Fighting Drug Violence with Care: Compassion is Good for the Economy

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With the passage of another midterm election, it is becoming increasingly clear that drug policy reformation continues to be a hot topic in American political discourse. As more progressive seeming conversations are often facilitated through a humanitarian lens, they are met with pushback from an economic standpoint. This feedback particularly comes from those with traditional views who are often misinformed on the dangers of marijuana, still lingering from the war on drugs. However, further analysis of proactive actions taken by other industrialized nations, and the objective historical failure of our current punishment system, which only further supports institutionalized racism and the prison industrial complex, leads one to believe there are better solutions. It has become increasingly clear that America's current drug policy is not only a humanitarian crisis, but also strong evidence of poor financial literacy which intentionally marginalizes Black communities.

Enacting compassion towards drug reform through the reallocation of funds currently spent to promote fear and punishment through policing, and instead into investment for rehabilitation, accessible social services, and decriminalization has proven to have many benefits. These actions would greatly benefit not only our nation's sense of community, but also our GDP and social equity initiatives. Fighting drug violence with compassion makes sense for the humanitarian voter, and equally as much for those who support presidents who identify as "businessmen" rather than politicians. Reformation will create a stronger sense of community and provide fiscal resistance for the people of America, encouraging recovery rather than fear.

To understand the need for drug law reformation, it is first important to establish the severity of America's cultural love of incarceration. It functions similar to the misinformed belief that spanking children creates purposefully driven changed behavior, rather than fear. America's mass misinformation regarding the positive behavioral impacts of imprisonment is also further

taken advantage of by privatized services (healthcare, phone calls, etc.) charging steep rates onto families of those incarcerated. Longer prison sentences and “eye for an eye” punishment are culturally viewed as ‘justice’ by the United States’ criminal justice system, rather than the remediation of harm. This is without taking into consideration mandatory minimums, judicial mistakes, or tough on crime narratives. It is important to take note of the American socio-political theme of respondence to harm via the repetition of such, rather than the initiation of preventive measures.

Additionally, social science data concludes that harsh sentencing is ineffective at initiating behavioral change. Keeping people in prison for too long does not “necessarily decrease recidivism and may actually pose a higher risk to society” (Hoffer, 2021). In regards to tough sentencing on drug crimes, longer sentencing has been found particularly ineffective as “drug dealers are easily replaceable” (Hoffer, 2021). With this culture of fighting violence with more violence in mind, it should come as no shock that while America makes up close to 5% of the world population, they make up more than 20% of the world’s prison population. Furthermore, these numbers increased by a staggering 500% since 1970 (Mass Incarceration, 2022). Uncoincidentally, the year of 1970 was also when the Controlled Substances Act was enacted by the Nixon Administration. Furthermore, Black people are incarcerated under drug offenses 10 times more often than their white counterparts, even while usage rates are roughly the same (Mass Incarceration, 2022).

Specific to drug violence, it is important to consider that 20% of those incarcerated are done so under non-violent (less serious) drug related offenses (Wagner, 2022). Furthermore, 50% of these offenses are for marijuana, which is still considered a Schedule 1 Drug under the Controlled Substance Act. When the Nixon administration politically classified cannabis as a

substance containing no medical benefit and exhibiting high potential for abuse, misinformation soared. This misinformation did not solely originate from public and religious sectors, but was further encouraged by government agencies dating back to the establishment of the Federal Bureau of Narcotics in 1930. The hemp plant, which used to provide medicine and tactile material, now provided fear and acted as a scapegoat to push back against social change. While protesters could not be arrested, the drug culture behind these movements could. Cannabis was never the violence, instead it was the hatred and over policing that ripped apart Black communities. With these factors in mind, no historian would entertain the debate that the 'War on Drugs' can be disguised as such.

To this day, the legacy of fear and misinformation from this administration has not been fully recanted, nor has the intersectionality of such impacts been remediated. In opposition to unfounded cultural beliefs, from a medical perspective, alcohol is far more harmful to the body than cannabis, although legislation stops extensive research (Project, M. P., 2022). In an all too familiar pattern, it is clear that resistance to legalization is not founded in factual information, but rather facilitated through social taboos rooted in pretentious racism. Furthermore, cannabis is also not a chemically addictive substance, although behavioral addiction can be argued. An understanding of the medical functions of cannabis is imperative to the comprehension that its legal classification was not medically founded. Understanding the historical and medical implications that informed current legislation can help one understand the depth of cultural change needed to provide equity and begin conversations addressing America's culture of punishment.

While rehabilitation will be considered as a productive alternative to punishment, within the context of reconciling drug violence, it must be remembered that marijuana itself is not the

violence. Moreover, harm reduction techniques remain further applicable to highly addictive and debilitating substances such as those responsible for the current opioid epidemic. With this in mind, it is not a controversial statement to claim that prisons do not lock up problems, but rather people. Government funding is spent separating people from their communities, rather than providing access to much needed aid. If punishment was the solution to the drug epidemic, certainly with the incarceration rates America is clocking in, the problem would cease to exist. Justice for the dangers of drug use does not look like the disappearance of those struggling with a medical addiction, but rather the investment in publicly accessible resources. This does not concede to the "eye for an eye" mentality of justice, but instead lends itself to the cultural shift needed to fight violence with compassion.

Ideally, justice for individuals struggling with drug addiction would exist as affordable and safe access to medical and social services without risk of repercussions. This could be an expansion to the protections provided by Michigan's Good Samaritan Law which "prevents drug possession charges against those that seek medical assistance for an overdose in certain circumstances" (Michigan's Good Samaritan Law, 2016). Justice would look like the facilitation of therapeutic connection, hope, and community– similar to the functions of groups like A.A., which are proven to be highly successful long term, as well as more financially accessible and socially acceptable than talk therapy.

Justice would mean increasing access to addiction recovery medications without worrying about proper identification, transportation to treatment, and selectiveness in regards to insurance coverage. Initiatives have already been enacted to expand Medicaid coverage to substance abuse disorder services (Medicaid, 2016). This, however, includes limitations in regards to quality of care and qualification requirements. Moreover, justice would further

encourage people struggling with addiction to come forth for support, unlike the current reality which often further replicates the isolating conditions which initiated usage. Getting people out of survival mode is imperative for not just personal fulfillment, but also professional advancement. This, in turn, contributes to economic development on a national level, as well as benefiting local communities. These more ethical local economic benefits are juxtaposed to the corporate profits collected by the lack of prison labor regulations.

Furthering the topic of economics, operating correctional facilities is not cheap. In the fiscal year of 2016, state governments spent an estimated collective $80 billion on corrections (The United States Department of Justice, 2017). However, this figure “considerably underestimates the true cost of incarceration by ignoring important social costs,” it can be considered that even excluding costs of jail itself, “the aggregate burden of incarceration would still exceed $500 billion annually” (The United States Department of Justice, 2017). When you consider that 20% of incarcerations are over nonviolent drug charges, it is clear that there is a lot of wasted potential both in protecting the sanctity of human life and allocation of available funding (Mass Incarceration, 2022). Imagine what the refinancing of this spending could do for local communities, when considering social investments inherently provide safety.

In fact, the funding of state sanctioned violence is something the “Defund the Police" movement heavily critiqued. However, these well articulated public spending critiques were met with immense backlash over the assertiveness of the motto. While the movement itself was very well researched, from a political standpoint it is no surprise that the unwavering approach was immediately scoffed at rather than thoughtfully considered. The goal of this movement was not an abolishment of community safety, but rather a reallocation of resources that “reject the murder and brutalization of Black people” (Defund the Police, 2021). Once again, calling for recognition

of institutionalized racism and an increase in public spending, rather than punishment that only further perpetuates cycles of violence.

To elaborate further, when punishment is utilized without offering rehabilitation, many users continue engaging in the same habitual patterns once they are released. America has one of the highest reoffense rates in the world, especially compared to other industrialized nations. There are several barriers to getting back on one's feet, including the hindrance of a criminal record when applying to potential careers. Stable financial income is necessary for a life outside of survival mode. It is shown that drug decriminalization and the emphasis on rehabilitation is not a new concept, it is simply new to the United States. The exception to this statement being Measure 110 which was passed by voters in Oregon in 2020 (this applies to possession cases), and various marijuana legalization on a state by state basis.

Portugal, on the other hand, took the measures needed to propose decriminalization back in 1999, and had the new law implemented by Parliament in 2000. People in possession still face penalization, rather than criminalization, this distinction is incredibly important (Felix, et al., 2017). They found that because of this, not only did the rate of drug use not increase, but "the rate of addiction, overdoses, and HIV/AIDs sharply decreased" (Latest on the Decriminalization of Drugs, 2021). There was also an increase in the number of people entering drug treatment plans (Latest on the Decriminalization of Drugs, 2021). More than the healing of those impacted, the financial results from this case study were equally as telling.

It was found that decriminalization did not decrease the cost of street drugs, including cocaine and opiates; thereby not increasing usage as previous skeptics had suggested (Felix, et al., 2017). Not only was a large burden taken off of the penal system, but costs to supply police officers, lawyers and court fees were significantly lowered. However, while judicial costs fell,

treatment and prevention costs increased (Felix, et al., 2017). It can be argued that these costs function as a proactive public investment, as they prevent rather than respond. They also target the medical issue faced, rather than berating the character of the person struggling with addiction, as seen in the United State's mass incarceration techniques.

Using an empirical model to consider Portugal's synthetic control region in comparison to other placebo groups, it was found that socio and psycho-intervention, rather than strictly harm reduction services, increased significantly. Upon comparison to the placebo study, it was established that this result was not by chance, but "rather that the decriminalization had an impact on the number of clients entering treatment centers" (Felix, et al., 2017). When the budget was reallocated from the penal system to increase access to not just harm reduction, but also proactive resources– people took advantage of these opportunities. This goes to show the funding reallocation was financially beneficial, proving to help people function as full members of society. This financial benefit is without taking into consideration the market for recreational marijuana. Portugal's actions make sense on a fiscal investment level, perhaps even more than they do on a compassionate level. It is clear that investments in social services provide financial return, unlike expenditures on prisons.

To conclude, reforming drug law and investing in social service programming rather than incarceration is not only compassionate, but also beneficial to the economy. Given the history regarding the political and racial motivations behind the war on drugs, it has been found that the misinformation regarding cannabis was lacking ethical motivations. Furthermore, from social data, it has been proven that punishment does not change behavior, begging the proposal that perhaps a "medical crisis" shouldn't be treated as a crisis in crime. By examining why other social movements advocating for the reallocation of police funding were unsuccessful, a

groundwork is provided to understand the effective person first language needed for future advocacy work.

More than drug law reformation, there is a call to reevaluate the American cultural love of incarceration. This includes the reallocation of funds away from a justice system which seeks to replicate violence, rather than repair harm. As shown by other nations, decriminalization and investment in social services lower penal system costs, freeing up room for other investments. This allows people a chance at healing, decreases relapse rates, and builds a stronger sense of community. Social investment not only gets people out of survival mode, but provides the connection needed to prevent usage. These are investments rather than expenditures. Fighting drug violence with compassion is not strictly an anti-racist and humanitarian approach, but rather a wise and financially literate approach resulting in economic benefits for all!

References

Black Lives Matter Canada 2022. (2021, March 18). *Defund the police*. Defund The Police. Retrieved December 13, 2022, from https://defundthepolice.org/

(DCD), D. C. D. (2018, May 15). *What are drug courts?* HHS.gov. Retrieved December 14, 2022, from https://www.hhs.gov/opioids/treatment/drug-courts/index.html

Félix, S., Portugal, P., & Tavares, A. S. (2017). Going after the addiction, not the addicted: The impact of drug decriminalization in Portugal. *SSRN Electronic Journal*. https://doi.org/10.2139/ssrn.3010673

Hoffer, S. (2021, December 2). *No Eye for an eye: Excessive punishment in America*. Harvard Political Review. Retrieved December 14, 2022, from https://harvardpolitics.com/no-eye-for-an-eye/

Latest on the decriminalization of drugs: Pros and cons. Turning Point of Tampa. (2021, March 22). Retrieved December 15, 2022, from https://www.tpoftampa.com/latest-on-the-decriminalization-of-drugs/

Mass Incarceration. American Civil Liberties Union. (2022, February 15). Retrieved December 14, 2022, from https://www.aclu.org/issues/smart-justice/mass-incarceration

Medicaid.gov: The official U.S. Government site for Medicare | medicaid. (2016, March 29). Retrieved December 15, 2022, from https://www.medicaid.gov/sites/default/files/2019-12/fact-sheet-cms-2333-f.pdf

Michigan's Good Samaritan Law. SOM - State of Michigan. (n.d.). Retrieved December 14, 2022, from https://www.michigan.gov/mdhhs/keep-mi-healthy/mentalhealth/drugcontrol/opioid/patients/preventod/ifyoususpect/michigans-good-samaritan-law#:~:text=Michigan%27s%20Good%20Samaritan%20law%20prevents,prosecutions%20of%20illegal%20drug%20users.

Project, M. P. (2022). *Marijuana is safer than alcohol: It's time to treat it that way*. MPP. Retrieved December 14, 2022, from https://www.mpp.org/special/marijuana-is-safer/

The United States Department of Justice. (2017, October 16). *The economic burden of incarceration in the U.S (2016)*. National Institute of Corrections. Retrieved December 14, 2022, from https://nicic.gov/economic-burden-incarceration-us-2016

Wagner, W. S. and P. (n.d.). *Mass incarceration: The whole pie 2022*. Prison Policy Initiative. Retrieved December 14, 2022, from https://www.prisonpolicy.org/reports/pie2022.html