Is Prohibition Working?
If Not, What’s Next?

What is My Background?

- 42 Years of Criminal Justice Work
  - Military Corrections (6 yrs.)
  - State Prison Systems (6 years)
  - Criminal Justice Consultant (10 yrs.)
  - Criminal Justice Academician (20 yrs.)
My Purposes are to...

- Encourage Open Dialog on...
  - How Best to Produce a Low Drug Use Society.

- Present Information about Current Practices...
  - Effectiveness
  - Impacts

- Introduce Alternative Ways of
  - Thinking About Our Responses to Drug Use

The Views Expressed are Mine.

But they are shared with...

Law Enforcement Against Prohibition (LEAP)

Drug Policy Forum of Texas (DPFT)
Drug “Abuse” is Harmful.  
We Should Strive to Reduce It.  
I Do Not Support Drug Use.  
And... I Do Not Support 
The “War on Drugs” or Prohibition Policy

People have “Used” Drugs for Many Thousands of Years.  
Ceremonial Use  
Recreational Use  
Instrumental Use
The American Colonies and the United States

Had Over 200 Years of Experience With Opium and Coca Use

**Before**

Prohibition Efforts Began in 1875.

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**Prohibition**

*Is the Current & Dominant View*...

- Based on a Set of Beliefs that:
- “If We Prohibit Something it will…”
  - Reduce Drug Availability,
  - Increase Street Prices,
  - Reduce Purity and Potency,
  - Reduce Crime and Violence, and
  - Deter Future Users with Harsh Sentences.

“The War on Drugs”
Another View is That…

- Prohibition is Ineffective
  - Has Many Negative Impacts that are:
    - Far more Harmful than the Drugs or Drug Use.
- Drug Use IS NOT a...
  - Criminal Justice Problem.
- Drug Use IS a...
  - Health & Education Problem.
- New Approaches:
  - Harm Reduction
  - Decriminalization
  - Legalization with Regulation

Declare an End to the “War”

Most Users are Hidden Users
- Middle Class
- Intermitten Users
- Stabilized Addicts
- Fully Employed (77% ONDCP)
- Legally Earned Money
- Used to Buy Drugs
- Only Drug Defined Crimes.

Some Famous “Hidden” Substance Abusers

20-25 Million "REALLY" Hidden Users
40%+ of the Population Have Used an Illicit Drug at Least Once
Historically Prohibition Policies Have Been More About…

*Power, Politics, Economic Gain and Business Advantage – Than about the drugs.*

Dishonest, Manipulative and Often Race-Based Policy Making…

*Driven by Other Political Agendas*

Before 1914 Heroin Could be Bought from Grocery Stores

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**U.S. Government Reports**

1.3% of the population were compulsive users (addicted or dependent) in 1914, 1970, and 2000

*(Robinson & Scherlen, 2000, p. 94; Courtwright, 2001, p. 9; Kane, 2004, p. 45)*
Arguments for Prohibition

- **Protect the Public by...**
  - Disrupting Cartels & Gangs
  - Removing Dealers
  - Arresting Users

- **Reduce Crime by...**
  - Interdiction of Drugs
  - Enforcement Actions
  - Fewer Users “Hustling”

- **Reduce Drug Use by...**
  - Decreasing Availability
  - Increasing Cost of Drugs
  - Decreasing Purity
  - Using Harsher Punishments

The Evidence: Pattern of Arrests

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<tr>
<td>Drug Abuse</td>
<td></td>
<td></td>
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<tr>
<td>Murder</td>
<td>15,125</td>
<td>14,004</td>
<td>13,435</td>
<td>12,955</td>
<td>11,201</td>
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<tr>
<td>Forcible Rape</td>
<td>23,509</td>
<td>26,173</td>
<td>24,535</td>
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<td>Robbery</td>
<td>96,877</td>
<td>109,528</td>
<td>125,605</td>
<td>129,403</td>
<td>112,300</td>
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<td>Aggravated Assault</td>
<td>320,814</td>
<td>440,553</td>
<td>447,948</td>
<td>429,969</td>
<td>408,488</td>
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<td>Burglary</td>
<td>253,751</td>
<td>294,591</td>
<td>304,801</td>
<td>308,479</td>
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<td>Larceny-Theft</td>
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<td>1,191,945</td>
<td>1,081,157</td>
<td>1,266,706</td>
<td>1,271,410</td>
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<td>Motor Vehicle Theft</td>
<td>128,552</td>
<td>147,732</td>
<td>137,757</td>
<td>98,035</td>
<td>71,487</td>
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<td>Arson</td>
<td>12,646</td>
<td>15,557</td>
<td>16,682</td>
<td>14,125</td>
<td>11,296</td>
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Drug Arrests - Marijuana

Figure 4. Marijuana Arrests (1965-2003)

- 72% of Drug Arrests are for Marijuana Offenses (2010)
- 86.1% of Marijuana Arrests in 2010 were for Possession

Federal Sentencing Guidelines

- In the Balance
  - Anti Drug Abuse Act of 1986
  - Sentences mandated by federal guidelines for drug possession with intent to distribute, in years:
    - DRUG
    - Powder cocaine:
      - 5 Grams: 1 year
      - 50 Grams: 2
      - 500 Grams: 5
    - Methamphetamine:
      - 5
    - Crack cocaine:
      - 5

- Users:
  - Middle & Upper Class
    - (Wealthier Users/Anglos)
  - Working & Lower Class
    - (Poorer Users/Minorities)

- Produced sentences 3-6 times longer for Crack possession.
- Modified by Three Recent Rulings by the U.S. Supreme Court
  - No Longer Mandatory
  - But, Still Yields Sentences 2-5 times longer for Crack.
The Evidence: Incarceration Rates

(Maguire & Pastore, 2008, 2011 Sourcebook of Criminal Justice Statistics)

Roughly 2.27 Million People in Prison or Jail in 2010

Equivalent to the Combined Population of San Antonio, TX and San Diego, CA.

Prison Crowding
The Evidence: Federal Prison Inmates
(Maguire & Pastore, 2008, 2011, Sourcebook of Criminal Justice Statistics)

The Evidence: Justice System Expenditures
(Maguire & Pastore, 2008, Sourcebook of Criminal Justice Statistics)

Approximately $180 Billion/Yr.

Roughly 50% is Spent on Drug Law Enforcement

What else could we do with $70-$90 billion/year?
The Evidence: Drug Seizures
(Maguire & Pastore, 2008, Sourcebook of Criminal Justice Statistics)

Marijuana Seized

Drug Seizures are Estimated to be 20% or Less Of Drugs Entering the United States. It would take seizure of 80%+ of drug shipments to impact street sales.

All Other Drug Seizures

134 Tons of Marijuana Confiscated and Burned
Tijuana, MX – October 20, 2010
(15,300 Packages)

Little, If Any, Impact on Availability.
Street Prices have Gone Down, NOT UP.

Estimated Street Value - $340,000,000
($1288/lb)
"Dope Fort"
Chicago Drug Bust - Press Conference 2010

How many Times Have You Seen Similar Stories in the News?
Are We Any Closer To a Low Drug Use Society?

Percent of HS Seniors Reporting Use Within the Past 12 Months
(Univ. of Michigan, Monitoring the Future, 2008, 2012, Table 2)

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<td>34.3</td>
<td>33.6</td>
<td>31.5</td>
<td>32.4</td>
<td>34.8</td>
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<td>Amphetamines</td>
<td>8.2</td>
<td>10.0</td>
<td>8.6</td>
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<td>6.8</td>
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<td>Cocaine</td>
<td>3.5</td>
<td>5.3</td>
<td>5.1</td>
<td>5.7</td>
<td>4.4</td>
<td>2.9</td>
<td>2.9</td>
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<tr>
<td>Crack</td>
<td>1.5</td>
<td>2.3</td>
<td>1.9</td>
<td>2.1</td>
<td>1.6</td>
<td>1.4</td>
<td>1.0</td>
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<tr>
<td>Barbiturate</td>
<td>3.4</td>
<td>6.5</td>
<td>7.2</td>
<td>6.6</td>
<td>5.8</td>
<td>4.8</td>
<td>4.3</td>
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<td>LSD</td>
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<td>1.7</td>
<td>2.7</td>
<td>2.6</td>
<td>2.7</td>
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<td>Tranquilizers</td>
<td>3.6</td>
<td>7.3</td>
<td>6.8</td>
<td>6.6</td>
<td>6.2</td>
<td>5.6</td>
<td>5.6</td>
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<tr>
<td>Heroin</td>
<td>0.4</td>
<td>0.9</td>
<td>0.8</td>
<td>0.8</td>
<td>0.7</td>
<td>0.9</td>
<td>0.8</td>
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<tr>
<td>Methamphetamine</td>
<td>1.4</td>
<td>3.4</td>
<td>2.5</td>
<td>2.5</td>
<td>1.2</td>
<td>1.0</td>
<td>1.4</td>
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<tr>
<td>PCP</td>
<td>1.4</td>
<td>0.7</td>
<td>1.3</td>
<td>0.7</td>
<td>1.1</td>
<td>1.0</td>
<td>1.3</td>
</tr>
<tr>
<td>Prescription Drugs</td>
<td>-</td>
<td>-</td>
<td>17.1</td>
<td>16.8</td>
<td>15.4</td>
<td>15.0</td>
<td>15.2</td>
</tr>
</tbody>
</table>
Cartel Leaders Captured or Killed 2009-2010

Creates Job Openings and Violence
(Est. 30,000 dead in Mexico)

Despite 41 Years of Effort and Huge Costs, Modern Prohibition Policies...

Fail to Achieve Objectives on All Indicators

Less Drug Control
More Availability
 Higher Potency
Higher Purity
Lower Prices
More Crime

And Produce Many Adverse Impacts.
Some of the Adverse Impacts of Prohibition

- Black Market Systems
- Huge Profits (≈$500 Billion/yr)
- Drug Dealers as “Role Models”
- Street Drug Sales in Poor Neighborhoods
- Infinite Replacement of Dealers
- Some Users “Hustle” to Support their Habit

- Crop Eradication (6yrs, $4.7 Billion)
  - No Impact of Prices or Availability

- Drug Trade Violence
- Many Unintended Victims
- Traffickers & Dealers Killed by Police
- Officers Killed in the “War on Drugs”
- Unsustainable Prison Growth and Costs.

- Removal of up to 50% of Minority Males in Some Poor Neighborhoods

Differential Impacts by Race and Ethnicity

- Users (SAMHSA, 1999, p. 13)
  - Anglos – 72%
  - Blacks – 13.5%

- Blacks In Prison for Drug Felonies (Beck & Mumola, BJS, 1999)
  - Federal – 60%

Incarceration Rates for African Americans are 5.5 Times Higher than for Blacks Under Apartheid in South Africa in 1993 (4682 U.S. 2005 /851 South Africa 1993 = 5.502)

1/106 Whites (18 and older)
1/36 Hispanics (18 and older)
1/15 African Americans (18 and older)
1/9 African Americans (age 20-34)
(Pew Charitable Trust, 2008)
And,…

Corruption of Justice Officials and Justice Systems.

Milton Friedman, Winner of 1976 Nobel Memorial Prize for Economic Science and member of Law Enforcement Against Prohibition

- “Who would believe that a democratic government would pursue for eight decades a failed policy that produced tens of millions of victims and trillions of dollars of illicit profits for drug dealers, cost taxpayers hundreds of billions of dollars, increased crime and destroyed inner cities, fostered widespread corruption and violations of human rights – and all with no success in achieving the stated and unattainable objective of a drug free America?”
It is Time to Try Something Different.

- **Harm Reduction**
  - Treat Drug Use as a Health Problem
  - Goal - *Minimize Harm (EFFECTIVE)*
    - Treatment and Rehabilitation Programs.
    - Drug Maintenance for Dependent Users.
      - (See Feinstein, Richter & Foster, 2012, Journal of Adolescent Health)

- **Decriminalization**
  - **Partial** – Decision to Not Enforce Drug Laws
  - **Full** – Complete Repeal of Drug Laws
    - "Legalization without Regulation"

```
Neither Approach Reduces the:
Black Market or its Profits
Health Risks or Overdoses due to...
Adulterants
Unknown Potency
```

Legalization with Regulation

- **Government Regulated Production**
  - Price
  - Potency
  - Purity
  - Availability

- **Contract with Drug Producing Nations to buy**
  - Opiates & Coca Products
    - Two Markets:
      - Medical
      - Recreational

- **Expansion of Affordable Drug Treatment Programs**

Fight Terrorism by Removing the Growers from the Black Market
Recent Support for an End to the War on Drugs

- International Red Cross (2011)
- Global Commission on Drug Policy (2011)
  - Kofi Annan, Former Sec. Gen., United Nations
  - George Shultz, Former Sec. of State, U.S.
  - Paul Volker, Former Chairman, U. S. Federal Reserve
  - Javier Solana, Former EU Head of Common Security Policy
  - Ruth Dreifuss, Former President, Switzerland
  - Ernesto Zedillo, Former Pres., Mexico
  - Cesar Gaviria, Former Pres., Colombia
  - Fernando H. Cardoso, Former Pres., Brazil
  - George Papandreou, Former Pres., Greece
  - Louise Arbour, Former UN High Commissioner for Human Rights
- NAACP – Resolution (July 27, 2011)
- U.S. Conference of Mayors (2011)

Legalization with Regulation

- **Change Current Laws**
  - Allow Adults Legal Access for:
    - Medical Use – Symptom & Pain Control
    - Recreational Use by Adults
      - Similar to Alcohol, Tobacco, Prescriptions
      - Free Medically Supervised Access for Destabilized Users

- **Regulatory Structures**
  - **ADULTS ONLY**
  - No Advertising
  - Nuisance Control
  - Laws Governing Use
  - Licensed Commercial Dealers
  - Licensed Growers & Producers
  - Taxation of all Product Transactions
  - No Diversion from the Legal System
  - **Removes Black Market Profit Motive**

*Licensed Liquor Store*

(Hanson, Venturelli & Fleckenstein, 2004, p. 187)
US vs. Netherlands
Percentage Who Have “Ever Used” By Drug Used
(World Health Organization, 2007)

Albert Einstein on Alcohol
Prohibition

- The prestige of government has undoubtedly been lowered considerably by the Prohibition law. For nothing is more destructive of respect for the government and the law of the land than passing laws which cannot be enforced. It is an open secret that the dangerous increase of crime in this country is closely connected with this.

  - Albert Einstein, 1921, “My First Impressions of the USA”
Eighty Years Ago, the Same Debate was Going On.

Legalization with Regulation

*The Only Policy Option that is likely to be Effective in:*

- Controlling Access
- Reducing Drug Use
- Reducing Social Harms
- Improving Public Safety
- Reducing Crime & Violence
- Removing Black Market Profits and Influence