



REHAB or PUNISHMENT: What to Do About Drug Crimes

Carla Mooney





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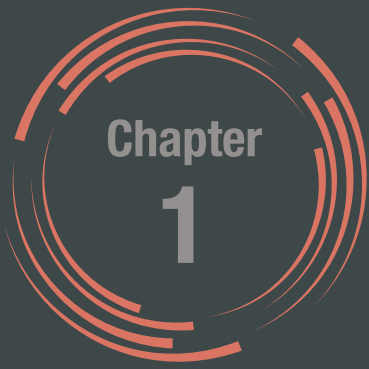
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CONTENTS

Introduction	4
Punish or Rehabilitate?	
Chapter 1	8
Serving Time for Drug Crimes	
Chapter 2	18
Using Punishment to Deter Drug Crimes	
Chapter 3	30
Drug Treatment and Rehabilitation Programs in Prison	
Chapter 4	43
Alternative Sentencing Programs	
Chapter 5	55
Drug Courts	
Source Notes	65
Organizations to Contact	70
For Further Research	72
Index	73
Picture Credits	79
About the Author	80



Chapter

1

SERVING TIME FOR DRUG CRIMES

Prisons in the United States are filled with people who have violated drug laws. One in five incarcerated people is locked up for a drug offense, according to a March 2019 report from the Prison Policy Initiative, a criminal justice public policy think tank. In Pennsylvania, for instance, 13,708 people were incarcerated for drug crimes as of December 31, 2017, a number that is 28.3 percent of the state's total inmates. In Kentucky in January 2018, 4,713 people were incarcerated for drug crimes—20 percent of the state's inmate population. In all, about 198,000 drug offenders were in state prisons in 2018.

In addition to state prisons, local jails and federal prisons also house drug offenders. According to the Prison Policy Initiative's March 2019 report, local jails hold about thirty-five thousand convicted drug offenders. An additional eighty-one thousand people were serving time for drug crimes in federal prisons, according to the report. Another few thousand are serving time in youth and military correctional facilities.

Twenty-one-year-old Amanuel Hagos is one example of a drug offender who is serving time in prison. In December 2017 Hagos was arrested and charged in Loveland, Colorado, with felony drug possession with the intent to distribute and felony drug possession with a weapon. He pleaded guilty to the charges. In October 2018 a judge sentenced Hagos to serve sixteen years in prison. At the sentencing hearing, the deputy district attorney characterized Hagos as having a recurring problem with

drug abuse, and the judge noted that a combination of drugs, drug dealing, and violent behavior had led Hagos to this point. Although every case is different, these are common elements of many drug crimes.

Drug Offenders in Prison

Most drug offenders in state prisons and local jails are serving time for drug possession, but other crimes are also common. Some have been convicted of drug dealing or possession with the intent to distribute. Other offenders are serving time for the manufacture of drugs.

In the federal system the majority of drug convictions are related to drug trafficking, which is the illegal sale and distribution of a controlled substance. Drug trafficking generally involves large quantities of illegal substances. According to the most recent figures available from the US Department of Justice (DOJ), more than half of drug offenders in federal prison (54 percent) committed crimes involving cocaine.

People of every race, gender, and age are in prison for drug offenses. In the federal system the race of drug offenders varied by drug type—88 percent of crack cocaine offenders were African American, 54 percent of powder cocaine offenders were Latino, and 48 percent of methamphetamine offenders were white, DOJ statistics show. Overall across all drug types, 21.8 percent of offenders were white, 38.8 percent were African American, and 37.2 percent were Hispanic or Latino. Federal drug offenders were also heavily male (92.5 percent) and aged thirty-nine or younger (62.6 percent), according to the DOJ report.

Punishment for drug crimes often depends on whether the offender is charged in the state or federal system. Federal laws apply when a drug crime occurs on federal land, such as a military base or Washington, DC. Federal laws also apply if any part of the drug crime involves multiple states or crosses international borders. The primary difference between federal and state drug laws is the severity of punishment after conviction. Drug crimes

convicted in federal court generally carry harsher punishments and longer sentences.

Drug offenders in both state and federal prisons are on average spending more time in prison than in the past. According to a 2018 Pew Charitable Trusts research report, inmates in state prisons serve an average of 2.2 years behind bars for drug offenses—a 36 percent increase over 1990. In federal prisons, the increase is even larger. Federal drug offenders spend an average of 5 years in prison, as compared to 2 years in 1998. Longer sentences for drug crimes are the result of laws implemented since the 1980s.


Inmates run in an enclosed prison exercise yard in Utah. People of every race, gender, and age are in prison for drug offenses.



Addicted Behind Bars

Many of those incarcerated for drug-related offenses have a substance abuse problem. A Bureau of Justice Statistics report released in 2017 states that 21 percent of people in state prisons and local jails are incarcerated because they committed crimes to support a drug habit. While some of these inmates are in jail for drug crimes like possession or trafficking, others are in prison for other types of crimes. Almost 40 percent of inmates serving time for property crimes and 14 percent of those incarcerated for violent crimes report that they committed their most serious offense for drug-related reasons. These include committing a violent offense while under the influence of drugs and committing a crime to get money to pay for drugs.

Also, the report found that more than half of state prison inmates and two-thirds of the sentenced jail population report that they have a drug dependence or abuse problem, as compared to 5 percent of the general adult population. Also, almost 40 percent of inmates in state prisons and jails report that they were using drugs at the time they committed the offense for which they were incarcerated. “We know for a vast majority of them, if it was not for their addiction, they wouldn’t be in our facility,”⁵ says Chris Pirolli, the director of corrections in Bucks County, Pennsylvania.



“We know for a vast majority of them, if it was not for their addiction, they wouldn’t be in our facility.”⁵

—Chris Pirolli, the director of corrections in Bucks County, Pennsylvania

Outcomes Vary

One of the goals of sending people to prison for any type of crime, including drug crimes, is to deter future crime and provide them with rehabilitation services to help them become law-abiding citizens upon their release. However, for inmates serving time for drug crimes who are also struggling with addiction, the outcomes vary. Some are able to turn their lives around, while others continue to cycle in and out of prison.

RACE AND DRUG CRIMES

In the United States drug laws and sentencing requirements have produced unequal outcomes for people of color. Countrywide, rates of drug use and sales are similar across races and ethnic groups. According to a 2016 report by the Hamilton Project, an economic policy initiative at the Brookings Institution, black and white Americans use and sell drugs at similar rates. However, black Americans are 2.7 times more likely to be arrested for drug-related crimes. Black Americans are also more likely to be convicted of drug crimes and serve longer sentences than white Americans. An investigation of sentencing disparities in Florida conducted by the *Sarasota Herald-Tribune* in 2016 found that African American defendants received prison terms that were twice the length or more of those received by white defendants for the same crimes under the same circumstances. For example, the investigation found that in Manatee County, judges sentenced white defendants convicted of felony drug possession to an average of five months in prison. Black defendants convicted of the same charges received more than a year behind bars.

addiction treatment and rehabilitation services in prison, many inmates like Wasylenko return to using drugs once released. Often they commit new crimes that send them back to prison.

Barriers to Success

After drug offenders and other inmates are released from prison, there are thousands of legal restrictions that severely restrict their ability to rebuild their lives, in the name of protecting public safety. These restrictions limit access to employment, housing, voting, and other opportunities. Former inmates may have difficulty finding a place to live if landlords refuse to rent to them or they do not have the money to pay for housing. For example, in Washington, DC, a person with a criminal record cannot receive housing vouchers, which help low-income people afford decent and safe housing.

People with a criminal record may also be barred from applying for certain jobs or obtaining professional licenses. In Wyo-

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10. Quoted in Bryan Lufkin, "The Myth Behind Long Prison Sentences," *BBC*, May 15, 2018. www.bbc.com.

ORGANIZATIONS TO CONTACT

Drug Policy Alliance

131 W. Thirty-Third St., 15th Floor
New York, NY 10001
website: www.drugpolicy.org

The Drug Policy Alliance is a nonprofit organization that advocates for drug policy reform. Its website has information about the latest issues relating to the war on drug and criminal justice reform, as well as numerous fact sheets.

Marshall Project

156 W. Fifty-Sixth St., Suite 701
New York, NY 10019
website: www.themarshallproject.org

The Marshall Project is a nonprofit news organization covering the criminal justice system. Its website has many articles, profiles, and interviews about the criminal justice system, including several dealing with incarceration and drug offenders.

National Association of Drug Court Professionals (NADCP)

625 N. Washington St., Suite 212
Alexandria, VA 22314
website: www.nadcp.org

The NADCP is a training and advocacy organization for the treatment court model, which now includes over three thousand programs found in every state in the United States. Its website has information, fact sheets, and the latest news involving drug courts.

Prison Policy Initiative

PO Box 127
Northampton, MA 01061
website: www.prisonpolicy.org

The Prison Policy Initiative is a nonprofit organization that produces research about criminal justice and prison policies and

FOR FURTHER RESEARCH

Books

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INDEX

Note: Boldface page numbers indicate illustrations.

Adams, Jerome, 64

addiction

opioid, 35–36

prevalence of incarcerated population suffering from, 11, 31

threat of incarceration has little impact on, 26–27

See *also* substance abuse treatment

Adult Treatment Court

Collaborative (ATCC), 49–51

aftercare programs, 38

Alcoholics Anonymous, 38

alternative sentencing programs, 46–48

American Addiction Centers, 31

American Civil Liberties Union (ACLU), 7

Anti-Drug Abuse Act (1986), 18

Ballentine, George, 37, 38–39

Boggs, Donna, 58–59

Bousquet, Johnny, 53

Brown University, 38

buprenorphine, **36**, 37, 38, 39

Bureau of Justice Statistics, US, 11, 12

on rearrest rate among drug offenders, 39

Bush, George W., 22

Callahan, Kelli, 39

Clevenger, Bridie, 34

cocaine, **20**

crack, 5, 18

percentages of federal drug offenders serving time for, 9

cognitive-behavioral therapy, 31

Cornyn, John, 5–6, 7

Daugaard, Lisa, 53

Department of Justice, US (DOJ), 9

deterrence

alternative sentencing programs work better for, 45–46

as goal of imprisonment, 11
limited impact of tough punishment on, 23–25