

Hanis Irvine Prothero, PLLC

Budget Crisis: Potential Savings within The Criminal Justice System



**Mark W. Prothero, Partner
Criminal Law**

mprothero@hiplawfirm.com

Office: 253.520.5000
 Toll Free: 877.520.5252
 24 Hours: 866.691.7937
 Fax: 253.893.5007



**Hanis Irvine Prothero, PLLC
Attorneys At Law**

6703 S. 234th Street
 Suite 300
 Kent, Washington 98032

Phone: 253.520.5000
 Toll Free: 877.520.5252

www.hiplawfirm.com

PART 2-THE WAR ON DRUGS

These are hard times. Our government is in financial distress. As a society, we need to scrutinize our current spending and look for progressive and creative ways to cut costs and maximize the resources we have. In Part One of this series, I discussed potential savings from ending certain mandatory sentencing practices and expanding the utilization of alternative courts and alternative sentencing options. Part Two will discuss the war on drugs.

END THE “WAR ON DRUGS”

Millions of dollars are spent investigating, arresting, prosecuting, and punishing people for possessing small amounts of psychoactive drugs, including marijuana. The King County Bar Association began a lengthy study and published a report in 2005:

Effective Drug Control: Toward a New Legal Framework was the product of a special task force of lawyers, public health experts, current and former law enforcement representatives and current and former elected officials. The report provides historical and cultural contexts for our current drug policies, a review of other drug policies around the world, a discussion of possible regulatory models and of federal-state conflicts in law. The report has provided policy-makers and the public with a sort of “road map,” outlining the parameters of a new legal framework for controlling psychoactive drugs based on the principle that the degree of control of substances should be commensurate with their respective propensities for harm and problematic use.

Along with many other groups, including the state medical association, various law enforcement groups, church groups, and the ACLU, the KCBA promotes a policy shift to end the war on drugs. Their complete policy paper can be found at www.kcba.org/drugproject

The “War on Drugs” has been a failure. It has come at a huge cost to our society, not just in tax dollars. It has added an enormous burden on the resources of the criminal justice system. Many believe it has been an indirect attack on minorities. There are a hugely disproportionate number of people of color in prison for drug offenses. It has also cost many of us in the harm it has brought upon individuals who get addicted to controlled substances, and their families. Drug addiction should be treated primarily as a medical issue, not a legal issue.

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And what benefits have these costs produced? Has the demand for drugs decreased? No. Have we put all the violent drug dealers behind bars? No, they are still out there making tons of money and wreaking havoc like Al Capone and the gangsters of the Prohibition era. Are our communities measurably safer from drugs and drug dealers? No. Lots of costs. Little or no measurable benefits.

Unfortunately, many politicians are fearful of attacking this failed policy for fear of being viewed as “soft on crime” and hurting their chances of being re-elected. Maybe now is the time, when the fiscal reality is hitting home, to re-evaluate these policies and end the costly, yet ultimately futile, war on drugs. Let’s ask our leaders to take a hard look from the cost/benefit perspective of reforming our drug laws, increasing drug court programs, and putting the focus on treatment, not incarceration. A step in the right direction would be passage of legislation, currently under consideration, which would decriminalize small amounts of marijuana and increase funding for drug court programs.

Let your legislators know that you support these bills and other progressive efforts to get the most benefit from the resources available to the criminal justice system.