.
- The suspect interviewed by a commission of social worker, psychiatrist, and attorney.
- The impact on drug use overall is mixed, but down in key groups.
- Drug-related arrests, not surprisingly, plummet from 14,000 to 5,250.

Overdoses cut in half
Heroin use down among youth
Less HIV among drug users
Homicide rate low (1.2), though rising slightly. (Portugal is the 16th most peaceful country in the world, according to the 2012 global peace index).
No drug users sentence to prison. Few dealers sentenced.

The Netherlands separates the drug market into “hard” and “soft.”
Allows people to buy cannabis without having access to criminals or other drugs.

Abraham, Manja D., University of Amsterdam, Centre for Drug Research, Places of Drug Purchase in The Netherlands (Amsterdam: University of Amsterdam, September 1999, pp. 1-5.)
### United States vs. Netherlands

<table>
<thead>
<tr>
<th>Metric</th>
<th>United States</th>
<th>Netherlands</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ever tried marijuana</td>
<td>42%</td>
<td>23%</td>
</tr>
<tr>
<td>Past month marijuana use</td>
<td>5%</td>
<td>3%</td>
</tr>
<tr>
<td>Lifetime heroin use</td>
<td>1.3%</td>
<td>0.4%</td>
</tr>
<tr>
<td>Overdose Rate</td>
<td>12.5 (37,500)</td>
<td>7.8</td>
</tr>
<tr>
<td>Incarceration Rate</td>
<td>753</td>
<td>125</td>
</tr>
<tr>
<td>Homicide Rate (per 100,000)</td>
<td>6.1</td>
<td>0.9</td>
</tr>
<tr>
<td>Per capita spending</td>
<td>€380</td>
<td>€220</td>
</tr>
</tbody>
</table>


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**USA: Colorado and Washington State legalize marijuana.**

http://norml.org/laws/pennai/2

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