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## **Drug Criminalization in the US: Unintended consequences and policy alternatives**

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# Drug criminalization in the US: Unintended consequences and policy alternatives

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## ABSTRACT

The policies of the “war on drugs” have resulted in mass incarceration and access barriers for substance use disorder treatments and harm reduction services. Contrary to common depictions of drug use as a byproduct of poor character, or innate *immorality*, research shows that substance use (and substance use disorders) often originate from trauma, social alienation, and a lack of social supports. By addressing the root of substance use, rather than criminalizing individuals, society will be better equipped to address the public health crisis of persistently high rates of drug-related disease and death.

## BACKGROUND

In 1971, President Nixon declared a “War on Drugs”, identifying drug abuse as “public enemy number one in the United States.” The Nixon administration increased federal funding for drug-control agencies and implemented mandatory prison sentencing for non-violent drug crimes. Following in the footsteps of his predecessor, President Reagan enforced even stricter drug policies that eventually lead to mass incarceration (Figure 1).

## OBJECTIVE

- To analyze the unintended consequences of prohibitive drug policy in the United States.
- To research policy alternatives that have the potential to reduce the impact of drug-related harms on society.

Americans Incarcerated for Drug Offenses, 1980 – 2017

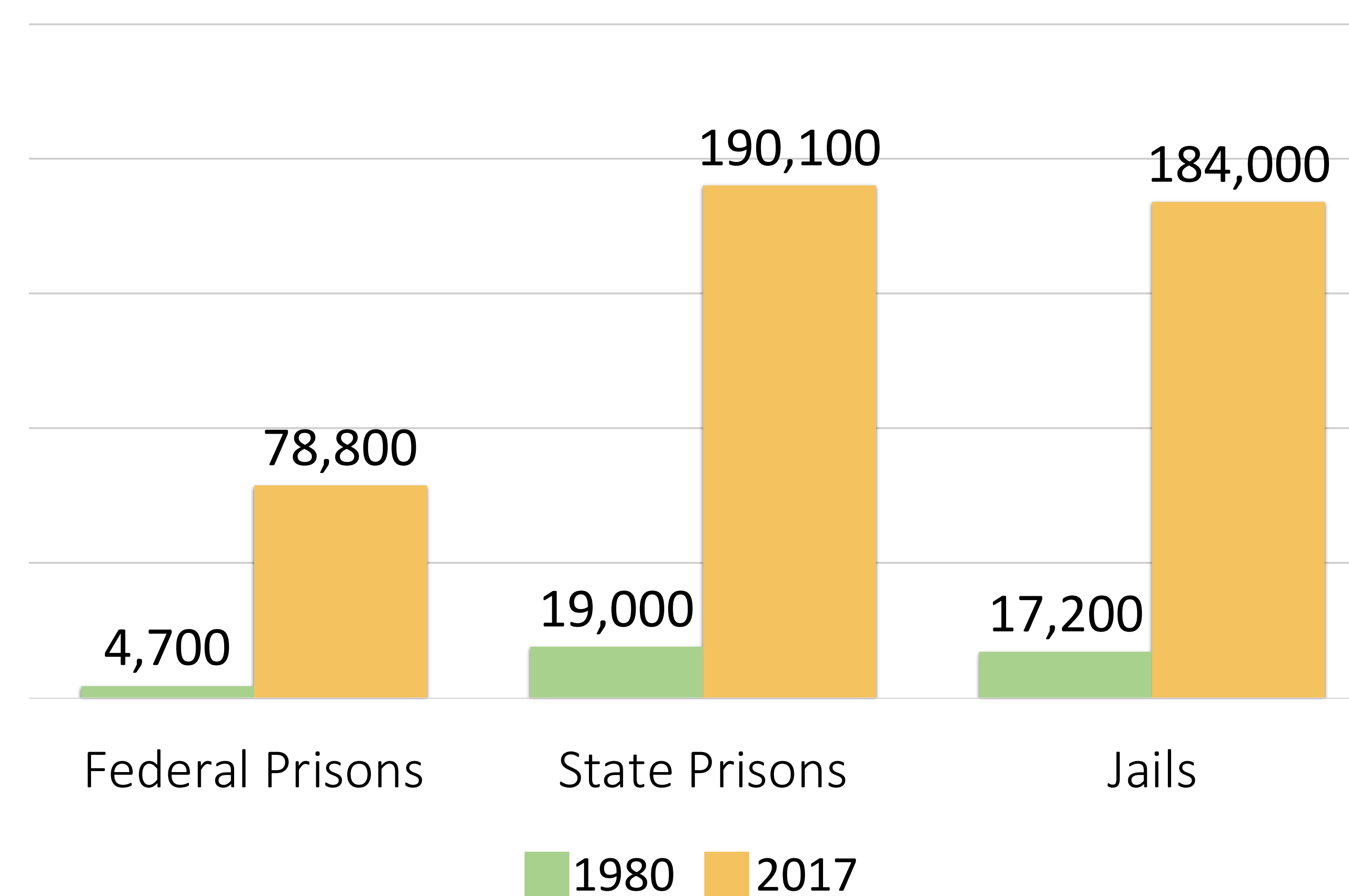


Figure 1: As a result of harsher sentencing policies, Americans incarcerated for drug offenses increased from 40,900 people in 1980 to 452,900 in 2017.

Rates of Drug Arrests in the United States, per 100,000 Population, 1980-1989

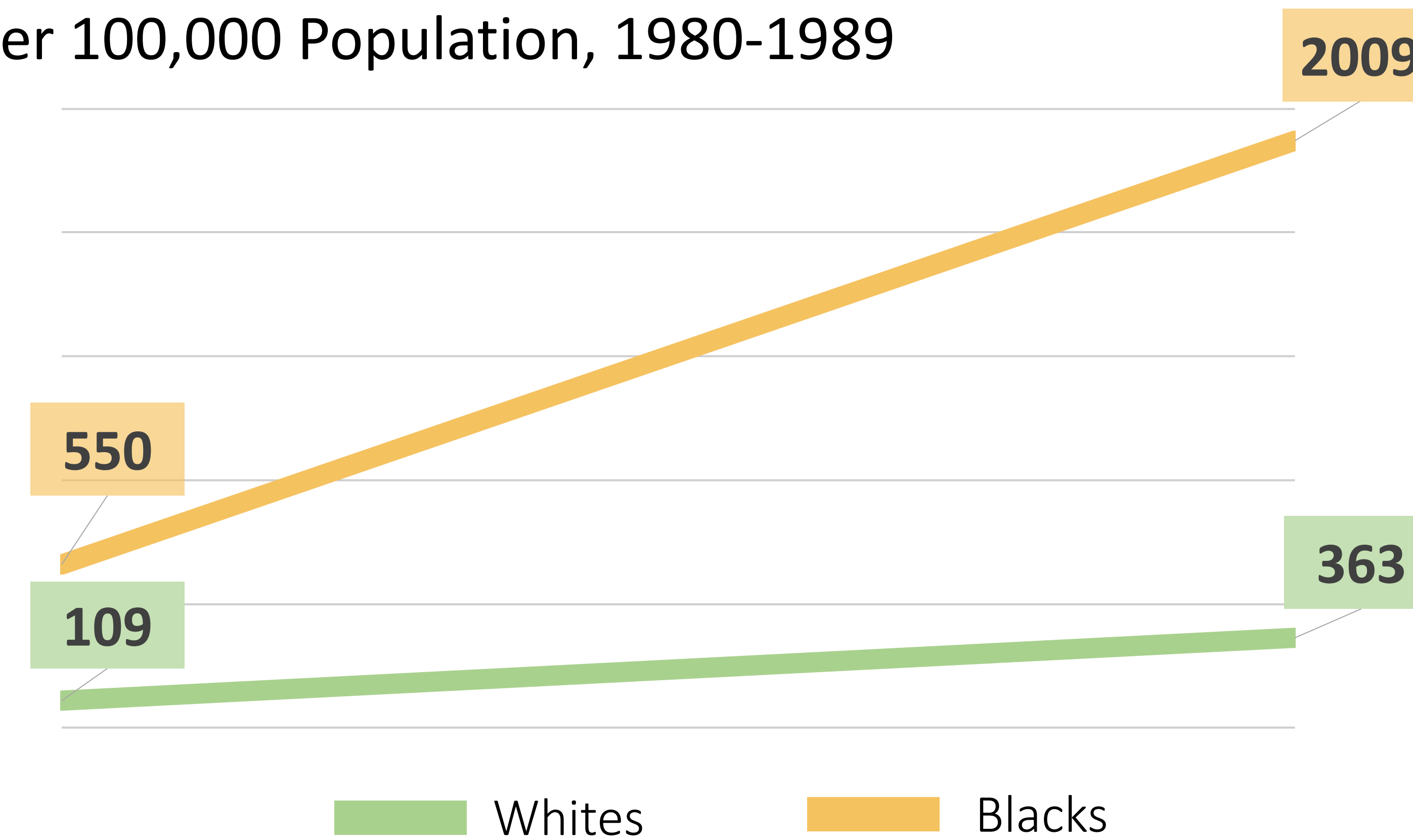


Figure 2: National drug arrest data shows that black Americans were arrested at a rate of roughly 3 to 1 compared to whites in 1980. Less than ten years later, this racial disparity increased to a point where blacks were arrested at a rate of more than five times that of whites.

## UNINTENDED CONSEQUENCES

### Mass Incarceration

- The U.S. has the highest per capita prison population in the world, making up 5 percent of the world’s population, but 25 percent of the world’s prison population. Almost half (45.3%) of the US federal prison population is made up of non-violent drug offenders.

### Racial Disparities

- Racial minorities are targeted and arrested on suspicion of drug use at a much higher rate than whites (Figure 2).
- Today, people of color make up 37% of the U.S. population but 67% of the prison population.

## POLICY ALTERNATIVES

- There are alternatives to the mass harms inflicted by prohibitionist drug policies. Initiatives such as as legalizing overdose prevention sites, expanding syringe exchange services, and implementing school-based drug education programs have been shown to reduce the incidence of drug poisoning, infection, and drug use itself.
- Unlike the counter-productive effects of drug criminalization, harm reduction strategies offer a set of solutions that are evidence based, economical, and effective at reducing crime rates and increasing access to treatment for substance use disorder.

