

Draft Resolution on Criminal Justice and Drug Policy Reform

Sponsors: Task Force on Jewish Security and the Bill of Rights

Summary: Concerns about police-community relations and mass incarceration are cause for debate at the local, state, and federal level. Part of this debate examines the role of drug policy, specifically criminalization of marijuana. This resolution examines timely issues in our criminal justice system and calls for reform through supporting policies that: avoid incarceration for marijuana; redirect law enforcement from personal drug use, choosing to instead invest justice resources in dealing with violent crime and providing services and treatment in communities; promote a public health approach; divert drug users to community programs in lieu of prosecution; provide full access to marijuana for medical patients and health researchers; and avoid continuing “collateral consequences” stemming from low-level drug arrests. The JCPA has existing policy in place that addresses criminal justice including alternatives to incarceration, generally, but does not deal specifically with drug policy, nor call on the Jewish community to take coordinated and comprehensive action to raise awareness, educate, and reform marijuana policies in the U.S.

1 Over the last four decades, this country has pursued a drug policy that has done little to curtail
2 usage and has had significant negative impact on our society. Drug arrests constitute half of our
3 entire criminal justice system, and approximately half of those are marijuana arrests—the vast
4 majority of which are for simple possession for personal use. There are more marijuana arrests
5 each year in this country than for all violent crimes combined. Levels of incarceration have
6 increased dramatically since the 1970s.

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8 Arrests and prosecutions for drug offenses fall vastly disproportionately on African-Americans
9 and Latinos, despite usage among Caucasians at similar rates. Recent police/citizen encounters
10 resulting in the deaths of black men in Ferguson, Baltimore, and other cities have highlighted the
11 degree to which our law enforcement systems focus disproportionately on minority communities.
12 While the events in Ferguson and Baltimore involve issues distinct from those involved with
13 mass arrests and imprisonment for drug possession, there are similar dynamics at play.

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15 Long sentences and/or mandatory incarceration for minor drug offenses, including marijuana
16 possession, have not significantly deterred drug use or reduced addiction rates, which are in any
17 event low for marijuana compared with other drugs—both legal and illegal. Instead, mass arrests
18 and incarceration have removed large numbers of people from productive engagement in their

19 communities. Criminalization degrades the conditions that can aid in recovery for people who
20 are addicted—such as access to treatment and support networks, gainful employment, and
21 education. Mass incarceration is a significant contributing factor to poverty and income
22 inequality. African-American and Latino leaders with whom we serve in coalitions routinely
23 point to racial disparities in the criminal justice system as one of their highest priorities. The
24 major civil rights organizations regularly call for changes in drug laws as one strategy to address
25 these concerns and have backed efforts in federal and state legislatures to change policy on
26 marijuana possession in particular.

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28 The Jewish Council for Public Affairs believes:

- 29 • Unrest in American cities is a matter of tremendous concern, as is the sentiment among
30 minority communities that our nation’s law enforcement systems unfairly result in arrests,
31 prosecutions, and convictions of minorities to a disproportionate degree. The huge
32 investment of law enforcement resources devoted to arrests and prosecutions for minor drug
33 offenses, and mass incarcerations, have produced little societal benefit, while the cost and
34 negative fallout are extensive.
- 35 • Redirecting the focus of our law enforcement systems away from minor drug offenses would
36 free up resources to combat more serious and dangerous crimes, resulting in improved public
37 safety, reduced perceptions among minority communities that the system is biased against
38 them, and a fairer and more effective criminal justice system. Treating personal marijuana
39 use as a public health issue, rather than a criminal justice one, seems to be a more appropriate
40 and effective way to address issues associated with drug use.
- 41 • Among the possible reform measures that may warrant study and consideration are
42 decriminalization; community program diversion; and greater government investment in
43 services such as drug counseling, treatment for mental health issues, and other rehabilitation
44 and social supports services. Avoidance of incarceration should be the default approach for
45 low-level drug possession.
- 46 • Incarceration should be reserved for more serious offenses. And, for persons who are
47 incarcerated, adequate funding for, and increased access to, re-entry programs can assist their
48 successful reintegration into the community, foster public safety by reducing recidivism, and

49 promote responsible citizenship. Reentry planning should include educational programs and
50 job training, access to medical and mental health care, and continuing substance abuse
51 treatment where appropriate. Supportive programs should be provided before and after
52 release from incarceration, to ease transition into the workforce. Denying access to public
53 assistance, food stamps, subsidized housing, professional licensure, student loans, and other
54 programs to individuals who would otherwise qualify is short-sighted and counterproductive.
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56 The community relations field should:

- 57 • Urge state and federal government agencies and officials to evaluate appropriate measures to
58 reform marijuana policy, including but not limited to decriminalization; community program
59 diversion; and greater government investment in services such as drug counseling, treatment
60 for mental health issues, and other rehabilitation and social support services.
- 61 • Advocate and encourage our coalition partners to advocate in favor of recognition and
62 adoption of policies based on the following principles:
 - 63 ○ Long sentences and/or mandatory incarceration for minor drug offenses, including
64 marijuana possession, are not effective to deter drug use or reduce addiction rates.
65 Avoidance of incarceration should be the default approach for low-level drug possession.
66 Incarceration should be reserved for more serious offenses;
 - 67 ○ Redirecting the focus of our law enforcement systems away from minor drug offenses
68 can serve to free up resources to combat more serious and dangerous crimes, resulting in
69 improved public safety, reduced perceptions among minority communities that the
70 system is biased against them, and a fairer and more effective criminal justice system;
 - 71 ○ Treating personal marijuana use as a public health issue, rather than a criminal justice
72 issue, is a more appropriate and effective way to address issues associated with drug use;
 - 73 ○ Patients should have full access to marijuana for medical uses, and researchers should
74 have full access for research purposes;
 - 75 ○ For persons who are incarcerated, reentry planning should include educational programs
76 and job training, access to medical and mental health care, and continuing substance
77 abuse treatment where appropriate. Supportive programs should be provided before and
78 after release from incarceration, to ease transition into the workforce; and

- 79 ○ Denying access to public assistance, food stamps, subsidized housing, professional
- 80 licensure, student loans, and other programs to individuals who would otherwise qualify
- 81 is short-sighted and counterproductive.