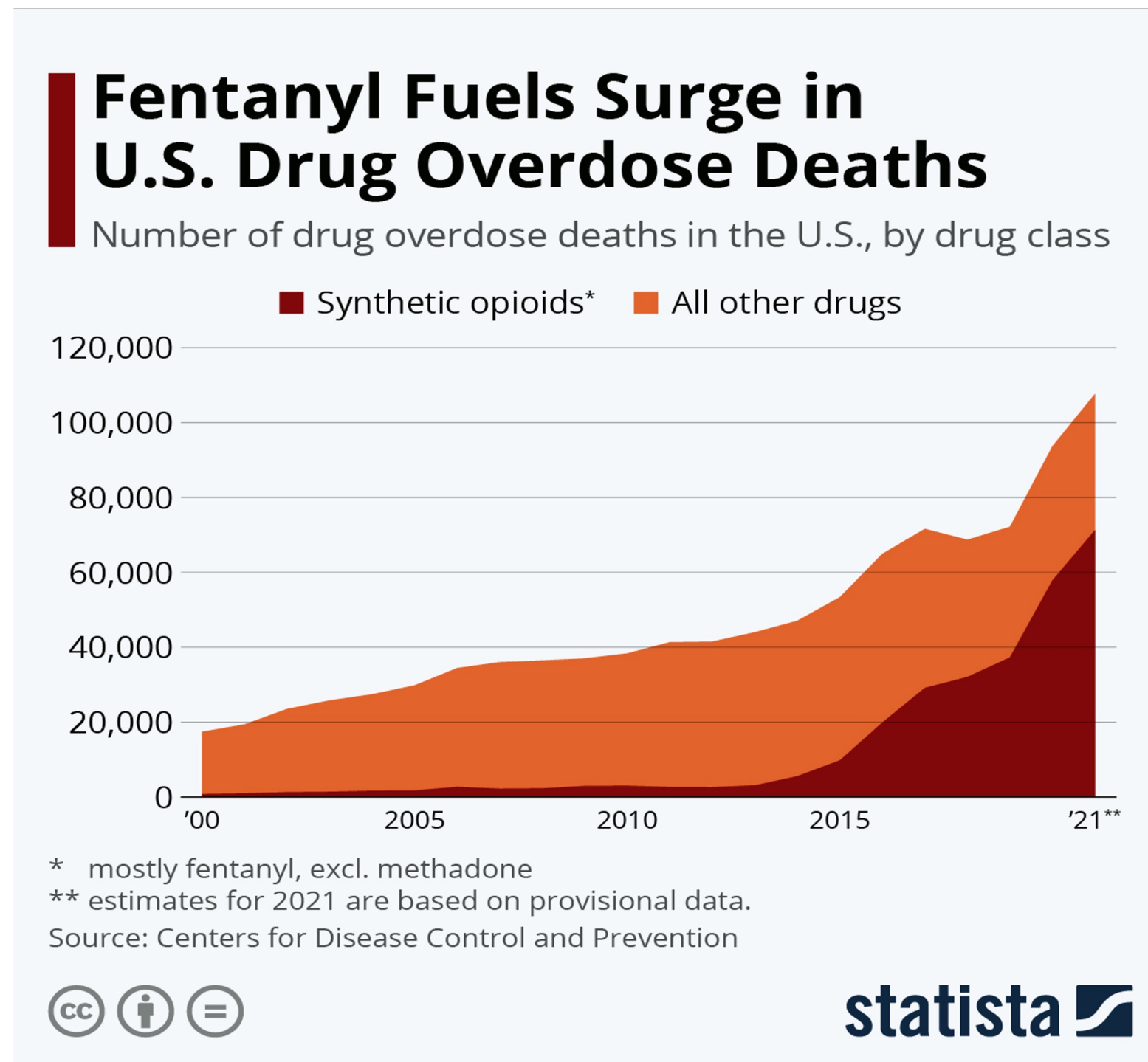


The Failure and Fallout of Drug Law

Expectation v. Reality:

- The "theory of change" underlying much of drug law enforcement is that restricting drug production and intercepting trafficking routes will drive up prices and reduce drug demand. However, this foundational assumption does not bear scrutiny (Arbour et. al., 2020)
- American drug legislation and its enforcement has, in many ways, intensified violence, increased organized crimes, and drug-related deaths overall.
- Violent Crimes Potentiated by Drug Legislation
 - Crimes of Acquisition: crimes committed to obtain drugs, such as robbery or theft, which result in someone else being injured
 - Crimes done with the intent of drug network acquisition; gang-related violence done for "street cred" or "turf" (National Gang Center 2015)
- Organized Crime Networks
 - Prohibition has consistently provided an opportunity for organized crime networks to exploit the black market potential of psychoactive substances, using the money that is made to fund other avenues of criminal profiteering
 - Black market vendors become the only option for users to acquire drugs, leaving them with no recourse for malpractice, putting money in the pockets of criminals, taking it away from the economy.
- Drug-Related Deaths
 - More desperate conditions breed more desperate users, who will seek out certain substances without the means to test them, from vendors who do not have approvals and sanctions.
 - Punitive drug legislation has directly increased the number of deaths by fentanyl, making it one of the leading causes of death for adults in America.



Introduction and Objectives

Stricter Drug Laws Lead to More Violent Crimes

- There is an underground market for everything, theoretically, but none so inconceivably vast and complex as the illicit substances commerce, with clientele imbued by addictions that never desist; incessant demand. Any prohibitive legislation undoubtedly portends more arrests than having no law at all, but could it be that prohibitive drug laws have actually allowed for the flourishing of further felonious activities? The hypothesis is that stricter drug laws lead to more violent crimes.



Methods

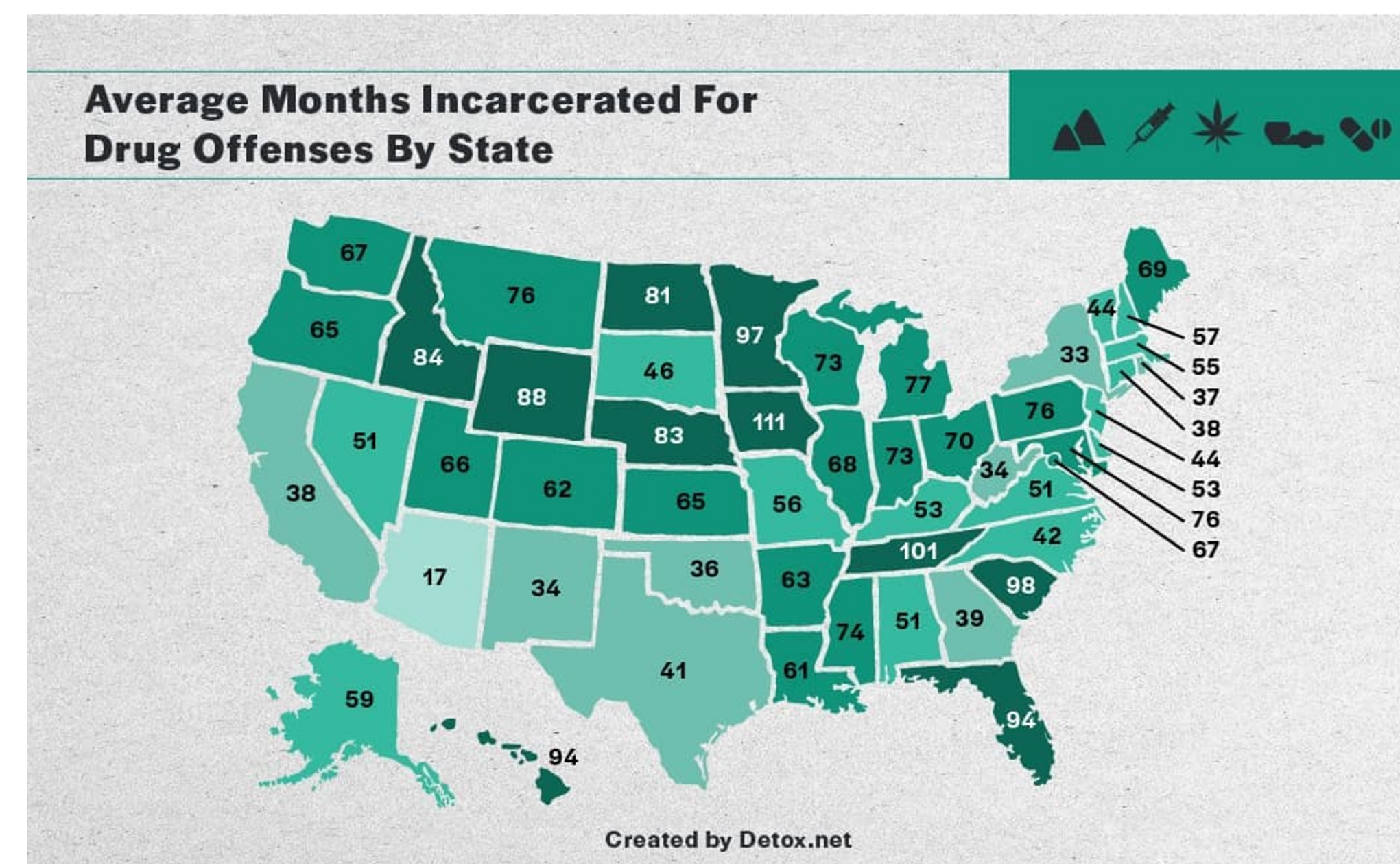
United States Legislation

- Looking at and comparing the drug legislation from each of the 50 United States, "the strictness of drug legislation" has been operationalized to mean the maximum sentence for the smallest quantity of a schedule I or II substance, excluding marijuana.

Substance Exclusion and Quantity Of

In every state, there are thresholds where an amount in one's possession becomes enough to get one charged with "possession with intent to distribute." Once this threshold has been passed, the maximum penalties are the same as if one were actually caught out distributing. The difference between 5 and 6 grams could be the difference between 10 and 20 years. It may be, though, that one state's drug legislation for possession is more punitive than another state's legislation for drug distribution, which is to say that the threshold itself is not the thing being examined, but the maximum amount of time one might serve for possession of the smallest amount of substance.

Of all the substances outlined in the state's laws, the felony possession amounts of amphetamine, methamphetamine, MDMA, and cocaine varied the least, likely due to the psychoactive doses of these substances all being relatively similar in weight.



Findings

Race as a Variable

- It has been found that the places with the strictest drug laws are the states with the densest minority population, and that inherently racist legislation is destroying communities by putting its peoples in prisons. This finding opens up a new perspective of the black market, where trading on it becomes a sustainable way of life and means to support one's self. In these areas, desperate conditions are more certain to transpire at the hands of one or many income-providers being put in jail.

Future Research

Organized Crime

- The black market and organized crime networks are hard to acquire data on by their very nature. Future research on this matter may benefit law enforcement to produce legislation which helps to fracture large crime networks, and not punish civilians so unfairly.

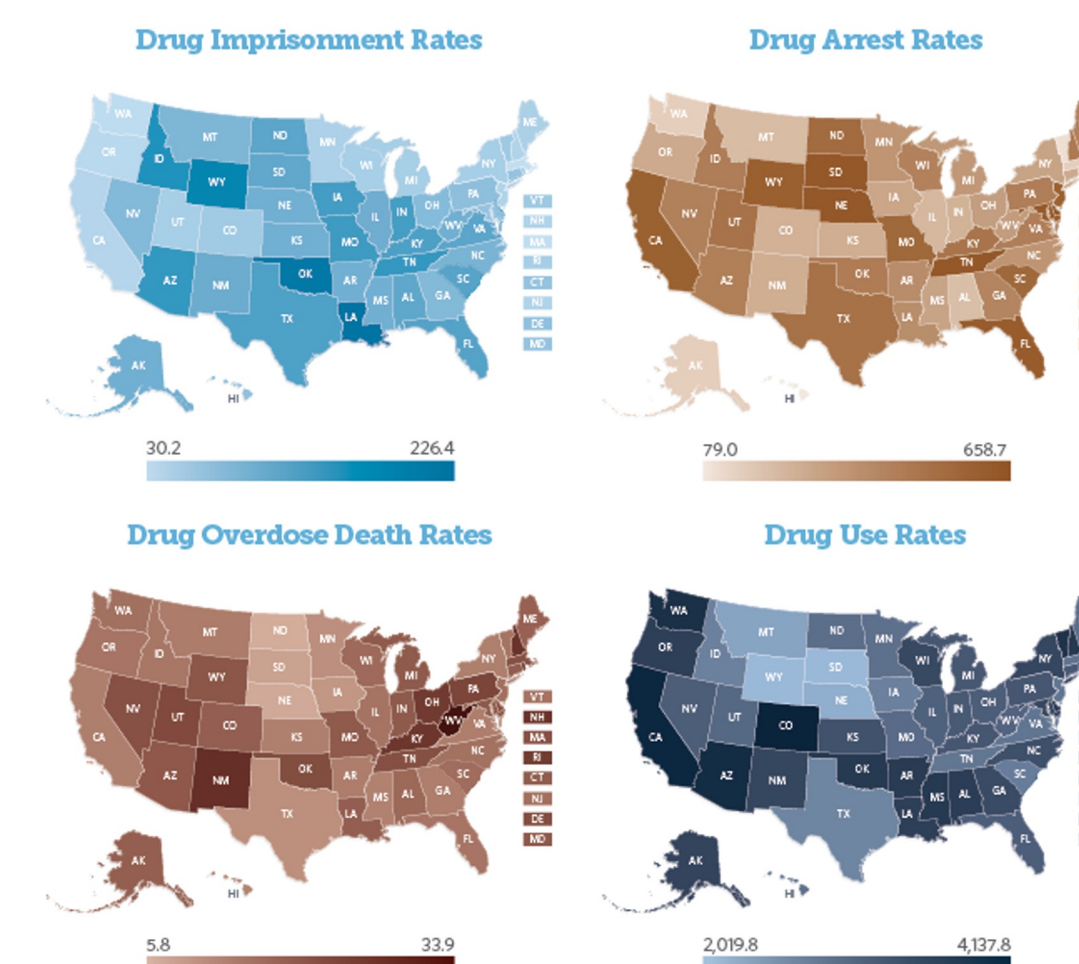
Literature Cited & Acknowledgements

Michalowski, Raymond. "More Drugs, Less Crime": An Idea in the Making." *Dialectical Anthropology* 40, no. 4 (2016): 355–62. <https://doi.org/10.1007/s10624-016-9424-7>.

Global Commission of Drug Policy

Figure 2
Drug Imprisonment Not Correlated With Drug Use, Arrests, or Overdose Deaths

4 measures of drug problems by state



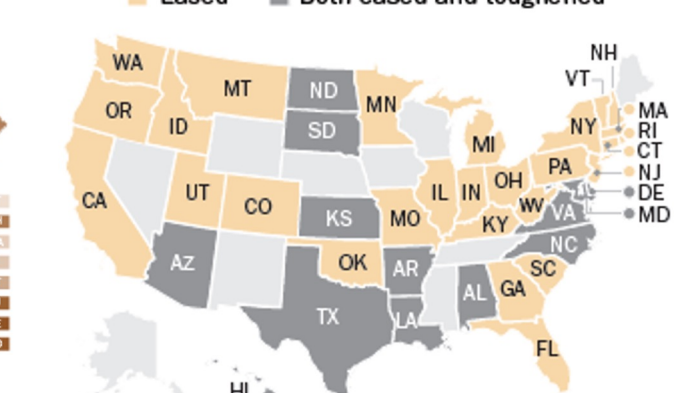
Note: All rates are per 100,000 residents.

Source: Pew's analysis of 2014 data from 48 state corrections departments, the federal Bureau of Justice Statistics National Corrections Reporting Program (for California and Maine), the Federal Bureau of Prisons, the Centers for Disease Control and Prevention, the Federal Bureau of Investigation's Uniform Crime Reporting (UCR) Program, and the Substance Abuse and Mental Health Services Administration's National Survey on Drug Use and Health. See the "Data and methodology" section for more information.

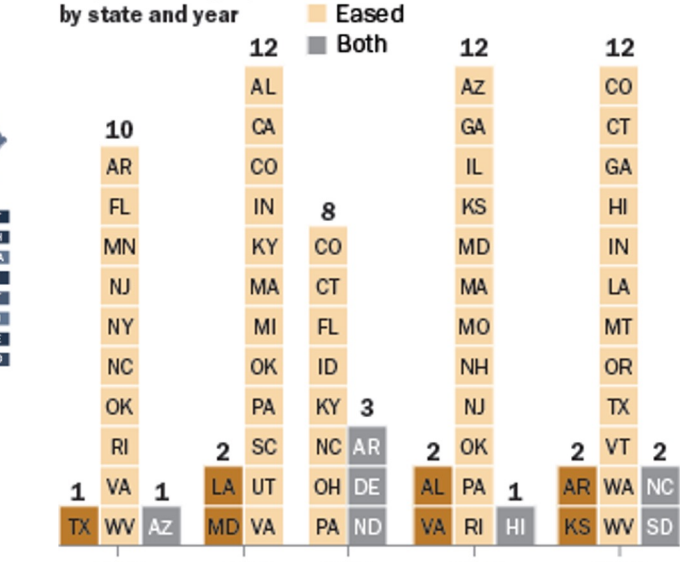
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Changes to State Drug Laws, 2009-2013

Legend: ■ Eased ■ Both eased and toughened



Drug law changes, by state and year



Source: Pew Research Center analysis of data from National Conference of State Legislatures and Vera Institute of Justice
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