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Is it worth the costs?

Written by

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Vincent Hudson was a healthy man when he entered prison in 2007, but by the time the Mississippi Supreme Court overturned his drug convictions in 2010, he only had a month left to live. He left prison suffering from congestive heart failure and kidney failure. The last years of his life had been consumed by the War on Drugs that Richard Nixon declared on June 17, 40 years ago.

Vincent was in the wrong place at the wrong time. He was a convicted felon who was in the car with someone who allegedly had drugs. Vincent was charged with four counts of drug possession, including the drugs that were on the person of the driver. A "trace" of cocaine was allegedly found on his pants by the crime lab and the state convicted Vincent for less than a gram of cocaine. Since he was a convicted felon, the judge sentenced him with life without the chance of parole.

There are many Vincent Hudsons in Mississippi's prisons. They are the collateral consequences of The War on Drugs. Trillions of dollars and countless ravaged lives later, we must ask our law enforcement officials and policy makers, "What have we gained as a result of the

increased drug law enforcement over the last 40 years?"

The war on drugs has increased the number of individuals in prison, private prison facilities and profits for individuals who've invested in prison industries.

Mandatory sentencing guidelines and rogue judges led Mississippi to the No. 2 position among states for incarceration in the nation in 2008, according to the Bureau of Justice statistics. Have these convictions dismantled illegal drug trade in Mississippi? Of course not.

Mississippi is following the lead of the nation. The U.S. incarcerates more people than any country in the world.

The U.S. has less than 5 percent of the world's population, yet is has almost 25 percent of the world's incarcerated population. There's something wrong with this picture and we have to work together to fix it.

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The state of Mississippi should restructure its drug sentencing laws to replace mandatory minimum sentences with a flexible set of sentencing standards and guidelines. We should also diversify allocations of federal grant dollars that currently go to drug task forces to other effective methods of combating drug abuse.

Our response to the failed "War on Drugs" has been to spend more money on tactics that don't work. We've built more prisons and provided large grants to local police and sheriff's departments to organize drug task forces. The failed war on drugs costs the government at least \$51 billion per year at the state and federal level. Mississippi's corrections budget exceeds \$300 million.

Many would argue that the so-called "War on Drugs" is yet another "War on Poor People."

The majority of incarcerated drug offenders are people like Vincent Hudson, individuals addicted to drugs, and individuals with low-level possessions.

We have made a few smart choices in Mississippi. A few lawmakers and judges have passionately supported the establishment of drug courts throughout the state. Although there is a lot of work to be done to improve the drug court system in the state, they do provide an alternative to incarceration for first-time drug offenders.

Drug courts provide a second chance for individuals to receive treatment and counseling as an alternative to incarceration. As of January 2011, 38 drug courts were in operation throughout the state. Efforts to expand drug courts into every county are prohibited by budget concerns.

However, there are federal dollars that municipalities and counties can apply for to help support alternatives to incarceration.

Local police and sheriff's departments in Mississippi received \$2.9 million in federal Edward Byrne Memorial JAG (Justice Assistance Grant) funding in 2007. Byrne Grant funding began in 1988, when officer Edward Byrne was killed while protecting witnesses in a drug case in New York City.

In addition to drug law enforcement, this funding can be used for treatment programs, educational programs, re-entry programs and other alternatives to incarceration.

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However, most law enforcement agencies use these funds to hire more officers, purchase equipment and address other budget shortfalls.

The best way to honor this fallen officer is by using the funds to support community-based solutions that will make our state a safer, better place to live.

The Department of Corrections has joined with legislative corrections committees to establish policies that allow early release or house arrest for non-violent offenders.

The Legislature has also revised Mississippi's infamous 85-percent sentencing rule that mandated that those convicted of felonies serve 85 percent of their time. These changes in sentencing laws have also increased the number of individuals who qualify for parole consideration, and decreased the Corrections budget.

Mississippi should take a look at what other states have done through sentencing reform and decriminalizing minor drug possession charges to reduce the financial burdens that incarceration places on budgets.

North Carolina's sentencing reform model was introduced in 1994 and has helped to keep the correctional budget within affordable limits. The state's imprisonment rate is remarkably lower than the rest of the Southern region, at 366 per 100,000 compared to Mississippi's 709 per 100,000.

North Carolina judges use a grid system that uses the seriousness of the offense and the prior criminal history as factors in sentencing. People who fall into the lowest grid boxes are presumed eligible for a community punishment of standard probation or outpatient treatment.

New Mexico, New Jersey, California, Oregon, Maine, Colorado, Nevada, Alaska and Washington have medical marijuana laws that make cannabis legally available to seriously ill patients and reduce criminal penalties for possession.

In 2003, Seattle voters approved Initiative 75, which requires that the "Seattle Police make marijuana offenses the city's lowest law enforcement priority."

In 2001, Portugal became the first European country to officially abolish all criminal penalties for personal possession of drugs. A Cato Institute report records an overall decline in drug use in the country and an increase in the number of people in treatment for drug addiction. In Portugal,

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the effect was to neutralize what had become the country's number one public health problem.

Let's continue to work with our lawmakers and judges to make drug use a health issue and not a criminal issue. If your local judge says that she's tough on crime, challenge her to be "smart on crime." Tough on crime tactics mean that more people will be locked up, but it doesn't make our communities safer. When there are adequate treatment facilities and a good public education system, our communities are safer.

As we celebrate Father's Day, let's remember all of the children who will not grow up with their fathers because they are in prisons. What kind of impact will that kind of absence have on their lives? We need to avoid additional casualties of war like Vincent Hudson.

Let's work together to find smart, effective solutions to issues in our communities. We've tried the "tough on crime" approach and it doesn't work.

We cannot waste another 40 years on costly, ineffective tactics.

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