

1971

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### Recommended Citation

Stanley E. Grupp, The Nalline Test II--Rationale, 61 J. Crim. L. Criminology & Police Sci. 463 (1970)

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## THE NALLINE TEST II—RATIONALE\*

STANLEY E. GRUPP

Stanley E. Grupp, Ph.D. is Professor in the Sociology Department, Illinois State University, Normal, Ill. where he has been a member of the faculty since 1957. Dr. Grupp received his Ph.D. from Indiana University in 1967, and it was during this period of study that he first became interested in the Nalline Test. Currently he is carrying on research concerning marihuana and emergent drug-use patterns. Dr. Grupp has published papers in a number of professional journals and has presented papers on the Nalline Test at several professional meetings. This is the second of a series of three articles dealing with this test. The first article appeared in the June 1970 issue of this Journal.—EDITOR.

Rationalizations sustaining the Nalline Test as a narcotic control device may be broadly classified under the categories of deterrence and rehabilitation. The Nalline Test is seen as fulfilling a deterrent function as well as a rehabilitative function, and it is common to find defenders of the test reasoning that it assists in fulfilling both. Irrespective of their inevitable overlap and admittedly with some arbitrariness, the claimed deterrent and rehabilitative functions of the test will be presented independently. Several auxiliary effects of the test are also discussed.<sup>1</sup> In this discussion of the various rationalizations of the Nalline Test the purpose is that of identifying and describing the nature and spirit of the several defenses of it. No effort is made to critically examine or assess the rationale. Attention will be given to this problem in the following article.

### TEST AND DETERRENCE

The Nalline Test, properly executed in a consistent manner, is commonly viewed as an easily, rapidly implemented and reasonably dependable deterrent to the use of narcotics for those who have used them in the past and may be tempted to relapse. Thus, this reasoning in support of the test as used with parolees and probationers is similar to that sustaining the criminal law as a control vehicle. To wit, it is hoped that the threat of being detected and punished will be sufficient to restrain the individual from using narcotics. If the Nalline Test is not a sufficient threat to prevent resump-

\* Adapted from Stanley E. Grupp, "The Nalline Test and Addict Attitudes," Unpublished doctoral dissertation, Indiana University, 1967.

<sup>1</sup> See, for example, the reasoned defense of the Nalline Test and anti-narcotic testing in general of Dr. Guy Turgeon, Medical Consultant, Narcotic Control, Parole and Community Services Division, Department of Corrections, State of California, *Statement Before Assembly Interim Committee on Criminal Procedure*, August 11, 1966, Los Angeles, California.

tion of drug use, it is felt that consistent testing will nevertheless prevent the user from building up a heavy habit. It is argued that he will be detected before the stage of heavy addiction is reached and at the time when proper remedial action can be taken. Dr. Robert Seabridge, at the time with the Adult Parole Division of the Department of Corrections, has observed:

I think that, basically, we must realize the fact that people will occasionally revert to use; there's no question of that in our minds. So far, we haven't had anybody who has become readdicted and I think this is our basic objective, to keep a tight control and take fast action at the time of any re-use of narcotics.

I don't feel that the severity of punishment is particularly apropos as much as the certainty of detection and the certainty of action. This again is a basic concept of our program, taking steps when necessary, moving in quickly, and trying to prevent any readdiction or re-use whatsoever.<sup>2</sup>

Our primary interest in the former addict parolees is being certain that we have an effective control program and one in which parolees will be reluctant to use narcotics. Another goal of this program is that we do not want anyone to become readdicted. We feel that we can prevent readdiction through weekly testing.<sup>3</sup>

Mr. Richard McGee, former California Director of Corrections at the time his department was becoming involved with the Nalline Test for use in conjunction with the supervision of parolees, observed, "All known heroin addicts could be placed under such close supervision that it would be impossible for them to revert to the use of narcotics to any substantial degree."<sup>4</sup>

The opinion that Nalline testing will keep users

<sup>2</sup> CONFERENCE ON THE USE OF NALLINE IN NARCOTIC CONTROL, Department of Justice, State of California, Fresno, California, April 1-2, 1960, 33.

<sup>3</sup> *Ibid.*, 31.

<sup>4</sup> SAN FRANCISCO EXAMINER, August 31, 1959.

from developing heavy habits supports the active use of the test as a control measure. It is observed by a person with considerable experience with the program that, "Nalline prevents the casual user who is obliged to take the tests from getting 'hooked'."<sup>5</sup> And, as pointed out by two doctors intimately acquainted with the Nalline Test, "Experience has taught us that the person who takes one injection of Heroin does not invariably go on to heavy addiction when he is under some measure of regulation."<sup>6</sup>

With possibly a few exceptions, those who support using the Nalline Test as a narcotic control measure are also persons committed to a law enforcement approach to the total narcotic problem. Terry and Teixeira have observed, for example, "The narcotic problem is mostly a problem for law enforcement. The test is an assist and simply supplements the effort of the narcotic officer to control and contain the problem."<sup>7</sup>

Thorvald Brown, a leading protagonist of the Nalline Test, feels that for a successful program all opiate users should be placed in the Nalline testing program, "With a good strong team working together, there is every reason to believe this program will work in any community, but its effectiveness lies in the initial testing of all opiate addicts. . . ."<sup>8</sup>

Permeating the defense of the test as a narcotic control measure is the idea that the addict needs to have strong controls and restraints. For example, one of the persistently recurring observations regarding posthospitalization-institutionalization behavior of drug addicts is their high relapse rate. The use of the Nalline Test is seen as a means of deterring this relapse and for those who do relapse, the test offers a means of effectively restricting the buildup of a strong habit. Thorvald Brown, for example, states, "It is the postinstitution care that is the most important part of rehabilitation and this too, cannot be successful without enforced controls over the addict."<sup>9</sup> In another discussion,

<sup>5</sup> BROWN, *THE ENIGMA OF DRUG ADDICTION* 320 (1961).

<sup>6</sup> NOMOF, M.D., & FISCHER, M.D., *CONTROL OF NARCOTIC ADDICTION: A MEDICAL-LEGAL APPROACH—A REPORT TO SHERIFF JOHN GIBBONS* (Release by Sheriff John Gibbons, Santa Clara County, San Jose, California, n.d.), 17.

<sup>7</sup> TERRY & TEIXEIRA, *SANTA RITA REHABILITATION CLINIC: TEN YEAR REPORT, 1949-1959*, Alameda County Sheriff's Department, Oakland, California, H. P. Gleason, Sheriff, 15.

<sup>8</sup> BROWN, *Three Years of Nalline*, 5 *POLICE* 9 (May-June, 1961).

<sup>9</sup> BROWN, *Narcotics and Nalline: Six Years of Testing*, 27 *FEDERAL PROBATION* 27 (June, 1963).

Brown observes:

The addict who of necessity (Nalline) has cut down his habit, has in many cases been able to support himself and his family; he has been able to keep a job, stay out of jail and out of trouble on a more or less permanent basis so long as he knows he has to live with Nalline. This is his crutch and society's control.<sup>10</sup>

The knowledge that he will be returned to custody if he fails to pass the test acts as a crutch to the individual who is too weak to withstand the temptation to return to the drug. In between tests, the subject is frequently questioned on the streets by narcotic officers or by his parole/probation officer. If there is evidence of "Slipping," he is brought in and given a test. This places the addict in the position of never knowing when he will be tested, and this in itself acts as a deterrent to falling back into old habits.<sup>11</sup>

Dr. Charles T. Hurley, long experienced with the Nalline program in California, voices confidence in the anti-narcotic testing program in the supervision of postinstitutionally released addicts.

A technically accurate and intelligently supervised anti-narcotic testing program can put an end to that phase in the history of American addiction treatment where institutional setting was the only drug-free environment for treatment. Anti-narcotic testing can detect narcotic use, can deter use, and can document abstinence so effectively that it is possible to confidently release the addict into his original social environment and be certain that as long as he tests at weekly intervals, he cannot become re-addicted. The very first encounters with narcotic reuse can be built into his parole record and made a part of immediate supervision action.<sup>12</sup>

Although the test is not typically portrayed as a panacea or a cure-all for the narcotic problem, nevertheless, many of those supporting the test do so with considerable exuberance and confidence. Witness, for example, a statement by Mr. George L. Campbell, Chairman of the Arizona Governor's Committee on Narcotic Abuses:

After careful study, we chose the use of the "Nalline" program which is similar in many ways to the California program. We felt there should be a uniform mandatory sentencing procedure tied to a probation program using "Nalline" or some other means of de-

<sup>10</sup> *THE ENIGMA OF DRUG ADDICTION*, *op. cit. supra* note 5 at 317.

<sup>11</sup> *Ibid.*, 316. See also Department of Public Safety, Division of Narcotic Control, *ANNUAL REPORT FOR YEAR ENDED DECEMBER 31, 1958* (Springfield, Illinois, January 20, 1959).

<sup>12</sup> HURLEY, *Anti-Narcotic Testing: A Physician's Point of View*, 27 *FEDERAL PROBATION* 33 (June, 1963).

tection. Failure of the probationer to pass the test means prison without parole. This may at first sound harsh, but it is our sincere belief that certainty of severe punishment will create a reflex conditioning.<sup>13</sup>

Similar confidence in the Nalline Test is expressed by Chief Syman W. Vernon of the Oakland, California Police Department.

But, when the former addict is faced with taking a monthly Nalline test for five years, and the certainty that he will go back to jail the first time he shows positive, he has a real and tangible motive to remain clean. It is too early to evaluate objectively just how effective this phase of the program will be, but we have every reason to anticipate a rapid and constant decline in the narcotics problem in this community. It is very definitely the feeling of this department that Nalline will take its place with the development of fingerprint identification, radio communications, and the use of the polygraph as another vital tool in the prevention and investigation of crime.<sup>14</sup>

Thorvald Brown has quoted California Attorney General Stanley Mosk as saying, "Most people have become wary of panaceas. Yet medical science has produced miracle drugs, and Nalline appears to be the answer to one of law enforcement's worst problems."<sup>15</sup> As illustrated by these comments, the Nalline Test has, indeed, been defended by some, if not as a panacea, as a narcotic control measure that certainly approaches it.

#### TEST AND REHABILITATION

The usual assumption regarding the rehabilitation of the drug addict is that he must clean himself up, that he must remain abstinent. Paralleling this idea is the belief that an addict who is actively using drugs, is not amenable to manipulation through the traditional casework procedures and techniques. Because the Nalline Test ostensibly assists the user in staying clean, it is a common observation that the test is an aid in the supervision and rehabilitation of the addict. Defenses of the test as a therapeutic and rehabilitative aid are numerous.

The Nalline test is more than just a diagnostic weapon. It has provided sufficient motivation for

<sup>13</sup> Letter from Mr. George L. Campbell, Phoenix, Arizona, January 7, 1963.

<sup>14</sup> VERNON, The Nalline Test as a Means of Controlling Narcotics Traffic, 2 POLICE 9 (November-December, 1957).

<sup>15</sup> BROWN, Three Years of Nalline, paper presented at Joint Meeting of the Northern-Central California Narcotics Officers Association with Southern California Narcotics Officers, Palm Springs, California, October 29-30, 1959 (mimeograph), 20.

many beginning addicts to remain away from narcotics, and has been the motivating factor in keeping addictions to a minimum in some who have used narcotics for a period of years. In this sense Nalline is therapeutic. It is only in a non-custodial environment that the true efficacy of therapy can be established.<sup>16</sup>

Some professional law enforcement officers see the Nalline Test as an aid to rehabilitation. In a letter to this writer Mr. Henry L. Giordano, for example, has observed:

In my opinion, when the Nalline Test is administered in a supervised and controlled program, it is an excellent and useful method of assisting persons who have been withdrawn from narcotics to remain so. It is a major advancement in the field of rehabilitation and an incomparable aid to parole and probation officers. This fact alone makes it worthy of existence and open to praise as a worthwhile system of narcotic control.<sup>17</sup>

Several years earlier Mr. Charles Siragusa, then Acting Commissioner of Narcotics, expressed a similar view.<sup>18</sup> Captain Thorvald Brown of the Oakland, California Police Department has repeatedly supported the idea that the Nalline Test is a useful tool in the rehabilitation of addicts.<sup>19</sup>

That the Nalline Test is viewed as an aid to the supervision of probationers and parolees is evidenced in the discussion above regarding the adaptation of the test in California and Illinois. The assumption underlying the use of Nalline in the supervisory process is that the individual must stay clean if he is to be rehabilitated and if he is to become a productive member of society.<sup>20</sup> In this regard, Warren E. Thornton, a professional probation officer, has observed:

The Nalline Program supervision is far from the

<sup>16</sup> BRAUOEELLER & TERRY, Nalline: An Aid in Detecting the Illicit Use of Narcotics, 2 JOURNAL OF FORENSIC SCIENCES 481 (October, 1957).

<sup>17</sup> Letter from Mr. Henry L. Giordano, Commissioner of Narcotics, Bureau of Narcotics, Treasury Department, September 3, 1964.

<sup>18</sup> Letter from Mr. Charles Siragusa, Acting Commissioner of Narcotics, Bureau of Narcotics, Treasury Department, October 12, 1962.

<sup>19</sup> See, for example, THE ENIGMA OF DRUG ADDICTION, *op. cit. supra* note 5 at 311-12 and 320-323, and Narcotics and Nalline: Six Years of Testing, *op. cit. supra* note 9 at 27 and 29-30.

<sup>20</sup> Walter C. Bailey, for example, has identified two goals in the supervision of drug addicts: one, "extending the remission period . . ." and second, "when and if relapse occurs, helping the addict to experience this crucial situation in a manner that is most constructive to his own personality and at the same time least damaging to society." See BAILEY, The Supervision of Paroled Drug Addicts, 5 NPPA JOURNAL 56 (January, 1959).

answer to the Narcotics problems. We can now detect the unfortunate person who is caught in the web of death that will surely overtake him. Now that we can catch him, what can we do? Maybe we can at least give him a crutch to lean on; we can help him live day-by-day; for each day he is off Narcotics he and society gain a little.

This is not a legal problem—it is a social-medical-psychiatric one to which no one seems to have the answer. This is at least better than throwing him in jail, and then releasing him without any effort to help him. We can at least try to keep his addiction to a minimum, control his conduct to a limited extent, and protect society better by supervision. If we don't try, this addict will go back to the endless chain of jail-street-jail-street until he kills himself, someone else, or until someone kills him. Dim as the view appears, we are at least doing something positive.<sup>21</sup>

The suggestion is that an acceptable intermediate goal, in the effort to reach the ultimate goal of total abstinence, is a minimal use drug consumption pattern. It is reasoned that the minimal use objective is highly preferable to doing nothing.<sup>22</sup> The actual handling of addicts who are found to have relapsed is highly variable from jurisdiction to jurisdiction, reflecting administrative policy as well as the dynamics of the casework process.

Mr. Donald O. Thomson, Director of Adult Probation in Alameda County, California, has spoken very enthusiastically about the Nalline program, not only as an aid to the counseling process, but as a means for relieving the pressure of the police upon the addict.

The aid which Nalline has provided stimulates enthusiasm and sincerity in the area of counseling, particularly in the matter of accentuating the positive aspects of using Nalline both as a kind of antabuse and as a method of obviating the suspicion with which police personnel are likely to view a known user of narcotics drugs. This kind of accentuation is useful in bringing probationers whose probation orders do not include Nalline tests to voluntarily participate in the program. Further evidence of positive acceptance is the request by some probationers for the privilege of frequent tests.<sup>23</sup>

#### AUXILIARY EFFECTS OF A NALLINE PROGRAM

In addition to the deterrent and therapeutic-rehabilitation themes that rationalize the existence of Nalline testing, there are ostensibly several auxiliary effects of the program which lend support and sustenance to its existence. These include the possible effect of the test on reduction of crime rates and on encouragement of mobility of both addicts and sellers. A less clearly articulated defense of the Nalline Test, but nevertheless one of the test's apparent auxiliary effects is its relationship to drug-use patterns.

*Crime Rates.* It is believed in some quarters, especially by Oakland authorities, that the Nalline Test reduces crime rates by increasing the abstinence rate of addicts. Thus the Illinois Narcotics, Dangerous Drug, and Hazardous Substance Investigating Commission has stated, "We are confident that the great majority of the offenders locked in the jaws of this program will never return to crime."<sup>24</sup> The assumption is, of course, that the participation in criminal activity is a function of addiction.

The Oakland Police Department has reported striking decreases in the crimes considered characteristic of the addict between 1955, the year prior to the introduction of Nalline testing in Oakland, and in the four subsequent years. To a great extent the reported decrease in crime is attributed to the impact of the Nalline Test on the criminal behavior patterns of addicts. Decreases of selected crimes as reported by the Oakland Police Department are presented in Table 1.

*Mobility of Addicts and Peddlers.*<sup>25</sup> It is claimed that the existence of the Nalline Test has a definite effect on the physical mobility of both drug peddlers and drug addicts. Peddlers, it is said, will not remain in areas where it is used because they will not find a ready market. Thorvald Brown has observed:

The Test will dry up the area: Dealers will find an unprofitable market in the community using Nalline and will ply their wares elsewhere. If every commu-

<sup>21</sup> WARREN E. THORNTON, County Probation Officer, NARCOTICS SUPERVISION PROGRAM—SACRAMENTO COUNTY PROBATION DEPARTMENT (Sacramento, California, n.d.), mimeograph.

<sup>22</sup> In this regard see the discussion in, CONTROL OF NARCOTIC ADDICTION: A MEDICAL-LEGAL APPROACH—A REPORT TO SHERIFF JOHN GIBBONS, *op. cit. supra* note 6 at 16-17.

<sup>23</sup> DONALD O. THOMSON, Director, Division of Adult Probation, Alameda County Probation Department, NALLINE AS AN AID IN PROBATIONARY SUPERVISION OF

NARCOTICS OFFENDERS: THREE YEARS' RETROSPECT (Oakland, California, August 6, 1959), mimeograph, 4.

<sup>24</sup> Narcotics, Dangerous Drug and Hazardous Substance Investigating Commission, A REPORT IN THE INTEREST OF THE HEALTH AND SAFETY OF THE PEOPLE OF THE STATE OF ILLINOIS (Third Report), Report to the 72nd General Assembly—May 31, 1961 (Springfield, Illinois, 1961), 19.

<sup>25</sup> Information in this section draws on GRUPP, Addict Mobility and the Nalline Test, 63 THE BRITISH JOURNAL OF ADDICTION (1968).

nity adopted the program, the dealers would have no market.<sup>26</sup>

A thirty per cent decrease in the number of heroin seizures in Alameda County, California, over a three year period was presented in 1959 as evidence that the Nalline program drives peddlers from the area.<sup>27</sup>

With regard to the addicts themselves it is felt they will not settle in areas where the Nalline Test is being used and further, if possible, those who are resident will emigrate from the Nalline testing localities.

Communities as far as four hundred miles from a city using Nalline have reported the presence of addicts who previously resided in the city using Nalline. Neighboring cities and suburban areas have gained addicts who fled from Nalline.<sup>28</sup>

Mr. Henry Anslinger, commenting in 1957 on the consideration being given to the Nalline Test in St. Louis stated, "If the city of St. Louis were to adopt the Nalline test for determining whether a person has recently used a narcotic drug, it would complement the state law and effectively repel any damaging influx of addicts into St. Louis as a result of the Illinois action."<sup>29</sup> And Mr. Thomas Meador, City Health Officer for the City of Portland, Oregon, has observed that addicts, "realizing that they might be found in violation of regulations if a positive Nalline test was found . . . tend to seek their livelihood in other areas than Portland."<sup>30</sup>

A view somewhat different than the above is suggested by Mr. Donald O. Thomson.

Contrary to popular belief, persons being supervised under the Nalline program do not leave the county. Most of them have ties which keep them in the local area. Others leave the county temporarily for the purpose of working (in some cases to purchase drugs). The majority remain available for supervision and testing. The number of bench warrants which have been issued and the length of time since they were issued indicate that 10 to 15 per cent of the users,

<sup>26</sup> THE ENIGMA OF DRUG ADDICTION, *op. cit. supra* note 5 at 326.

<sup>27</sup> ALBERT E. HEDERMAN, JR., Deputy District Attorney, Alameda County, California, THREE YEARS OF THE NALLINE PROGRAM IN OAKLAND (Oakland, California, March, 1959), mimeograph.

<sup>28</sup> THE ENIGMA OF DRUG ADDICTION, *op. cit. supra* note 5 at 326.

<sup>29</sup> THE ST. LOUIS GLOBE-DEMOCRAT, October 16, 1957, as quoted in THE ENIGMA OF DRUG ADDICTION, *op. cit. supra* note 5 at 332.

<sup>30</sup> Letter from Dr. Thomas L. Meador, City Health Officer, Bureau of Health, Department of Public Safety, Portland, Oregon, December 14, 1962.

TABLE 1

DECREASES OF SELECTED CRIMES IN OAKLAND, CALIFORNIA, 1955-1959<sup>a</sup>

Offense	Percentage Decrease in Crimes
Robbery.....	38
Burglary.....	16
Auto-Burglary.....	60
Auto-Clout.....	29
Prostitution.....	28

<sup>a</sup> Oakland, California Police Department, NARCOTICS ADDICTION AND NALLINE (Oakland, California, printed pamphlet, n.d.). Several different editions of this pamphlet have been issued. Irrespective of the arrest trends for the crimes of this table, it is common knowledge that narcotic law violations in California as elsewhere have been increasing in recent years. In this regard Alameda County (Oakland) California is no exception. For an attempt to study the impact of the Nalline Test on the criminal activities of persons who have participated in the program see Ernest B. Smith, *Nalline Examinations of Narcotic Addicts: Analysis of Deterrent Effects* (unpublished Master of Criminology thesis, School of Criminology, University of California, 1960).

usually persons with habits of long standing, have left the Bay Area because of the Nalline program.<sup>31</sup>

The views suggested above, that major discrepancies in the type of narcotic controls may force drug users and peddlers to move to areas where pressures are less severe, is supported by several observations by William Butler Eldridge.

Obviously, to be effective, the application of criminal sanction as a deterrent must be fairly uniform throughout the country, else the traffickers will pick up their operations and move to the places where less severe treatment can be expected, and the addicts will follow the source of supply.<sup>32</sup>

It seems apparent that unless enforcement is consistent in all areas of the country, the traffic will move from place to place, taking advantage of the most favorable conditions.<sup>33</sup>

*Drug-Use Patterns.* The Nalline Test may affect drug-use patterns in more than one way. In addition to the claims most directly related to the test's deterrent function, namely that the test will

<sup>31</sup> NALLINE AS AN AID IN PROBATIONARY SUPERVISION OF NARCOTICS OFFENDERS: THREE YEARS' RETROSPECT, *op. cit. supra* note 23 at 2.

<sup>32</sup> ELDRIDGE, NARCOTICS AND THE LAW: A CRITIQUE OF THE AMERICAN EXPERIMENT IN NARCOTIC DRUG CONTROL 107 (1962).

<sup>33</sup> *Ibid.*, 116.

assist in drying up the area—control the supply and cut down on the strength of the habit, the Nalline Test may affect the type of drugs being used.

The rapid emergence of the dangerous drug-consumption patterns (not detectable by the Nalline Test) has paralleled the expansion in the use of the test as a narcotic control measure. Although it appears that no adequate data exist to support the position that the increase in the dangerous drug-consumption pattern has been more pronounced in areas using the Nalline Test than in areas not using it,<sup>34</sup> it is nevertheless reasonable to assume that the presence of the test will help to sustain a drug-use pattern which is not identifiable by this test. In this regard Detective Sergeant Harold J. Bloss has observed, “. . . it is a proven fact that many of the opiate addicts started using the amphetamine type drug during the Nalline era.”<sup>35</sup> In California the dangerous drug problem has increased precipitously in recent years. In mid-1965 Captain Thorvald Brown observed that in Oakland, California (the area with the longest experience with the Nalline Test), “many” heroin addicts were using amphetamines. Upon appearance for the Nalline Test the addicts flaunt this fact to the authorities with full knowledge that the test will not identify them as users.<sup>36</sup> Although this pattern has emerged in non-Nalline areas, it may nevertheless be sustained by the presence of the Nalline Test. But certainly the emergence of the dangerous drug pattern has not been “caused” by the presence of Nalline; innumerable factors are involved.

#### NALLINE TEST AND CHEMICAL TESTING

In the broad context it can be reasoned that the Nalline Test cannot be separated from other anti-narcotic procedures, namely, chemical testing (urinalysis).<sup>37</sup> The separation of the two areas is

<sup>34</sup> Letter from Mr. George P. Larrick, Commissioner, Food and Drug Administration, Department of Health, Education and Welfare, Washington, D.C., January 8, 1963.

<sup>35</sup> Letter from Detective Sergeant Harold J. Bloss, Narcotic Section Supervisor, St. Louis Police Department, June 30, 1965.

<sup>36</sup> Letter from Captain Thorvald Brown, Vice Control Division, Oakland Police Department, Oakland, California, June 24, 1965. The practice described is one of “shooting” methamphetamine sulfate (Methedrine).

<sup>37</sup> The relative merits of Nalline testing as opposed to chemical will be considered in “The Nalline Test III—

the result of several factors including (1) the fact that defenses of the Nalline Test have not typically been developed within the broader context of the philosophy of anti-narcotic testing, (2) a preference for the Nalline Test or chemical testing with the result that one or the other is emphasized, (3) lack of knowledge or information about one procedure in contrast to the other and (4) the fact that persons writing or commenting in this area have tended to be interested in championing certain causes or they have been interested in a relatively limited phase of the entire problem; for example, the ability of the several procedures to detect narcotics in the system, as opposed to relating anti-narcotic testing to the broad sphere of narcotic control. One notable exception to these trends is the observation of Dr. Guy Turgeon, who feels that the best type of anti-narcotic testing program is one which combines both Nalline and urinalysis (chemical testing). Similarly he argues that “we should look at these tests not as an end in themselves, but as part of our attack on an enormous and very complex problem.”<sup>38</sup>

#### SUMMARY

The Nalline Test has been defended as a useful deterrent to narcotic use and as a useful accompaniment of the rehabilitative process. In addition the test is felt by some to be effective in reducing crime rates and in encouraging drug users to move. One of the test’s apparent effects but not vigorously argued in defense of it, is its possible effect on drug-use patterns.

It is questionable whether all of the claimed effects of the test are desirable if they are in fact true. If drug users do emigrate to non-Nalline areas this can hardly be viewed as an overall gain for the state or nation. Neither is the shifting from one drug-consumption pattern to another necessarily desirable unless the change enables the individual to function more adequately. The reduction of crime rates is a worthy goal; however, the suggestion that one factor is primarily responsible seems an oversimplification. On the other hand the goals of deterrence and rehabilitation are undoubtedly desirable if they are in fact a result of the Nalline Test.

Objections, Limitations and Assessment.” See also “The Nalline Test I—Development and Implementation.”

<sup>38</sup> See, *Statement Before Assembly Interim Committee on Criminal Procedure, op. cit. supra* note 1 at iii.