

How the Drug War Impacts the Criminal Justice System

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[Online Paralegal Programs](#)

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More people are arrested each year for drug-related offenses than any other type of crime, and taxpayers spend tens of billions on arresting, prosecuting and jailing offenders for drug crimes. That means drugs represent a huge focus for those who participate in the criminal justice system. Let's explore the impact and the recent history of American justice when it comes to the drug war.

The Recent History of U.S. Drug Laws

Since the late 1960s, state and federal law enforcement policy has become increasingly focused on stamping out drug use, though recent trends have seen laws relax for one drug in particular. (1, 2, 3)

HOW THE DRUG WAR IMPACTS THE CRIMINAL JUSTICE SYSTEM

More people are arrested each year for drug-related offenses than any other type of crime, and taxpayers spend tens of billions on arresting, prosecuting and jailing offenders for drug crimes. That means drug represents a huge hole for those who participate in the criminal justice system. Let's explore the impact and the recent history of American justice when it comes to drug use.

THE RECENT HISTORY OF U.S. DRUG LAWS

Since the late 1960s, crime and criminal justice policy has become increasingly focused on stopping and punishing drug use. Though recent trends have varied widely for some drugs in particular, it's clear that the U.S. has become much more punitive toward drug use.

- 1968** President Lyndon B. Johnson signed the Controlled Substances Act, which created the federal drug laws.
- 1969** The Supreme Court ruled in *Grain Processing Corp. v. American Petroleum Institute* that the government could regulate the distribution of controlled substances.
- 1970** The Controlled Substances Act was amended to include marijuana, which was previously not a controlled substance.
- 1972** The Office of Drug Abuse Control was established within the Department of Health, Education and Welfare.
- 1973** The Supreme Court ruled in *Grain Processing Corp. v. American Petroleum Institute* that the government could regulate the distribution of controlled substances.
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THE LEGAL BURDEN

An estimated 12 million people in the U.S. are under criminal justice supervision, which is more than any other country in the world. So what's the situation today, and how long is the criminal justice system likely to stay in the current state?

\$56 BILLION The estimated cost of the criminal justice system in the U.S. in 2012.

12% The percentage of the U.S. population that is under criminal justice supervision.

1 IN 2 The ratio of people under criminal justice supervision to the general population.

81.8% The percentage of people under criminal justice supervision who are under supervision for drug offenses.

18.2% The percentage of people under criminal justice supervision who are under supervision for non-drug offenses.

DRUG COURTS PROVIDE SOLUTION?

Facing the fact that the criminal justice system is overwhelmed by drug offenses, many states have created drug courts. These courts are designed to provide a more effective and efficient way to handle drug offenses, and to provide treatment and support for drug offenders.

\$4,000-\$12,000 The average cost of a drug court program.

\$1.17 BILLION The total cost of drug court programs in the U.S. in 2012.

\$32.2 BILLION The total cost of the criminal justice system in the U.S. in 2012.

online-legal-programs.com

Source: [Online-Paralegal-Programs.com](https://www.online-paralegal-programs.com)

1968

Bureau of Narcotics and Dangerous Drugs is founded.

1969

A study links crime and heroin addiction, finding that 44% of those entering the jail system in Washington, D.C. have used heroin.

1970

The National Organization for the Reform of Marijuana Laws (NORML) is founded by Keith Stroup and begins lobbying for decriminalization of marijuana.

1970

The White House provides funds to expand a methadone program in Washington, D.C. that aims to decrease heroin addiction; one year after the program begins, burglaries in Washington drop by 41%.

Later that year, Congress passes the Controlled Substances Act, establishing five categories ("schedules") for regulating drugs based on their medicinal value and potential for addiction.

1971

Soldiers in Vietnam show signs of heroin addiction.

Later that year, President Richard Nixon declares war on drugs, calling drug abuse "public enemy number one in the United States." During the Nixon era, a majority of funding goes toward treatment, rather than law enforcement.

1972

The Office of Drug Abuse Law Enforcement is founded, tasked with fighting the drug trade at the street level.

1973

The Drug Enforcement Administration is established, consolidating the efforts of several agencies.

1974

Nixon resigns in the aftermath of the Watergate scandal; the administration of new President Gerald Ford is preoccupied with inflation, employment and a burgeoning energy crisis.

1984

Nancy Reagan's "Just Say No" anti-drug campaign becomes a centerpiece of the Reagan

administration's anti-drug campaign. The movement focuses on white, middle-class children and is funded by corporate and private donations.

1985

Crack cocaine begins to flourish in the New York region as it's cheap, powerful and highly addictive.

1986

President Ronald Reagan signs an enormous drug bill, which includes \$1.7 billion to fight the drug crisis. \$97 million is allocated to build new prisons, \$200 million for drug education and \$241 million for treatment. The bill also creates mandatory minimum penalties for drug offenses.

1989

President George H.W. Bush appoints William Bennett to lead the new Office of National Drug Control Policy (ONDCP). Federal spending on treatment and law enforcement increase under Bennett's tenure, but treatment remains less than 1/3 of the total budget.

1990

Bush proposes adding an additional \$1.2 billion to the budget for the war on drugs, including a 50% increase in military spending.

1992

The federal government suspends a small program that provides marijuana to the seriously ill, as officials conclude it undercuts official policy against the use of illegal drugs.

1993

President Bill Clinton signs the North American Free Trade Agreement, which results in an enormous increase in legitimate trade across the U.S.-Mexican border. The volume of trade makes it more difficult for U.S. Customs officials to find narcotics hidden within legitimate goods.

1995

The U.S. Sentencing Commission releases a report noting the racial disparities in cocaine vs. crack sentencing. The commission proposes reducing the discrepancy, but for the first time in history, Congress overrides the commission's recommendation.

1996

California becomes the first state to legalize the use of marijuana for medically valid purposes.

1998

Alaska, Oregon and Washington voters approve ballot initiatives allowing marijuana for

medical uses.

1999-2000

Four more states approve medical marijuana.

2004

Two more states approve medical marijuana, and an AARP poll finds that an overwhelming majority of seniors (72%) support marijuana for medical uses.

2005

Federal agents conduct widespread raids on medical marijuana dispensaries in California.

2011

As Delaware becomes the 16th state with a medical marijuana law, a study finds legal medical marijuana reduces fatal car accidents.

2012

Voters in Colorado and Washington approve ballot measures legalizing small amounts of marijuana for personal recreational use.

2013

The Justice Department announces it will no longer engage in court challenges to state medical marijuana laws.

The Legal Burden

As we've seen, the U.S. has a complicated recent history when it comes to drug crimes. So what's the situation today, and how busy is the criminal justice system thanks to drug law enforcement?

\$56 billion

Annual criminal justice system costs related to illicit drug use (4)

Arrests for drug-related crimes have more than doubled since the early 1980s.

Total estimated drug law violation arrests in the United States, 1980-2007 (5, 6)

1980: 580,900

1981: 559,900

1982: 676,000

1983: 661,400

1984: 708,400

1985: 811,400
1986: 824,100
1987: 937,400
1988: 1,155,200
1989: 1,361,700
1990: 1,089,500
1991: 1,010,000
1992: 1,066,400
1993: 1,126,300
1994: 1,351,400
1995: 1,476,100
1996: 1,506,200
1997: 1,583,600
1998: 1,559,100
1999: 1,532,200
2000: 1,579,600
2001: 1,586,900
2002: 1,538,800
2003: 1,678,200
2004: 1,745,700
2005: 1,846,300
2006: 1,889,800
2007: 1,841,200
2008: 1,702,537
2009: 1,663,580
2010: 1,638,846
2011: 1,531,251

2012: 1,552,432

12,196,959

Total arrests in the U.S. in 2012 (6)

12%

Percentage of total arrests for drug-related crimes, the highest proportion of all crimes (6)

Arrests also overwhelmingly target simple possession, rather than sale or manufacture of drugs.

Arrests for drug abuse violations (2011): (6)

Sale/manufacturing: 18.2%

Possession: 81.8%

And the impact of drug abuse on the criminal justice system doesn't end once the arrest and trial are over.

1 in 2

Prisoners (including some sentenced for non-drug offenses) who are considered drug-addicted or dependent (7)

An estimated 85% of prisoners who could benefit from treatment don't receive it. (7)

Drug Courts Provide Solution?

Helping to ease the burden somewhat are drug courts established across the country. Such proceedings

provide an alternative to traditional court cases, and drug courts attempt to strike a balance between criminal justice and treatment for drug addiction.

Drug court participants (8)

- Receive treatment and other services required to stay clean
- Are regularly and randomly tested for drug use
- Are required to appear in court where a judge reviews their progress
- Are rewarded for success in the program
- Are sanctioned for not living up to their obligations

\$4,000-\$12,000

Average taxpayer savings per drug court participant (8)

\$1.17 billion

Estimated annual savings from expanding drug courts so they could reach all currently eligible people (8)

\$32.2 billion

Annual estimated savings from expanding drug courts to reach all arrestees at-risk for addiction or dependence (8)

Sources:

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4. <http://www.justice.gov>
5. <http://www.bjs.gov>
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