

Drug Laws

CURE Position:

1. Substance abuse problems should be handled primarily as health and education issues, rather than as criminal issues. Adequate drug treatment should be readily available to all who need it.
2. Drug laws should be modified to return judicial discretion to judges.
 - a. Proportionate sentences. Sentences should be proportionate to the crime and culpability of the individual offender. The least restrictive and least costly means of sanctioning offenders should be used consistent with public safety needs.
 - b. Individualized sentences. Judges should tailor sentences to reflect the relevant factors in each case, e.g., the offender's conduct, prior criminal history and role in the crime. The weight of the drug involved in the offense should be only one of the factors used to assess the seriousness of the offense.
 - c. Accurate charges. Charges associated with weight of illegal drugs should be based only on the weight of the drug itself and not on the total mixture of both the drug and carrier.
3. Alternatives to incarceration and restorative justice should be the norm.
4. Asset forfeiture laws should be eliminated.

The Problem:

1. Substance abuse is a factor in the incarceration of 80% of America's prisoners. Either they committed a crime to pay for drugs, possessed or sold drugs illegally, or committed a crime while under the influence of drugs or alcohol.
2. Drug laws are not equitably enforced. Minorities suffer disproportionately.
3. The "war on drugs" has had a devastating impact on the rights of individuals, especially in the areas of search and seizure.

Why We Endorse This Position

Long prison sentences do not reduce drug use or crime and are extremely expensive. Quality drug treatment programs have consistently reduced recidivism 36-60%.

- Ohio's Cost-Effectiveness Study, for example, confirmed earlier studies and found marked decreases (41%) in criminal arrests after treatment. Accidents, moving violations and DUI arrests also decreased significantly after treatment.

- A Delaware study found that drug offenders who received 12-15 months of treatment in prison followed by 6 months of drug treatment and job training were much more likely to be arrest free (71% compared with only 30% of a comparison group).
- An evaluation of the NY prison-based Therapeutic Community (TC) (known as Stayin Out) showed that participants had arrest rates of only 26% compared to 40.9% for those having no treatment.
- An evaluation of Oregon's Therapeutic Community program (known as Cornerstone) showed that 71% of its graduates stayed out of prison for 3 years, while only 26% of the dropouts from the program did so.
- RAND studies found that drug treatment reduces serious crime 15 times more than mandatory minimums and 10 times more than conventional sentences, and is seven times more effective in cutting cocaine demand than local enforcement.