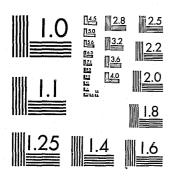
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Federal Probation

Homici	des Related to Drug Trafficking	Ronald Heffernan John M. Martin Anne T. Romano
Manage Corre	ment Theory Z: Implications for actional Survival Management	William G. Archambeault
Making Sente	Criminals Pay: A Plan for Restitution by commissions	Frederic R. Kellogg
Informa Distr	ation Processing in a Probation Office: The Southern ict of Georgia Experience	Jerry P. Morgan
Juvenil	e Correctional Institutions: A Policy Statement	Clemens Bartollas Christopher M. Sieverdes
	Disabilities and Juvenile Delinquents	H.R. "Hank" Cellini Jack Snowman
n M	Learning Theory Model for Reduction of Correctional Stress	Susan J. Stalgaitis
0		Andrew W. Meyers Joseph Krisak
'N	y in Jails: Planning for Emergencies	
	esentence Investigation.	Yona Cohn
いな	33: Career Patterns of Federal Prison Correctional Officers stered Service During 1963	

SEPTEMBER 1982

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

U.S. Department of Justice National Institute of Justice

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All phases of preventive and correctional activities in delinquency and crime come within the fields of interest of FEDERAL PROBATION. The Quarterly wishes to share with its readers all constructively worthwhile points of view and welcomes the contributions of those engaged in the study of juvenile and adult offenders. Federal, state, and local organizations, institutions, and agencies—both public and private—are invited to submit any significant experience and findings related to the prevention and control of delinquency and crime.

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This Issue in Brief ACQUISITIONS

Homicides Related to Drug Trafficking.-Homicides as a result of business disputes in the distribution of illegal drugs appears as a new subtype of homicide in the United States, report authors Heffernan, Martin, and Romano. In this exploratory study of 50 homicides in one police precinct in New York City noted for its high level of drug dealing, 42 percent were found to be "drugrelated." When compared with non-drug-related homicides in the same precinct, the "drug-related" more often involved firearms and younger, male victims.

Management Theory Z: Implications for Correctional Survival Management.—Increased work- Homicides Related to Drug (5)05 load and decreased budgets are realities facing correctional management during the remainder of the 1980's, asserts Dr. William G. Archambeault of Louisiana State University at Baton Rouge. This means that fewer employees must be motivated to produce more and higher quality services. Faced Information Processing in a Probation Office: 57-708 with a similar dilemma, American business and industry have "discovered" Theory Z management Suvenile Correctional Institutions: A Policy PC 709 article analyzes the utility of Theory Z in correc- Learning Disabilities and tional organizations and outlines the steps necessary to implement this approach.

Making Criminals Pay: A Plan for Restitution by Sentencing Commissions.-Attorney Frederic R. Kellogg writes that the recent controversy over the insanity defense has focused public doubt over not for further tinkering but for wholesale reform. This recent proposal would classify offenses according to harm and enforce restitution in every case. It would sweep away the entire uncoordinated panoply of postconviction proceedings and replace them with a well-staffed sentencing commission of experienced trial judges whose assignment would be to assess the harm done by the offender and collect judgment to repay the victim and the state.

Information Processing in a Probation Office: The Southern District of Georgia Experience.-Chief Probation Officer Jerry P. Morgan believes there is a place for word/information processing in the probation office. In establishing a system in the Southern District of Georgia, local sentence comparison became the first project followed by

Trafficking Anne T. Romano Management Theory Z: Implications for Correctional Survival Management William G. Archambea Making Criminals Pay: A Plan for Restitution by Sentencing Commissions Frederic R. Kellogg 12 The Southern District of Georgia Experience................................Jerry P. Morgan 16 Christopher M. Sieverdes 22 Juvenile Delinquents H.R. "Hank" Cellini A Social Learning Theory Model for Reduction of 77// Correctional Officer Stress......Susan J. Stalgaitts Andrew W. Mevers Joseph Krisak 33 Fire Safety in Jails: Planning 57/2 N.E. Schafer 41 Class of '63: Career Patterns of Federal Prison Correctional Officers Who Entered Service 27/3 During 1963......Loren Karacki 49 Departments: News of the Future..... Looking at the Law..... Letter to the Editor 57 Reviews of Professional Periodicals...... 58

Your Bookshelf on Review.....

It Has Come to Our Attention.....

active case information. These were followed in a natural sequence by management information outputs, then the use of the word processing capabilities to conserve personnel resources.

Juvenile Correctional Institutions: A Policy Statement.-Training Schools have been accused of being violent, inhumane, criminogenic, and prohibitively expensive. However, several noteworthy changes were made in the mid- and late-1970's. Faced with the increased use of juvenile institutions at the present time, further improvements of juvenile correctional institutions are a particularly important objective, shared by policymakers and practitioners alike. Professors Bartollas and Sieverdes propose a number of changes in these end-of-the-line institutions.

Learning Disabilities and Juvenile Delinquents.-Professors Cellini and Snowman review and discuss the pertinent studies and information on the possible relationship between learning disabilities (LD) and juvenile delinquency (JD). They discuss the concept of learning disabilities. the relationship of LD's to JD's, and remediation programs presently in operation and possible treatment strategies.

A Social Learning Theory Model for Reduction of Correctional Officer Stress.-Authors Stalgaitis, Meyers, and Krisak focus on the issue of stress for correctional officers. Numerous situational stressors, stress reactions, and stress reduction strategies currently being used by correctional officers are outlined. Suggestions are made for a

multifaceted social learning theory treatment program to reduce stress for correctional officers.

Fire Safety in Jails: Planning for Emergencies.-Professor N.E. Schafer of Indiana University writes that jails are the correctional institutions most vulnerable to serious and even fatal fires. When fire prevention should receive highest priority, he emphasizes that specific planning for fire emergencies is essential in all institutions where movement is restricted. The safety of staff and inmates is of primary concern.

On the Presentence Investigation.-Dr. Yona Cohn of Bar-Ilan University, Ramat-Gan, Israel, presents a helpful discussion of various phases of the presentence investigation: aspects of the offender's life to be investigated; conducting the investigation; interviewing; and making the recommendation. The presentence report, he concludes, is an instrument for the promotion of individualized sentencing by the court.

Class of '63.—This report by Research Analyst Loren Karacki provides career information on correctional officers who joined the Federal Prison System in 1963. Among 200 new recruits, 130 successfully completed the probationary year and 72 were still employed by the Federal Prison System as of June 30, 1980. Twenty-eight remained in custodial positions while 44 had moved into other positions such as in case management. Their average salary was almost five times their starting

All the articles appearing in this magazine are regarded as appropriate expressions of ideas worthy of thought but their publication is not to be taken as an endorsement by the editors or the Federal probation office of the views set forth. The editors may or may not agree with the articles appearing in the magazine, but believe them in any case to be deserving of consideration.

Homicides Related to Drug Trafficking

BY RONALD HEFFERNAN, JOHN M. MARTIN, AND ANNE T. ROMANO*

MOMICIDE is one of the most serious of crimes. From the earliest of times this crime has received extensive attention from the public, the press, the police and the courts. legislators, criminologists, and a variety of others. Recent trends show an increase in the amount of homicide in the Nation. This article presents a study of one aspect of that increase.

"Drug-Related" Homicides

The purpose of this article is to refine our understanding of homicide by conceptualizing in a new way what appears to be a major and increasingly widespread subtype of homicide—i.e., homicide as an aspect of drug trafficking systems. From this examination of homicide, a new explanation emerges regarding the recent national increase in homicides. This increase may be brought about by several forces, one of the most significant being the increase in the number of homicides related to drug trafficking. The purpose here is to assess on a limited, exploratory, but empirical basis whether a significant number of "drugrelated" homicides do exist, and whether there appears to be a major difference between them and other homicides.

To date there has been very little, if any, research that examines the phenomenon of "drugrelated" homicides understood as an aspect of the illegal drug trafficking business. Most research studies of homicide have concentrated on murders that are outbursts of emotional pressures, the consequence of psychotic episodes, or sometimes vindictive killings. Sociologists particularly have emphasized the situational aspects of homicides, e.g., in the identification of an unintentional killing during a barroom fight.

The scientific literature on homicide is extensive. It contains innumerable case studies of offenders and an array of statistical investigations. Many hypotheses have been formulated, tested, and proven significantly to contribute in varying degrees, either positively or negatively to the problem of criminal homicide. The present literature

*Ronald Heffernan is detective sergeant, New York City Police Department; John M. Martin is professor of sociology, Fordham University; Anne T. Romano is a doctoral candidate in sociology, Fordham University.

presents classic psychiatric interpretations, and, more recently, interactional patterns involving such episodes as "victim-precipitated" homicides.² Other literature emphasizes the syndrome of love triangle killings, felony homicides, arson homicides, vehicular homicides and others. However, the literature is virtually barren on the topic of "drug-related" homicides as an aspect of drug trafficking systems.

Murder as an aspect of organized crime has long been recognized in the United States, Sicily, Latin America, and several other areas of the globe. It appears that many of the motives associated with organized crime homicides are the same as those associated with "drug-related" homicides. Unlike the nonprofessional killing, which is often committed because of passion, the organized crime homicide is usually a well calculated, rational, businesslike decision that insures its success. The victim is dead, "but for certain." But the precise distinction between organized crime homicides and what are here called "drug-related" homicides is not exactly clear at this point. From press reports from such cities as Miami, San Juan, and New York City, the recent outbreak of "drugrelated" homicides seems to involve far more killings than organized crime homicides ever did. On the other hand, if drug trafficking is considered as one of the many facets of organized crime, then homicides related to such trafficking may be considered as a type of organized crime activity.

Basic Definitions

Homicide-the unlawful killing of another with malice aforethought expressed or implied. Deaths recorded as being accidental, excusable, justifiable, or suicidal are not included. (However, homicide is the overall definition and for the purpose of this article, "drugrelated" homicides need to be distinguished from the overall definition.)

¹From 1976 through 1980, the homicide rate per 100,000 in the United States increased by 16 percent, while the total number of homicides increased by 23 percent, *Iniform Crime Reports*, 1980, U.S. Department of Justica, Federal Bureau of In-

Uniform Crime Reports, 1980, U.S. Department of Justice, Federal vostigation, p. 8.

2Walter Bromberg, Crime and the Mind. Philadelphia: J.B. Lip represents a classic example of the psychiatric interpretation of homic violent crimes. For an excellent recent summary of the major sociolo homicides see Don C. Gibbons, Society, Crime, and Criminal Behavior, Fenglewood Cliffs, New Jersey: Prentice Hall Inc., 1982, pp. 272-279.

3Porhaps the best fictional account of organized crime murders is Mario Puzo, The Godfather, G.P. Putnam's Sons, New York: 1969. Fc count of organized crime murder, for Farrar, Straus, and Young, 1951.

"Drug-Related" Homicide—includes all homicides where persons are killed as a direct result of business disputes in the distribution of illegal drugs. This will also include any innocent victims who are killed accidently during the confrontations. (For example, in a very recent case in New York City, as a result of a dispute over drugs one individual fired a Thompson submachine gun at another. Besides killing his intended victim he also killed another dealer and wounded three customers. For the purpose of this article all of the above homicides would be counted as "drug-related" homicides.)

Not included in this definition would be those homicides by drug users not directly related to drug distribution. An example would be the mugging victim who is killed by the addict trying to get money to buy drugs.

In order to distinguish operationally "drugrelated" homicides from other homicides, it was necessary, during the course of the study reported below, to formulate a checklist of items which would identify a homicide as being "drug-related." The items cited in the list were not defined as being of equal weight or value. The list was developed by the first author of this article based on his extensive experience in the investigation of narcotic cases and homicide cases. The list is not definitive, but is subject to additions and other modifications as more empirical experience is gained in identifying this type of homicide. The checklist follows:

(1) Deceased had prior drug arrests; (2) perpetrator has prior drug arrests; (3) illegal drugs or paraphernalia are found at the scene; (4) perpetrator acknowledges it was "drugrelated"; (5) victim acknowledged before he died that it was 'drug-related''; (6) witnesses believe it was "drug-related"; (7) family of victim believe it was "drug-related"; (8) friends of victim believe it was "drug-related"; (9) informant information states it was "drug-related"; (10) victim had drugs in his system; (11) large unexplained sums of money in possession of victim; (12) large unexplained sums of money in possession of perpetrator; (13) victim was a police narcotic informer; (14) victim had no prior drug arrest record but is listed in police narcotic files as being drug dealer; (15) perpetrator has no prior drug record but is listed in police narcotic files as being a drug dealer; (16) no other apparent

This checklist was initially discussed with the homicide detectives responsible for the investigation of the cases reviewed in the present study who agreed with the list and its purpose. Later, the checklist items were reviewed with other homicide investigators in the New York City Police Department who agreed that the presence of any four of these items would almost certainly identify a homicide as "drug-related." This was the opera-

tional definition of "drug-related" homicide used in this study. The application of this definition to a given series of homicide cases may underestimate the actual number of "drug-related" homicides in the series, since in given cases insufficient information may be available to permit the determination of the presence or absence of various items-e.g., where the perpetrator is not identified.

Drug Trafficking Systems and Hired Killers

In focusing on that which is of central importance within this area of concern, it is necessary to specify delimitations of inquiry. It will not be possible here, for example, to determine relationships between a "drug-related" homicide and any one particular drug, but only relationships concerning illegal drug trafficking in general. This is due not only to the fact that the data are not presently available, but also because most drug distributors operating in the police precinct where this study was conducted deal in a variety of drugs (marijuana, heroin, cocaine, pills, etc.) depending upon what drugs are available at

For similar reasons it will not be possible to distinguish precisely what level of the drug trafficking system is involved in a particular homicide studied. It should be noted, however, that the distribution of narcotics is like a long vertical chain. From time it is brought to the marketplace in multi-kilo quantities, until the time it is sold to the individual user on the street, it passes through many hands. Each link of this chain, each transaction has the potential of resulting in a homicide. The only thing that changes in each link of the distribution chain is the size and the value of the package involved. For example, on the lower level, the package is smaller and may involve several glassine envelopes with a total value of \$50. Escalating up the chain at the kilo level, the total value of each kilo may be \$50,000. However, at any level, the total value may be different but the motive of the "drug-related" homicide would be the same. And, although the motives are similar, the way the actual homicide is committed may vary. More specifically, as one moves up the chain, the homicide becomes more and more professionally executed. In addition, the apprehension rate of the perpetrator decreases as the professionalism of the killing increases.

The cost and professionalism is functionally related to the level of the chain at which the killing occurs. For example, at the lower level of the chain a "hit" might be carried out at the cost of a couple

of hundred dollars worth of narcotics. In contrast, at the upper level of the chain the "hit" could go for as high as \$10,000. This is usually for successful "hits." The fee is paid on completion of the contract. Explicitly understood in the contract is that if the killer is apprehended, he does not "give up," that is inform on the person who hired him. If he does, he becomes the subject of a future contract.4

The Present Study

The empirical research reported in this article was conducted in New York City during 1981.5 More specifically, the research was conducted in the 46th Police Precinct in the borough of the Bronx, a section of the city which has been undergoing rapid and increasingly acute social and physical changes since the early 1950's. The 46th Precinct geographically is situated in the central Bronx on the western edge of the borough along the Harlem River, which divides the Bronx from the borough of Manhattan.6

The 46th Precinct is heavily populated by low income groups, mostly blacks and various kinds of Hispanics including Puerto Ricans and recent Cuban "boat-people." Very few whites reside in the area. It is a rapidly changing population heavily involved in crime and drug abuse. Along the main avenue (Grand Concourse) running North and South through the area are transient hotels and single occupancy rooming houses. Drug trafficking in the precinct has become an increasingly difficult law enforcement problem in recent years.

The following three case vignettes drawn from different parts of New York City illustrate the type of homicide with which this article is concerned.

Case 1

Witnesses saw the suspect wanted in the six latest killings in the "Colombian Connection" cocaine war pull up to the parked Mercedes-Benz and unleash a series of blasts from a pump shotgun and a 9 mm. automatic. The Hispanic adult,

male victim, his Hispanic common-law wife, and their two children, age 18 months and 4 months, were found dead of multiple gun shot wounds. When the police searched the victims' apartment, they found 140 pounds of cocaine and nearly \$1 million in cash. Information gathered led the police to search another apartment. There they found two adult, male Columbian nationals who had been executed at least 24 hours earlier. Information disclosed that the suspect wanted in the Mercedes-Benz killings had been seen visiting the premises. Both victims were shot at point blank range with their hands bound behind their backs.

Case 2

In another territorial dispute a meeting was arranged between two Rastafarian dealers who were arguing over control of a certain "cheeba spot." When the one dealer was unable to persuade the other into his way of thinking, he calmly pulled out a 9 mm. Browning automatic and shot the male, 30-year-old victim five times, thus settling the argu-

Case 3

A male Hispanic, age 23 years old, and heavily involved in drug selling, was found in the middle of a busy intersection at approximately 5:00 a.m. with three bullet wounds, one in the stomach and two in the back of the head. The motive of robbery was eliminated because of the presence of cash and jewelry. Information from a confidential source revealed that the deceased had previously given information relative to other narcotic dealers in the area to the police. The victim had been a professional "hit." The job was neatly and cleanly done with no suspects ever identified.

Study Locale

New York City consists of five boroughs: Manhattan, Brooklyn, Queens, Staten Island, and the Bronx. The five boroughs are subdivided into 73 police precincts, 11 of which are in the Bronx. There were 1,826 homicides in New York City in 1981. This was the highest number of homicides recorded in one year in the City's history.

Table 1 describes the rank of the top ten homicide precincts in New York City for the years 1977 through 1981 with the place in rank of the 46th Precinct in which this study was conducted. In 1977 the 46th Precinct ranked 10th in the city;

TABLE 1.-The Top Ten Homicide Precincts in New York City in Rank Order by Year, 1977-1931*

Rank Order	1977	1978	1979	1980	1981 (first 6 months)
1.	28	32	90	77	44
2.	32	44	77	28	32
3.	44	28	44	32	90
4.	25	40	25	75	34
5.	48	24	48	44	75
6.	41	46	69	46	
7.	24	71	46	25	30
8.	42	75	43	_	46
9.	79	77		24	71
10.			68	48	77
10.	46	.41	114	67	28

Source: New York City Police Departme

⁴One of the earliest references to what in this article are called "drug-related" homicides is found in Joseph P. Fitzpatrick, "Drugs, Alcohol, and Violent Crime," Addictive Diseases: An International Publication 1; 3 (1974) pp. 353-367.

5The principal author of this article examined all of the records of each of these homicides to determine the presence of drug-related indicators. He personally investigated a number of the cases as part of his job.

6For a history of the Bronx and how it has changed since 1800, see The Analysis of Delinquent Behavior: A Structural Approach. John M. Martin, Joseph P. Fitzpatrick, Robert E. Gould, M.D., New York: Random House, 1970. Chapter 3.

7Rastafarians are members of a religious sect indigenous to Jamaica, members of which have increasingly immigrated to New York City during the past decade. The value system of the sect articulates around the growing, distribution, and use of marijuana, both in Jamaica and in New York City. For true Rastafariana, the smoking of marijuana (ganja) is a fundamental religious experience. One of the problems of answering the question of who is a Rastafarian in New York City, is that an unknown number of American Blacks and others endeavor to pass as true members of the sect. In dealing with suspects, the attitude of the police in New York City toward Rastafarians is that they are considered to be heavily armed and extremely dangerous.

dangerous.

8"Cheeba Spot" is an apartment which is used exclusively for the distribution of marijuana by Rastafarians. The windows and doors are heavily fortified to prevent any unauthorized entrance including that of the police. The money and the marijuana are passed through a slet in the door.

in 1978 it ranked 6th; in 1979 it ranked 7th; in 1980 it ranked 6th; and in the first 6 months of 1981, the 46th Precinct ranked 7th.

Examination of the above table indicates that the 46th Precinct is one of the few that remains in the top ten list for the 5-year period while most of the others fall out or are added into the top ten during the same period. Thus, the 46th Precinct for the 5-year period was consistently a high homicide precinct.

In the 46th Precinct, for the first 9 months of 1981, there were a total of 50 homicides. In applying the aforementioned checklist, this group of 50 was broken down into two categories: 21 or 42 percent were "drug-related" and 29 or 58 percent were nondrug-related.

In plotting these 50 homicides on the street map of the 46th Precinct, it was found that the 21 "drug-related" homicides were clustered in a northern section within an area in which the parameters were 7 blocks by 5 blocks where heavy drug dealing in the precinct is concentrated. Whereas, the 29 nondrug-related homicides were scattered randomly over the total precinct.

Weapons Used

An examination of weapons used in the commission of homicides in New York City since 1977, shows that a majority involved firearms. That is, between 50-60 percent of the homicides in those years were committed with firearms, while 25-30 percent involved knives or other sharp instruments. The remaining homicides involved physical assault by other means, such as strangulation, arson, physical beatings, or by getting thrown off a roof.

During the first 9 months of 1981 in the 46th Precinct, 70 percent of the homicides involved firearms, 10 percent involved knives, and 20 percent involved other physical assaults. In examining the 21 "drug-related" homicides in the 46th Precinct, it is noted that all of them involved firearms, whereas of the 29 nondrug-related homicides, 50 percent involved firearms, 18 percent involved knives, and 32 percent involved other physical assaults. Thus, "drug-related" homicides were distinguished from nondrugrelated homicides in that all were committed with firearms. It should also be noted that the firearms used in these 21 killings were "decent guns," that is, a quality gun as opposed to what is commonly referred to as a "Saturday-night special."

Sex and Age Distribution

In 1980, the last full year for which sex differences were available, of the 1,547 homicides in New York City, 85 percent involved male victims and 15 percent involved female victims. In the 46th Precinct during the first 9 months of 1981, of the 50 homicide victims, 80 percent were male and 20 percent were female, a distribution very similar to the distribution for the entire city for 1980. However, when the 21 "drug-related" homicides were distinguished from the 29 nondrug-related homicides in the 46th Precinct, 95 percent of the "drug-related" were male and only 5 percent were female, while 60 percent in the nondrug-related category were male and 40 percent were female. To clarify further: Of the 21 "drug-related" victims, 20 were male and 1 was female; of the 29 nondrugrelated cases, 20 were male and 9 were female. Thus, "drug-related" homicides seem to be sharply distinguished from both homicides in general and nondrug-related homicides in terms of their sex distribution. Table 2 gives the age distributions of both the "drug-related" and the nondrugrelated homicides.

TABLE 2.—Age of "Drug-Related" and Nondrug-Related Victims

Years	"Drug- Related"	Nondrug- Related
Under 16	0	2
16-25	7) 95%	11) 59%
26 - 35	13) 95%	6)
36 - 45	1	2
46 - 55	0	4
56 - 65	0	3
Unknown	_0	1
	21	29

It is significant to note in table 2, that of the 29 nondrug-related cases 17 (59%) were between the ages 16-35 years; whereas of the 21 "drug-related" cases, 20 (95%) of the victims were between the ages 16-35 years.

As of the date of the research done for this article, fall 1981, of the 50 homicides, the perpetrators were known or were arrested in 25 cases. Of these, 11 were involved in "drug-related" cases and 14 were nondrug-related cases. However, not enough specific personal data were available in reference to sex and age to make any meaningful comparisons.

Conclusion

This study identifies a new and important category of homicide heretofore virtually not discussed in the research literature or identified as a significant law enforcement problem. If the research results presented in this article can be verified through a larger study of homicide in New York City, and further verified through a study of homicide in selected cities of the Nation, then "drug-related" homicides will be identified as a major subtype of homicide in the Nation. Furthermore, where a high incidence of homicide occurs in urban areas, there may also be found a high incidence of narcotics trafficking. The two appear to vary together.

In law enforcement policy terms, if these findings are further verified, it may mean that by effectively reducing drug trafficking, the overall homicide rate will also be effectively reduced. "Drug-related" homicide seems to be a byproduct of the endemic violence inherent in drug trafficking systems and should be understood within that context.

Lastly, one of the main advantages for police departments across the country, of distinguishing between "drug-related" homicides and nondrugrelated homicides emerges in the area of community relations. On the last day of 1981, one

newspaper in the New York City area had a glaring headline, "Murder City, U.S.A.," in reference to the large number of homicides committed in New York City in 1981, again keeping it one of the top homicide cities in the country. One can only imagine the amount of anxiety and fear that the average citizen felt upon reading that headline, and even further, the amount of anger and disgust directed towards the police for what the public perceives to be ineffective protection. What is not known or understood by the average citizen, is that a large number of the homicides cited in overall homicide statistics are in fact "drug-related" business matters, and not the wanton killing of law-abiding citizens.

Separating and reporting overall homicide statistics into two categories, "drug-related," and nondrug-related, would not only reduce the amount of fear and anxiety in the average lawabiding citizen, but would also perhaps serve to increase his confidence in the effectiveness of the local police.

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