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“EVERY 25 SECONDS: PWUD AND THE US CRIMINAL LEGAL SYSTEM”

HUMAN
RIGHTS
WATCH

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Civil Society Panel CICAD 65
**“Every 25 Seconds: PWUD and
the US Criminal Legal System”**
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Overpolicing

- In 2018, police officers in the US reportedly killed about 1,000 people – 42 percent of whom were Black and brown – impacting nearly every state and district in the country.
- Racial disparities in policing manifest in
 - Use of force
 - Citations
 - Traffic stops
 - Arrests

Drug Arrests

- 1.25 million drug possession arrests a year; one of every 9 arrests nationwide
- Every 25 Seconds someone is arrested in the US for drug possession – more arrests than any other crime
- Any given day 137,000 men and women behind bars for drug possession, in TX 16,000 sentenced for less than a gram or just a handful of doses
- Long term consequences – loss of
 - voting rights,
 - financial aid for school
 - housing and food stamps

Drug Courts – just say

- no**• 1980s 1 courthouse stop gap should not be international 21st century policy
- Completely contradictory – treat medical condition in criminal legal system
 - Little medical care from medical providers
 - Inadequate treatment, including limited access to MAT
 - Not an alternative because of plentiful punitive sanctions
 - Participants are cherry picked for higher “success rates” – financially solvent, white, little public safety risk.
 - Not regulated, at all
 - No standardized measures, evaluations

Drug Courts – just say KNOW

- [London School of Economics](#)
- [Social Science Research Council](#)
- [Physicians for Human Rights](#)
- [Equis Justicia para las Mujeres](#)
- [Open Society Foundations](#)
- [Drug Policy Alliance](#)
- [National Association for Criminal
Defense Attorneys](#)
- [Justice Policy Institute](#)
- [Me and](#)
- [THE US GOVERNMENT](#)

Drug Courts - just say No, really

“There is limited scientific literature evaluating compulsory drug treatment. Evidence does not, on the whole, suggest improved outcomes related to compulsory treatment approaches, with some studies suggesting potential harms. Given the potential for human rights abuses within compulsory treatment settings, non-compulsory treatment modalities should be prioritized by policymakers seeking to reduce drug-related harms.”

-“The effectiveness of compulsory drug treatment: A systematic review,” International Journal of Drug Policy, 2015

Harsh Sentencing

- 2 million people in state and federal jails and prisons in the US
- Women are the fastest growing population behind bars, up 700% from 1980-2016
- Mandatory Minimums – coercing guilty pleas - led to 790% increase in prison population

Racial Disparities - The New Jim Crow

- African Americans and White people use drugs at the same amount, yet Black people
 - arrested 2.5x more; 11x more in Manhattan
 - 13% of US population, 40% of those in prisons
 - incarcerated 5x the rate of white people

Impact on Women

- 8000 in 1970 – 110,000 in 2014 – 1275% increase in jails in the US
- 60% in prisons and 80% in jails are mothers
- 1 in 14 children – 6 million – have a parent behind bars; 1 in 9 black children compared to 1 in 17 white children
- Specific challenges women face in the US criminal legal system:
 - Pretrial detention can snowball into never-ending family separation because of financial burdens assessed by court systems
 - Money bail fuels pressure to plead to return to family
 - Restrictive jail visitation, costly telephone and video calls
 - System imposed debt drives cycle of incarceration – jail stay fees, court costs, mandated programming
 - Conditions of confinement: shackling during childbirth, no access to feminine hygiene products, lack of appropriately trauma-informed care trained staff

Conclusions

- Arresting and locking up people for using drugs causes tremendous harm and does nothing to help those who need/want treatment or the communities they come from and eventually return to.
- War on Drugs has lead to criminalization that feeds abuses and destroys lives, often leaving people unable to access treatment, relying on the illicit market, and engaging in unsafe practices that leave people vulnerable to social exclusion, disease, overdose, and prison.

Recommendations

- Decriminalize all drug possession
- Restore judicial discretion for nonviolent & violent offenses; repeal federal mandatory minimums for drug cases – apply retroactively
- Institute second look for excessively long prison sentences, especially LWOP
- Stop threatening harsher sentences for fentanyl – undermines Good Samaritan laws
- Institute SCSs and Drug Checking

Recommendations

cont.

Invest in
communities & people,
not police and prisons.