Honors Presentation: Drug Use and Impacted Prison Population

By: Dionna Leanio
1. Overview on course
2. Laws on drugs
   a. A timeline
3. Statistics on drug incarceration and drug use in prison
4. How it impacts the flow of the Criminal Justice System
5. Drug Courts
6. What ethics says about this
1. Course Overview
Course:

Ethics and the Administration of Justice (AJS 123)

This course introduces and explores ethical issues and the justice system. It focuses on ethics and the law, the police, courts and corrections. This course also reviews ethical theory, concepts and practices as they relate to administration of justice. This class encourages critical thinking and value decision making in criminal justice system.
2. Laws on Drugs (A timeline)
Laws on Drugs [A timeline] (History Editors, 2019)

1890 - First Congressional act to levy taxes on morphine and opium

1909 - The Smoking Opium Exclusion Act

- This act banned the possession, importation, and use of opium for smoking
  - Opium could still be used for medicinal purposes

1914 - Harrison Act

- This act regulated and taxed the production, importation, and distribution of opiates and cocaine
1919 - 18th Amendment

- This amendment banned the manufacturing, transportation, or sale of alcohol (later repealed by the 21st Amendment)
- Same year, Congress passed the National Prohibition Act which provided guidelines on how to federally enforce pro

1937 - Marijuana Tax Act

- This law placed a hefty tax on the sale of marijuana
1970 - Controlled Substances Act
- President Richard Nixon signed this act, which calls for the regulation of certain drugs and substances
  - CSA outlines “five” schedules used to classify drugs based on their medical application and potential for abuse, with Schedule 1 being the most dangerous and Schedule 5 being the least

1973 - Drug Enforcement Agency
- This is a special police force committed to targeting illegal drug use and smuggling in the United States
1986 - Anti-Drug Abuse Act

- This act established mandatory minimum prison sentences for certain drug offenses.
- This law was later heavily criticized as having racist ramifications because it allocated longer prison sentences for offenses involving the same amount of crack cocaine (used more often by black Americans) as powder cocaine (used more often by white Americans)

2010 - Fair Sentencing Act

- This act reduced the discrepancy between crack and powder cocaine offense
Laws on drugs [A timeline] Current Situations

2008 - Ryan Haight Online Pharmacy Consumer Protection Act

- This act (enforced by the DEA) was created to regulate online internet prescriptions and imposes rules around the prescription of controlled substances through telepsychiatry (APA, 2023)
  - Requires any practitioner issuing a prescription for a controlled substance to conduct an in-person medical evaluation (APA, 2023)
  - Psychiatrists need to make sure they comply with other federal, state, and organizational rules and policies around the prescription of controlled substances (APA, 2023)
  - This act intends to address the threat to public health and safety. Prior to the act, the internet was being exploited to facilitate the lawful distribution of controlled substances through rogue website (Federal Register, 2023)
Laws on Drugs [A timeline] Current situations

→ As of Apr. 24, 2023, 38 states, three territories and the District of Columbia allow the medical use of cannabis product (NCSL, 2023)

→ As of November 8, 2023, 24 states, two territories and the District of Columbia have enacted measures to regulate cannabis for non-medical adult (recreational) use (NCSL, 2023)
2. Statistics on drug incarceration
1 in 5 incarcerated people are locked up for a drug offense

(Graph: Wendy Sawyer & Peter Wagner, 2023)
68% of drug offenders are rearrested within 3 years of release

(Belenko et al, para. 4)
The average prison sentence for federal drug offenders was more than 11 years (BJS, 2015)
Demographic characteristics of federally sentenced drug offenders in the Federal Bureau of Prisons, by drug type, fiscal year ended 2012 (BJS, 2015)

<table>
<thead>
<tr>
<th>Characteristic</th>
<th>Number&lt;sup&gt;a&lt;/sup&gt;</th>
<th>All drug types</th>
<th>Powder cocaine</th>
<th>Crack cocaine</th>
<th>Heroin</th>
<th>Marijuana&lt;sup&gt;b&lt;/sup&gt;</th>
<th>Methamphetamine&lt;sup&gt;c&lt;/sup&gt;</th>
<th>Other&lt;sup&gt;d&lt;/sup&gt;</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Total</strong></td>
<td>94,678</td>
<td>100%</td>
<td>24,012</td>
<td>26,409</td>
<td>5,800</td>
<td>11,533</td>
<td>21,999</td>
<td>3,247</td>
</tr>
<tr>
<td><strong>Sex</strong></td>
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<td></td>
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<td></td>
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<td></td>
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<td></td>
</tr>
<tr>
<td>Male</td>
<td>87,560</td>
<td>92.5%</td>
<td>94.0%</td>
<td>95.7%</td>
<td>90.9%</td>
<td>93.6%</td>
<td>87.7%</td>
<td>88.0%</td>
</tr>
<tr>
<td>Female</td>
<td>7,118</td>
<td>7.5%</td>
<td>6.0%</td>
<td>4.3%</td>
<td>9.1%</td>
<td>6.4%</td>
<td>12.3%</td>
<td>12.0%</td>
</tr>
<tr>
<td><strong>Race/Hispanic origin</strong></td>
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<tr>
<td>White</td>
<td>20,664</td>
<td>21.8%</td>
<td>12.6%</td>
<td>4.2%</td>
<td>12.5%</td>
<td>24.0%</td>
<td>48.3%</td>
<td>50.9%</td>
</tr>
<tr>
<td>Black/African American</td>
<td>36,688</td>
<td>38.8%</td>
<td>32.3</td>
<td>88.1</td>
<td>38.8%</td>
<td>13.9%</td>
<td>2.5%</td>
<td>28.4%</td>
</tr>
<tr>
<td>Hispanic/Latino</td>
<td>35,239</td>
<td>37.2%</td>
<td>54.2</td>
<td>7.1%</td>
<td>48.0%</td>
<td>59.0%</td>
<td>45.0%</td>
<td>9.0%</td>
</tr>
<tr>
<td>Asian/Pacific Islander</td>
<td>1,456</td>
<td>1.5%</td>
<td>0.5%</td>
<td>0.3%</td>
<td>0.7%</td>
<td>1.7%</td>
<td>3.0%</td>
<td>10.8%</td>
</tr>
<tr>
<td>American Indian/Alaska Native</td>
<td>631</td>
<td>0.7%</td>
<td>0.4%</td>
<td>0.3%</td>
<td>0.1%</td>
<td>1.5%</td>
<td>1.2%</td>
<td>0.8%</td>
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<tr>
<td><strong>Age</strong></td>
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<tr>
<td>17 or younger</td>
<td>23</td>
<td>--</td>
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<td>--</td>
<td>0.0%</td>
<td>0.0%</td>
<td>--</td>
<td>0.0%</td>
</tr>
<tr>
<td>18-19</td>
<td>574</td>
<td>0.6%</td>
<td>0.4%</td>
<td>0.1%</td>
<td>0.9%</td>
<td>1.9%</td>
<td>0.6%</td>
<td>0.4%</td>
</tr>
<tr>
<td>20-29</td>
<td>19,316</td>
<td>20.4%</td>
<td>17.2%</td>
<td>20.5%</td>
<td>22.5%</td>
<td>25.7%</td>
<td>19.6%</td>
<td>27.0%</td>
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<tr>
<td>30-39</td>
<td>39,395</td>
<td>41.6%</td>
<td>41.1%</td>
<td>49.3%</td>
<td>36.0%</td>
<td>35.9%</td>
<td>38.7%</td>
<td>36.9%</td>
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<tr>
<td>40 or older</td>
<td>35,370</td>
<td>37.4%</td>
<td>41.4%</td>
<td>30.0%</td>
<td>40.6%</td>
<td>36.5%</td>
<td>41.1%</td>
<td>35.7%</td>
</tr>
<tr>
<td><strong>Citizenship</strong></td>
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<tr>
<td>U.S. citizen</td>
<td>72,302</td>
<td>76.4%</td>
<td>65.8%</td>
<td>96.9%</td>
<td>71.3%</td>
<td>65.3%</td>
<td>68.9%</td>
<td>89.0%</td>
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<tr>
<td>Non-U.S. citizen</td>
<td>22,376</td>
<td>23.6%</td>
<td>34.2%</td>
<td>3.1%</td>
<td>28.7%</td>
<td>34.7%</td>
<td>31.1%</td>
<td>11.0%</td>
</tr>
</tbody>
</table>

Note: Data includes federal prisoners committed to the Federal Bureau of Prisons who were sentenced prior to 2011 to a federal offense. BJS 5-year counts.
A meta-analysis found the risk of perpetrating violence was more than twice as high for young adults who used marijuana (Finley, 2022).
More than half (54%) of drug offenders in federal custody were serving sentences for powder or crack cocaine (2012)

(Bureau of Justice Statistics)

Does not account for drug offenders in state custody
Methamphetamine offenders (24%) accounted for the next largest share of drug offenders (Bureau of Justice Statistics).

Does not account for drug offenders in state custody.
5. Impact on the Criminal Justice System
Impact on the Criminal Justice system

1. More incarceration to seizures of private property and militarization, which can be traced back to the “War on Drugs”
2. Selling these types of drugs does generate a lot of cash, since most people pay for drugs like that
3. Drugs have negative effects, including violent behavior, which increases the chances of being incarcerated
4. Major expense for taxpayers → more people who are incarcerated for drugs, the more costly it becomes
5. Prison overcrowding
   a. Drug offenders are more likely to return to prison
   b. Prison violence when under the influence
6. Drug Courts
Drug Courts: How it works

Drug courts are specialized court docket programs that target criminal defendants, juveniles who have been convicted of a drug offense, and parents with pending child welfare cases who have alcohol and other drug dependency problems (National Institute of Justice, 2020).

Drug courts are managed by a team including judges, prosecutors, defense attorneys, community corrections, social workers and treatment service professionals. Support from stakeholders representing law enforcement, the family and the community is encouraged through participation in hearings, programming and events like graduation (National Institute of Justice, 2020).

Drug courts usually complete the following:
- Screening and assessment of risks, needs, and responsivity.
- Judicial interaction.
- Monitoring (e.g., drug testing) and supervision.
- Graduated sanctions and incentives.
- Treatment and rehabilitation services.

(National Institute of Justice, 2020).
7. An ethical perspective on drug incarceration
An ethical perspective on drug incarceration

→ As a drug epidemic grows in the U.S., questions arise as to how imprisonment for drug related offenses affects mass incarceration

- Is Law Enforcement effectively solving the problem of mass incarceration?
- Do they view drug related offenses as a factor in affecting the issue of mass incarceration?

→ Drug incarceration also presents the split of medical treatment and legal treatment

- Individuals who are incarcerated for drug-related offenses often do not receive proper medical/behavioral treatment
An ethical perspective on drug incarceration (continued)

→ One of the primary reasons for lengthy sentencing a drug offender is deterrence (2018), but this kind of deterrence is not found to be particularly effective

- In addition, improper deterrence can lead to unethical behavior with both the offender and the law enforcement involved

→ Although federal sentencing laws have succeeded in putting some high-level offenders behind bars, they have also led to lengthy imprisonment for lower-level offenders (2018)

- “Research indicates that the public safety impact of incapacitating these offenders is essentially nullified because they are rapidly replaced” (2018)
Thank you!
References


References

Initiative, P. P. (2023). 1 in 5 incarcerated people is locked up for a drug offense. 1 in 5 incarcerated people is locked up for a drug offense | Prison Policy Initiative. https://www.prisonpolicy.org/graphs/pie2023_drugs.html#:~:text=1%20in%205%20incarcerated%20people%20locked%20up%20for%20a%20drug%20offense%20%7C%20Prison%20Policy%20Initiative


References


References