

Drug Decriminalization: It's Impact on the Future of Police

Recruiting Standards



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Introduction

In 1985, the Miami Police Department had eighty police officers arrested, convicted or disciplined for corruption (Stuart, 1990). In 1995, an FBI investigation of the New Orleans Police Department led to the arrests of eleven corrupted officers (Allen, 2003). The Detroit Police Department Precincts 5 and 6 indicted sixteen police officers between 1995 and 1997 for robbery and theft charges (Allen). Finally, "The worst corruption scandal in the history of the Los Angeles Police Department," led to the suspension or dismissal of thirty officers (Golab, 2004, p.3). This incident became better known as the Rampart Probe. All of these incidents share a common theme. The corrupt individuals at the center of these cases were all hired as police officers despite having personal backgrounds that indicated they people were of questionable character.

As illustrated above, recruiting and hiring qualified peace officer candidates is a critical component in the overall scheme of providing quality police services. This has never been an easy task; however, especially over the last two decades. In large part, this is due to the strict standards law enforcement organizations have adopted for police officer candidates during this era ("Take down the old sign: Drug users need not apply," 1999, p.1).

Today, policing agencies across the country are struggling to fill existing vacancies amidst dwindling applicant pools and the lure of better jobs in the private sector. Just when law enforcement thought the situation could not get worse, a new foe to hiring and recruiting has emerged. Drug decriminalization and the legalization of medicinal marijuana will make the task of hiring qualified police candidates more difficult over the next decade.

Drugs and Police Hiring Standards

It is well known among law enforcement officials that one of the most troublesome areas for prospective police recruits is pre-employment drug use. While there are many other reasons for a candidate's disqualification, most background investigators agree that prior drug use is one of the top reasons (Johnson, 2000). Now, more than ever police departments are being forced to take a hard look at the idea of modifying pre-hire drug use standards in order to have enough candidates to fill vacancies.

Some police departments have already adopted revised standards. Others find themselves at a crossroad struggling to maintain standards, fearing that lower standards will lead to the negative scenarios that took place in the aforementioned cities.

From available evidence and commentary, this author believes societal drug use will likely increase as drugs are decriminalized and as marijuana becomes legal^{*} in more forms. How will law enforcement recruit the workforce of the future and what will the profession and society accept as standards for these new recruits? The question comes down to an issue seen as "lowering the bar" by today's practitioners and adopting acceptable drug use standards for new recruits more reflective of today's society and the future.

This article we will examine the issues of drug decriminalization and rising drug use in our future applicant pools as a result of societal shifts in drug use and acceptance of this behavior. We will also explore the results of some practices that other agencies adopted. Finally, we will look at potential solutions to fill vacancies with qualified

personnel in spite of the less than favorable future of police recruiting as we know it today.

Drug Decriminalization, Medical Marijuana, and Societal Use

The National Organization for the Reform of Marijuana Laws (NORML) has advocated for the legalization of drugs like marijuana for over thirty years. Yet, the concept of drug legalization was not spoken of freely in mainstream social circles until the early 1990's (Foley, 1999).

Burgeoning jail populations, medical research, the pervasive use of illicit drugs by our youth and a generation that matured in the 1960s have all led to sentiments that mere drug use should not be a crime, and that alternatives should exist in lieu of incarcerating casual users. According to a 1999 Gallup poll, many people support legalizing marijuana (Park, 2001). In addition, many see drugs like marijuana as no worse than alcohol or tobacco, with some feeling it is less problematic than similar legal substances (Park). According to the Marijuana Policy Project (2005), "72 percent of Americans believe marijuana offenders should not be jailed; 80 percent believe medicinal marijuana should be made available for seriously ill adults" (www.mpp.org).

There are now twelve states in the USA that have decriminalized marijuana possession to the level of an infraction or fine without incarceration, and forty-seven states that have revised marijuana laws to date. There are currently eleven states where medical marijuana is either legal to possess, cultivate or distribute. There are thirty-three additional states that have pending medical marijuana legislation (Marijuana Prohibition Facts, 2005).

These changes in laws and allowing drug use are far more than trends and speak to a greater societal acceptance of this behavior. Jeff Kass (2000), of the Christian Science Monitor says, "The flower children of the 60s are now arbiters of public opinion" (p.1). This is an era where even presidents, past and present have publicly disclosed personal drug use in some form, without suffering in the polls.

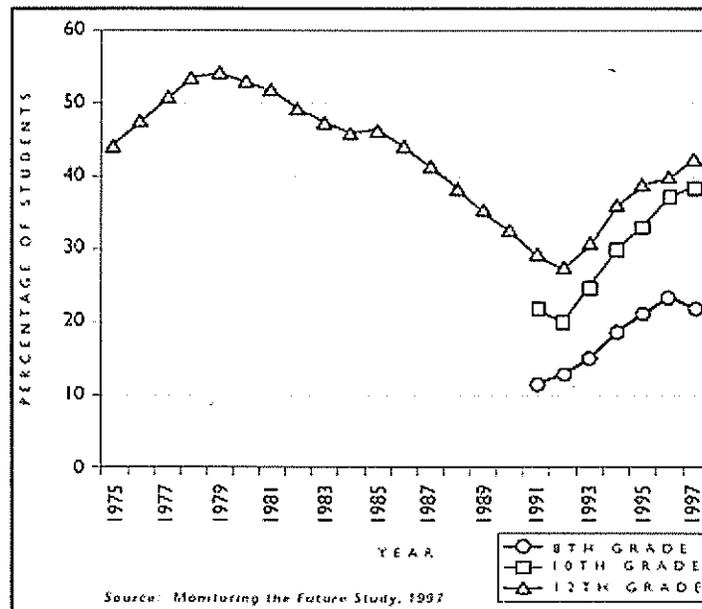
In 1990, there were an estimated 18 million admitted marijuana users in the United States. By the year 2000, the number of people who admitted to using marijuana at some point grew to 70 million (Foley 2000). This is statistically a large number of Americans, especially when you consider the fact that medicinal marijuana laws were not enacted until 1996.

The drug use statistics covering the current law enforcement applicant pool for the next five years are not very optimistic either. From 1975 to 1991, there was a steady decline in drug use among high school aged seniors. However, as depicted in the following graph, between 1991 and 1997, drug use rose:

- Ten percent for 8th graders
- Nineteen percent for 10th graders; and,
- Twelve percent for 12th graders. ("Monitoring the Future Study, 1997").

According to the National Youth Anti-Drug Media Campaign (1997), "Since 1991, drug use among America's youth has been rising at an alarming rate. At the same time, anti-drug attitudes among the same group have been declining dramatically" (p.1).

The following chart demonstrates some of the trends in illicit drug use among Grade 8, 10 and 12 students from 1991-1997.



The same students depicted in this survey are now 22-27 year old members of the workforce and the applicant pool. It is also interesting to note that medicinal marijuana was only legalized in the final two years of this study, and probably had little to do with this survey group, assuming their youth and normal health.

In an even more recent survey of high school sophomores, 41 percent admitted to using marijuana and 23 percent admitted to the use of harder drugs (www.lawenforcement.org, 2001). These same students began entering the workforce in 2003 at the age of eighteen, and are representative of the applicants more than 10 years from now.

With the admitted levels of drug use rising among our youth, what might further legalization of drugs do? Perhaps looking at what occurred in one country over a ten-year period can provide some answers. In 1994, Columbia legalized the personal use possession of marijuana, cocaine and heroin. According to a ten-year study since that legislation occurred, drug use has increased 40 percent. Today, 29 in every 100 Columbians ages 12-25 regularly use drugs (Houseugo, 2004).

Drug legalization in Columbia made their populace more accepting of drugs. Drug treatment costs have become exorbitant, and cocaine now costs less than a beer. Drug dealing still continues to increase and the Country is considering trying to reverse their laws back to criminalizing drugs to combat the problem (Houseugo).

The experience of drug legalization in Columbia indicated that societal drug use increased substantially. Given the already elevated levels of drug use by our young people in America, any legislation to decriminalize or legalize drugs in the future could potentially increase societal drug use far beyond levels we know today.

In The Netherlands, a country where marijuana is legal, drug use among persons 18-25 years increased by over 200 percent between 1984 and 1996 (Collins, 1999, p.5). In 1997, that country saw a 25 percent increase in the number of registered cannabis addicts receiving treatment (Collins). In contrast to the Country's acceptance of soft and hard drugs, the World Fact Book on Criminal Justice notes "Holland has a national police force requirement of no drug use, including legal marijuana, within six months of appointment" (1997). It would seem that even societies tolerant of drugs want their cops to be clean.

Drug Issues in Police Hiring

As noted, American society's standards regarding certain forms of drug use has shifted more to the side of acceptance. According to Paul Campos (2000), a law professor at the University of Colorado at Boulder, "The current era is producing a more nuanced attitude towards accepting some drug use, within limits," (p.1). Given these emerging attitudes, will Americans want their cops and deputies to share these same beliefs and values regarding drug use? Will the public tolerate hiring officers who have been drug users prior to employment?

In 2000, the Denver Police Department's hiring practices pertaining to pre-employment drug use came under scrutiny after information was unveiled publicly, showing 82 in every 100 Denver police recruits admitted to prior drug use (Rollins, 2000). One applicant admitted to using drugs over 150 times, and had previously failed six police backgrounds (including Denver's once before), but was hired by that agency (Rollins). This controversy created a tremendous public outcry to reform acceptable standards for pre-employment drug use within the Denver Police Department. They changed their policy after this incident to a zero-tolerance for prior cocaine use (Sprenglemeyer, 2000). In the same report, the Federal Bureau of Investigation said the policy change could potentially reduce the Denver Police Department applicant pool by 30 percent (Sprenglemeyer).

In Baltimore Maryland, 80 percent of police officer candidates failed the testing process because of recent drug use or lying about drugs and other criminal activities (Johnson, 2000). In 2005, Baltimore considered lowering prior drug use standards to

allow more liberalized uses of marijuana and cocaine as long as it was three or more years prior to employment (“Prior Drug Use Rules May Be Eased for Recruits,” 2005).

In 2002, the Virginia State Police adjusted their pre-hire standards to allow limited heroin and cocaine use five years prior to appointment and marijuana use one year prior to appointment (Bowes, 2003). Veteran officers of the Department expressed their concerns publicly that the policy change would negatively impact the Department’s reputation and place unsuitable officers in the field (Bowes). The Department made this change to make the process more open and fair, than it had been in the past. Since 2002, no incidents of misconduct related to this change have been reported.

The Scottsdale Police Department in Arizona came under public scrutiny due to waiving the department’s drug use policy from 1996-2003 (Giblin, 2004). The complaint was initiated internally after it was alleged between 10 and 20 employees were given waivers for their pre-employment drug use (Gilbin).

In Albuquerque, New Mexico the Professional Standards Unit and the Police Union were at odds in 2005, after a proposed policy change reduced the marijuana use cut off from three years to two years (Hovey, 2005). The recommended change was proposed, “To come along with the times,” according to a police spokesperson (Hovey).

Los Angeles Police Department raised their hiring standards to a zero-tolerance rule in the late 1990’s (Parks, 2000). Now, under the leadership of Chief William Bratton LAPD is moving towards changing its policy to mirror the FBI standard, allowing up to fifteen marijuana uses three or more years prior to appointment, and harder drugs up to five times, ten or more years prior to appointment. According to Chief Bratton (2005), “The reality is kids today may in fact have sampled drugs some time in their life.” Does

this mean we should automatically disqualify them” (“LAPD May Relax Its Hiring Rules,” 2005)?

It is interesting to note that in a study published in the *Journal of the International Neuropsychological Society*, (2003) found that heavy marijuana use had little effect on the human brain. According to Dr. Igor Grant (2003), a neurologist who helped author the study, “Surprisingly we saw very little evidence of deleterious effect.” “The only exception was a very small effect in learning new information.” There were actually fifteen studies incorporating this data that evaluated daily users of marijuana from three months to thirteen years (Kirscheimer, 2003). If fears about drug use hampering future performance are a basis for excluding candidates, agencies prohibiting it may wish to weigh their options with regard to the appropriateness of their policies.

The issue of applicants with drugs in their past is not going away, and is not unique to one area of the country, or even this era. Adjusting standards to accommodate the make up of a new generation is also not a new concept to law enforcement. According to Jim Pasco (2000), of the National Fraternal Order of Police, “Police standards have been in flux since the 1960s. There was a time when no level of drug use was acceptable, but by the 1980s, as Vietnam-era children matured and applied to police departments, there was a recognition that society had changed and experimentation with drugs was more widespread” (p.1). Perhaps the organizations that are adopting, or considering the adoption of different drug use standards today, are doing so with the foreseeable future in mind.

A Survey of California Agencies

In March 2005, an e-mail survey of twenty-five California law enforcement agencies was conducted to assess the status of pre-employment drug use standards. All agencies said they complied with State standards in their hiring practices. Only seven agencies had written standards regarding pre-employment drug use; the others said their standard in this area was unwritten. The Clayton Police Department had the most stringent pre-employment drug use standard - no applicant shall have used any drug stronger than marijuana, and the marijuana use had to be a minimum of five years prior to appointment. The least strict respondent to the survey allowed marijuana use as recently as six months prior to employment. Ten disqualified any applicant with stronger drug use than marijuana. The strictest policy among the 25 surveyed was the smallest agency, and the most liberal agency policy was among the largest.

This reinforces what many would guess; the largest agencies must fill the greatest number of vacancies, while the smallest may only need to staff singular vacancies on occasion. Some agencies, by virtue of size have more applicants than they need and may not be as affected by rising drug use as those agencies in more metropolitan areas. Beyond this survey though, there is ample evidence to indicate law enforcement agencies across the Nation struggle with the conflict between their standards and the need to put cops on the street.

The New Orleans Police Department lowered their standards in 1988 to hire a large number of police officers in a relatively short period of time (Allen, 2003, p.13). One officer failed her psychological exam, but was hired after she successfully appealed that finding. She and a friend (a known felon) later robbed a restaurant and murdered its

owners and an off-duty New Orleans Police Officer (Allen, 2003, p.14). Ten other New Orleans Police Officers hired between 1988 and 1995 were arrested in an FBI operation known as "The Shattered Shield." Each of these officers had significant indicators in their backgrounds suggesting they were prone to criminal behavior (Allen, 2003, p.14).

The LAPD Rampart Probe revealed that some of the involved officers had criminal records for theft, assault, gang involvement and drug activity (Allen, 2003, p.8). As stated by former LAPD Deputy Chief Dowing, "Rampart wasn't about cops who became gangsters, it was about gangsters who became cops" (Golab, 2004, p.3). In Chapter 10 of the LAPD Board of Inquiry final report states that "Respondents overwhelmingly pointed to the Department's lowered hiring standards as a major factor in the breakdown of integrity and ethical standards. Several employees were aware of the Department hiring people with prior gang affiliations, drug use and criminal histories" ("Board of Inquiry Chapter 10," n.d., p.9).

Although research does not assert previous drug use alone is the linchpin to police corruption, these examples demonstrate the need for standards high enough to weed out the unfit before they can prey on an unsuspecting public. Considering the fact that drug use is still rising among our youth, drug decriminalization and legalization has become a reality, and our future hiring pool may be, at this moment, lighting up a "joint" what do we do? How do we address the future of police recruiting standards now?

Some Strategies for the 21st Century

The possible solutions will not be easy; “however”, there are some measures that may help. In order to attract people to this profession who are desirable, we need to ensure salaries and benefits remain at least competitive with not only allied law enforcement agencies, but also with private sector jobs. This is difficult due the dwindling budgets most cities and counties face. The youth of today realize they have many choices when entering the workforce. They are looking at benefits and salary, as well as growth opportunities and working conditions now more than ever before (Gordon, 2004).

The solution is to adjust standards and adopt a 21st Century approach to hiring. This includes complying with the state minimums for police officer standards, but recognizing that not all applicants were the proverbial “Boy Scout or Girl Scout,” prior to applying for a job as a police officer. Each organization needs to assess its overall recruiting needs and evaluate its standards for pre-employment drug use. The issue of drug use is a serious one and should be evaluated as such, but perhaps with more temperance than before. Individual candidates should be screened thoroughly taking into account age at the time, the amount of drug use, types of drugs, patterns of poor behavior, and honesty about the issues in their background. Personnel selected to do background investigations must themselves be of high caliber, and proactive in their approach to selecting the best people for the job. Depending upon the number of officers an agency needs to hire, most will not have the luxury of dismissing otherwise sound candidates because of minimal drug use. It is imperative to adjust our drug use standards to accommodate the officers of the future, if we do so with caution. Through careful evaluation of the person as a whole, and what

he or she brings to the organization and community are the most important factors to consider.

Even with higher pay incentives, educational requirements, hiring bonuses, flexible work schedules and other methods currently in place to attract applicants to the profession, the issue of modifying pre-hire drug use standards will evolve as a work in progress. Recruiting quality personnel in the face of the problems discussed herein must start early and often. While some will be inclined to seek out the challenge of policing, far more will need us to actively work to entice them to consider it as a profession. Cadet and police explorer programs give young people a taste of the profession now. If done well, these programs may be used to evaluate potential candidates, instilling departmental values and mentoring those who wish to someday pursue a career in this field.

Finally, we must enforce whatever standards we choose by inducting our newest members into ethical organizations. While many people say ethics cannot be taught, they certainly can be reinforced throughout a 30-year career. It is incumbent upon all of us in the profession to police ourselves and select the best people we can to do this job. Drug decriminalization is an issue the profession must face, not only when policing its communities, but when considering who will comprise the next generation of cops. Altering policies now and clarifying exactly what is, and is not, acceptable will help ensure standards are met. Inaction by those who thought illicit drugs would never be legalized may have led us down this path. Inaction now by police leaders may result in outcomes that are equally unimaginable.

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