



US plans lower sentences for drug users

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SAN FRANCISCO (Aug 13, 2013): The United States announced plans Monday to reduce its use of mandatory sentences for drug offenses in order to tackle a cycle of poverty and incarceration in overcrowded prisons.

Attorney General Eric Holder called minimum jail terms "counterproductive" while noting the need to stay strict but be smarter about fighting crime.

And he warned that, while the total US population has increased by about a third since 1980, the prison population has soared by 800 percent.

The United States accounts for five percent of the world population but nearly a quarter of all people imprisoned, he said in remarks to the American Bar Association.

"Today, a vicious cycle of poverty, criminality, and incarceration traps too many Americans and weakens too many communities. And many aspects of our criminal justice system may actually exacerbate these problems, rather than alleviate them," Holder said.

Of the more than 219,000 people jailed in federal as opposed to state-run prisons, nearly half were convicted of drug-related offenses.

Altogether, inmates in local, state and federal prisons cost the government US\$80 billion dollars in 2010 alone, he added, saying it was time for reform.

The US prison population was just shy of an estimated 1.6 million in 2012, the Bureau of Justice Statistics announced last month.

"We will start by fundamentally rethinking the notion of mandatory minimum sentences for drug-related crimes. Some statutes that mandate inflexible sentences - regardless of the individual conduct at issue in a particular case - reduce the discretion available to prosecutors, judges, and juries," Holder said.

"They breed disrespect for the system. When applied indiscriminately, they do not serve public safety. They - and some of the enforcement priorities we have set - have had a destabilising effect on particular communities, largely poor and of color," he added.

"And, applied inappropriately, they are ultimately counterproductive."

The mandatory minimum sentences were included in the penal code by Congress in 1986 and 1988.

Holder said he hoped Congress would pass new legislation but in the meantime he has mandated a modification of the Justice Department's charging policies.

He said that, under the changes, certain low-level, non-violent drug offenders who have no ties to large-scale organisations, gangs or cartels will no longer be charged with offenses that impose draconian mandatory minimum sentences.

"They now will be charged with offenses for which the accompanying sentences are better suited to their individual conduct, rather than excessive prison terms more appropriate for violent criminals or drug kingpins," he said.

"By reserving the most severe penalties for serious, high-level, or violent drug traffickers, we can better promote public safety, deterrence, and rehabilitation - while making our expenditures smarter and more productive," he said.

In a further effort to ease the prison population, Holder announced a change to allow for early release of elderly inmates who did not commit violent crimes and have served significant portions of their sentences.

"Of course, as our primary responsibility, we must ensure that the American public is protected from anyone who may pose a danger to the community," Holder said.

"But considering the applications of non-violent offenders - through a careful review process that ultimately allows judges to consider whether release is warranted - is the fair thing to do," he added.

"And it is the smart thing to do as well, because it will enable us to use our limited resources to house those who pose the greatest threat."

The American Civil Liberties Union welcomed the changes.

"Today, the attorney general is taking crucial steps to tackle our bloated federal mass incarceration crisis, and we are thrilled by these long-awaited developments," it said in a statement.

"While today's announcement is an important step toward a fairer justice system, Congress must change the laws that lock up hundreds of thousands of Americans unfairly and unnecessarily."

In 2010, President Barack Obama won passage of a law establishing more equality in sentences for convictions for possessing crack and cocaine. They were stiffer for crack, and most of those convicted of this were black.

That law also did away with mandatory minimum sentences for first time crack possession offenses. It was the first such minimum sentencing elimination since the 1970s. – *AFP*