

# How the Drug War Impacts the Criminal Justice System

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*More people are arrested each year for drug-related offenses than any other type of crime, and taxpayers spend tens of billions on arresting, prosecuting and jailing offenders for drug crimes. That means drugs represent a huge focus for those who participate in the criminal justice system. Let's explore the impact and the recent history of American justice when it comes to the drug war.*

## **The Recent History of U.S. Drug Laws**

Since the late 1960s, state and federal law enforcement policy has become increasingly focused on stamping out drug use, though recent trends have seen laws relax for one drug in particular. (1, 2, 3)



# HOW THE DRUG WAR IMPACTS THE CRIMINAL JUSTICE SYSTEM

More people are arrested each year for drug-related offenses than any other type of crime, and taxpayers spend tens of billions on arresting, prosecuting and jailing offenders for drug crimes. That means drug enforcement is huge issue for those who participate in the criminal justice system. Let's explore the impact and the recent history of American justice when it comes to drug use.

## THE RECENT HISTORY OF U.S. DRUG LAWS

Since the late 1960s, state and federal law enforcement policy has become increasingly focused on stopping and punishing drug use, though recent trends have varied widely for other drugs in particular.

- 1968** - President Lyndon B. Johnson signed the Controlled Substances Act, which created the Drug Enforcement Administration (DEA).
- 1969** - The Controlled Substances Act was amended to include marijuana.
- 1970** - President Richard Nixon signed the Comprehensive Drug Abuse Prevention and Control Act, which established the Office of Drug Abuse Prevention (ODAP) and the National Commission on Narcotics Abuse and Control.
- 1972** - The Office of Drug Abuse Prevention was renamed the Office of Drug Abuse Control (ODAC).
- 1971** - President Richard Nixon signed the Controlled Substances Act, which established the Drug Enforcement Administration (DEA).
- 1970** - President Richard Nixon signed the Comprehensive Drug Abuse Prevention and Control Act, which established the Office of Drug Abuse Prevention (ODAP) and the National Commission on Narcotics Abuse and Control.
- 1973** - The Office of Drug Abuse Control (ODAC) was renamed the Office of Drug Abuse Prevention (ODAP).
- 1974** - President Richard Nixon signed the Controlled Substances Act, which established the Drug Enforcement Administration (DEA).
- 1984** - President Ronald Reagan signed the Anti-Drug Abuse Act of 1984, which established the Drug Enforcement Administration (DEA) and the Office of Drug Abuse Prevention (ODAP).
- 1989** - President George H.W. Bush signed the Anti-Drug Abuse Act of 1989, which established the Drug Enforcement Administration (DEA) and the Office of Drug Abuse Prevention (ODAP).
- 1986** - President Ronald Reagan signed the Anti-Drug Abuse Act of 1986, which established the Drug Enforcement Administration (DEA) and the Office of Drug Abuse Prevention (ODAP).
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- 1992** - President George H.W. Bush signed the Anti-Drug Abuse Act of 1992, which established the Drug Enforcement Administration (DEA) and the Office of Drug Abuse Prevention (ODAP).
- 1993** - President Bill Clinton signed the Anti-Drug Abuse Act of 1993, which established the Drug Enforcement Administration (DEA) and the Office of Drug Abuse Prevention (ODAP).
- 1998** - President Bill Clinton signed the Anti-Drug Abuse Act of 1998, which established the Drug Enforcement Administration (DEA) and the Office of Drug Abuse Prevention (ODAP).
- 1996** - President Bill Clinton signed the Anti-Drug Abuse Act of 1996, which established the Drug Enforcement Administration (DEA) and the Office of Drug Abuse Prevention (ODAP).
- 1995** - President Bill Clinton signed the Anti-Drug Abuse Act of 1995, which established the Drug Enforcement Administration (DEA) and the Office of Drug Abuse Prevention (ODAP).
- 1999-2000** - President Bill Clinton signed the Anti-Drug Abuse Act of 1999-2000, which established the Drug Enforcement Administration (DEA) and the Office of Drug Abuse Prevention (ODAP).
- 2004** - President George W. Bush signed the Anti-Drug Abuse Act of 2004, which established the Drug Enforcement Administration (DEA) and the Office of Drug Abuse Prevention (ODAP).
- 2005** - President George W. Bush signed the Anti-Drug Abuse Act of 2005, which established the Drug Enforcement Administration (DEA) and the Office of Drug Abuse Prevention (ODAP).
- 2013** - President Barack Obama signed the Anti-Drug Abuse Act of 2013, which established the Drug Enforcement Administration (DEA) and the Office of Drug Abuse Prevention (ODAP).
- 2012** - President Barack Obama signed the Anti-Drug Abuse Act of 2012, which established the Drug Enforcement Administration (DEA) and the Office of Drug Abuse Prevention (ODAP).
- 2011** - President Barack Obama signed the Anti-Drug Abuse Act of 2011, which established the Drug Enforcement Administration (DEA) and the Office of Drug Abuse Prevention (ODAP).

## THE LEGAL BURDEN

An estimated \$56 billion in federal and state law enforcement costs is spent on drug crimes. So what's the situation today, and how long is the criminal justice system likely to stay in enforcement?

**\$56 BILLION** in federal and state law enforcement costs is spent on drug crimes.

Arrests for drug-related crimes have more than doubled since the early 1980s.

**12,196,959** Total arrests in the U.S. in 2012.

**12%** Percentage of those arrests for drug-related crimes.

Arrests for drug-related crimes have more than doubled since the early 1980s.

**18.2%** Percentage of total arrests for drug-related crimes.

**1 IN 2** Federal inmates are arrested for drug offenses.

**DRUG COURTS PROVIDE SOLUTION?**

Providing to ease the burden on the criminal justice system, drug courts are designed to reduce the number of drug-related arrests and convictions, and to provide a more effective and cost-efficient way to deal with drug offenders.

Drug court participants:

- Receive treatment and counseling.
- Are subject to frequent court appearances.
- Are subject to frequent drug testing.
- Are subject to frequent supervision.
- Are subject to frequent monitoring.

**\$4,000-\$12,000** Average annual cost per drug court participant.

**\$1.17 BILLION** Total cost of drug courts in 2012.

**\$32.2 BILLION** Total cost of drug courts in 2012.

Source: [Online-Paralegal-Programs.com](https://www.online-paralegal-programs.com)

## **1968**

Bureau of Narcotics and Dangerous Drugs is founded.

## **1969**

A study links crime and heroin addiction, finding that 44% of those entering the jail system in Washington, D.C. have used heroin.

## **1970**

The National Organization for the Reform of Marijuana Laws (NORML) is founded by Keith Stroup and begins lobbying for decriminalization of marijuana.

## **1970**

The White House provides funds to expand a methadone program in Washington, D.C. that aims to decrease heroin addiction; one year after the program begins, burglaries in Washington drop by 41%.

Later that year, Congress passes the Controlled Substances Act, establishing five categories (“schedules”) for regulating drugs based on their medicinal value and potential for addiction.

## **1971**

Soldiers in Vietnam show signs of heroin addiction.

Later that year, President Richard Nixon declares war on drugs, calling drug abuse “public enemy number one in the United States.” During the Nixon era, a majority of funding goes toward treatment, rather than law enforcement.

## **1972**

The Office of Drug Abuse Law Enforcement is founded, tasked with fighting the drug trade at the street level.

## **1973**

The Drug Enforcement Administration is established, consolidating the efforts of several agencies.

## **1974**

Nixon resigns in the aftermath of the Watergate scandal; the administration of new President Gerald Ford is preoccupied with inflation, employment and a burgeoning energy crisis.

## **1984**

Nancy Reagan’s “Just Say No” anti-drug campaign becomes a centerpiece of the Reagan

administration's anti-drug campaign. The movement focuses on white, middle-class children and is funded by corporate and private donations.

### **1985**

Crack cocaine begins to flourish in the New York region as it's cheap, powerful and highly addictive.

### **1986**

President Ronald Reagan signs an enormous drug bill, which includes \$1.7 billion to fight the drug crisis. \$97 million is allocated to build new prisons, \$200 million for drug education and \$241 million for treatment. The bill also creates mandatory minimum penalties for drug offenses.

### **1989**

President George H.W. Bush appoints William Bennett to lead the new Office of National Drug Control Policy (ONDCP). Federal spending on treatment and law enforcement increase under Bennett's tenure, but treatment remains less than 1/3 of the total budget.

### **1990**

Bush proposes adding an additional \$1.2 billion to the budget for the war on drugs, including a 50% increase in military spending.

### **1992**

The federal government suspends a small program that provides marijuana to the seriously ill, as officials conclude it undercuts official policy against the use of illegal drugs.

### **1993**

President Bill Clinton signs the North American Free Trade Agreement, which results in an enormous increase in legitimate trade across the U.S.-Mexican border. The volume of trade makes it more difficult for U.S. Customs officials to find narcotics hidden within legitimate goods.

### **1995**

The U.S. Sentencing Commission releases a report noting the racial disparities in cocaine vs. crack sentencing. The commission proposes reducing the discrepancy, but for the first time in history, Congress overrides the commission's recommendation.

### **1996**

California becomes the first state to legalize the use of marijuana for medically valid purposes.

### **1998**

Alaska, Oregon and Washington voters approve ballot initiatives allowing marijuana for

medical uses.

### **1999-2000**

Four more states approve medical marijuana.

### **2004**

Two more states approve medical marijuana, and an AARP poll finds that an overwhelming majority of seniors (72%) support marijuana for medical uses.

### **2005**

Federal agents conduct widespread raids on medical marijuana dispensaries in California.

### **2011**

As Delaware becomes the 16th state with a medical marijuana law, a study finds legal medical marijuana reduces fatal car accidents.

### **2012**

Voters in Colorado and Washington approve ballot measures legalizing small amounts of marijuana for personal recreational use.

### **2013**

The Justice Department announces it will no longer engage in court challenges to state medical marijuana laws.

### The Legal Burden

As we've seen, the U.S. has a complicated recent history when it comes to drug crimes. So what's the situation today, and how busy is the criminal justice system thanks to drug law enforcement?

### **\$56 billion**

Annual criminal justice system costs related to illicit drug use (4)

Arrests for drug-related crimes have more than doubled since the early 1980s.

*Total estimated drug law violation arrests in the United States, 1980-2007 (5, 6)*

1980: 580,900

1981: 559,900

1982: 676,000

1983: 661,400

1984: 708,400

1985: 811,400  
1986: 824,100  
1987: 937,400  
1988: 1,155,200  
1989: 1,361,700  
1990: 1,089,500  
1991: 1,010,000  
1992: 1,066,400  
1993: 1,126,300  
1994: 1,351,400  
1995: 1,476,100  
1996: 1,506,200  
1997: 1,583,600  
1998: 1,559,100  
1999: 1,532,200  
2000: 1,579,600  
2001: 1,586,900  
2002: 1,538,800  
2003: 1,678,200  
2004: 1,745,700  
2005: 1,846,300  
2006: 1,889,800  
2007: 1,841,200  
2008: 1,702,537  
2009: 1,663,580  
2010: 1,638,846  
2011: 1,531,251

2012: 1,552,432

**12,196,959**

Total arrests in the U.S. in 2012 (6)

**12%**

Percentage of total arrests for drug-related crimes, the highest proportion of all crimes (6)

Arrests also overwhelmingly target simple possession, rather than sale or manufacture of drugs.

*Arrests for drug abuse violations (2011): (6)*

Sale/manufacturing: 18.2%

Possession: 81.8%

And the impact of drug abuse on the criminal justice system doesn't end once the arrest and trial are over.

**1 in 2**

Prisoners (including some sentenced for non-drug offenses) who are considered drug-addicted or dependent (7)

An estimated **85% of prisoners** who could benefit from treatment don't receive it. (7)

## **Drug Courts Provide Solution?**

Helping to ease the burden somewhat are drug courts established across the country. Such proceedings

provide an alternative to traditional court cases, and drug courts attempt to strike a balance between criminal justice and treatment for drug addiction.

*Drug court participants (8)*

- Receive treatment and other services required to stay clean
- Are regularly and randomly tested for drug use
- Are required to appear in court where a judge reviews their progress
- Are rewarded for success in the program
- Are sanctioned for not living up to their obligations

**\$4,000-\$12,000**

Average taxpayer savings per drug court participant (8)

**\$1.17 billion**

Estimated annual savings from expanding drug courts so they could reach all currently eligible people (8)



## \$32.2 billion

Annual estimated savings from expanding drug courts to reach all arrestees at-risk for addiction or dependence (8)

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