



Obama's commutations and pardons of drug offenders elicit a mixed response

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President Barack Obama's announcement of 78 pardons and 153 sentence commutations at the federal level – most of them for drug offenses – has provoked a range of responses, with some experts claiming it bolsters his criminal justice reform legacy and others saying it amounts to much ado about very little.

Although those receiving pardons or commutations were imprisoned for a range of crimes, including firearms charges and bank fraud, the vast majority were charges related to the sale, intent to sell or possession of drugs like cocaine, crack, marijuana and methamphetamine.

Obama's focus on non-violent drug offenders has been cheered by some advocates of criminal justice reform.

"Obama is smart to focus on drug-related offenses. More and more people are coming to the conclusion that the drug war was a mistake, like alcohol prohibition was a mistake," Tim Lynch, director of Cato Institute's Project on Criminal Justice, told FoxNews.com. "Keeping guys locked up for drug offenses is both unjust and a waste of taxpayer dollars."

For some time, public opinion has shifted away from harsh punitive measures for drug offenses and toward sentencing reform, a big change from the 1990s, when voters pushed for mandatory minimum sentences.

A national survey by Pew Research Center in 2014 found that 67 percent of Americans say the government should focus more on providing treatment for those addicted to drugs.

Derek Cohen, the deputy director of the Center for Effective Justice at the Texas Public Policy Foundation (TPPF), takes a different view.

The TPPF is a conservative nonprofit research institute that promotes and defends liberty, personal responsibility and free enterprise, while favoring criminal justice reform.

"This is still something that is a lazy way of governance. I think it's a ham-fisted way of accomplishing this," said Cohen. "Taking a one-off approach and commuting hundreds at a time misses the debate."

He also noted that because of changes at the federal level, authorities aren't able to monitor former inmates – a significant potential risk.

"We got rid of federal parole as a tough-on-crime strategy, but we don't have the capacity to monitor people in the community," he said.

At the state level, there's a stronger risk-needs assessment to determine who's likely to end up in jail again.

Cohen said that while he couldn't speak directly to what concerns law enforcement would have over the administration's move, he said, "I can imagine that if they spent time building an ironclad case, only to have that thrown out later, that undermines the effort they put in."

Cohen also feels that the move may work out to be better publicity than actual policy.

"If you look at what commutations they have done, they basically retroactively applied current sentencing policy for the most part," he said. "What's the game there? I just don't think there's all that much at stake. When you have a media oriented the way it is, you're going to hear a lot of sizzle."

Cohen believes the incoming Trump administration, with Jeff Sessions at the helm of the Justice Department, offers a better chance for real criminal justice reform due to his previous efforts to get sentencing reclassified for crack.

"I think we'll have an open ear if justification can be made that reforms are good, effective and bring about safe communities and are an efficient use of resources."