

**REVISING MANDATORY MINIMUMS, DEFUND THE  
POLICE, AND DRUG COURTS: HOW BEST TO REFORM  
THE UNITED STATES CRIMINAL JUSTICE SYSTEM**

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By



Dr. Daniel Mulcare  
Faculty Advisor  
Department of Politics, Policy, and International Relations

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## Abstract

This paper addresses three methods of reform to the United States criminal justice system. It discusses mandatory minimum sentences, sentencing disparities, racial bias, drug courts, and the Defund the Police movement, analyzes the issues and benefits associated with each of these areas, and specifies the disproportionate impact many of the system's flaws have had on people of color and poor communities. It argues that a combination of adjustments relative to mandatory minimum sentences, drug courts, and the Defund the Police movement would provide the best outcome for improving many of the issues within the system.

## Keywords

Mandatory minimum sentences; defund the police; drug courts; race; social work; mental health

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## I. Introduction

The current United States criminal justice system is severely flawed. Recently, the public has become increasingly more vocal as to their opposition to many of the practices of our courts, police, and prisons implemented across the country. Mandatory minimum sentences have been under public scrutiny for decades, but are still in effect and causing issues within our judicial system. Sparked by the murders of unarmed Black individuals by law enforcement, the Defund the Police movement has taken off in the past few years in opposition to the unjust treatment of people of color by the criminal justice system. Drug courts have proven to be productive in resolving the issues mandatory minimums were set in place to solve, namely reducing drug related offenses and improving society's drug problem. They have also proved to be effective in combating the overcrowding in prisons and jails that mandatory minimums largely contributed to. They have been supported by politicians and citizens on both sides of the political divide, a rare accomplishment that many policies fail to achieve.

Critics of our current criminal justice system have a number of different stances on how best to improve the system. The most productive situation would be some combination of a number of these factors.

## II. Mandatory Minimums

While the intention of incarceration is supposed to be rehabilitation and a productive return to society, our prison systems employ practices that make this result extremely hard to achieve. A significant contributor to this issue has been the

implementation and use of mandatory minimum sentencing, which assigns a penalty specific to the crime committed, leaving no room for judges' discretion in determining a sentence. While originally put in place as a means to combat unjust disparities in sentencing, mandatory minimums have only resulted in harsher sentencing requirements and increased rates of incarcerated individuals, all while being unable to alleviate the high levels of disparate sentencing.

Mandatory minimums came about for two main reasons. First, they were a result of the tough-on-crime era of politics, which grew in response to increasing crime rates and civil unrest (Barkow, 2005, 1280). When politicians proposed longer sentences and harsher punishments to serve as deterrents as a means to reduce the crime rate, the voting public was largely in favor, due to the media's dramatic portrayal of crime (Barkow, 2005, 1280). The goal of implementing unnecessarily harsh and lengthy sentences for drug offenses based on quantity was based on the belief that this would target drug kingpins and high-level drug traffickers (Nachmanoff & Baron-Evans, 2009, 96). However, drug quantities are not necessarily correlated with the level of drug offender, and many low-level offenders have been prosecuted under these statutes (Nachmanoff, & Baron-Evans, 2009, 96). In addition to this, drug kingpins are less likely in many cases to receive mandatory minimum sentences, as they are able to testify against other drug traffickers and in return receive lesser sentences (Batey, 2002, 25). Many low-level offenders do not have enough information to be able to testify against anyone else, and in turn are the ones who receive the mandatory minimum sentences that were not intended for them (Batey, 2002, 25).

Mandatory minimum sentences were also implemented in response to the issue of discretionary and intermediate sentencing being taken advantage of, resulting in very different sentences for individuals who committed the same crime (Barkow, 2012, 1619). The goal of mandatory minimums was to make sentencing more fair by eliminating the individuality that led to unjust differences in the sentences received, often on the basis of race or income. Minorities were often discriminated against and given higher sentences as a result of racism on the part of judges. Wealthy individuals were also provided an unfair advantage as they could pay their way out of harsher sentences. As a result, richer white defendants would often receive lesser sentences than poorer defendants of color, even when they committed the same crime under similar circumstances.

When first introduced, mandatory minimum sentences appealed to both liberals and conservatives. Liberals believed that mandatory minimums would lead to less disparity in sentencing, especially against minorities. Conservatives were in favor of the tough on crime approach that mandatory minimum penalties provided (Dahl, 274).

Unfortunately, implementing mandatory minimums to try to combat disparities in sentencing backfired as it emphasized uniformity to a point that any positive aspects of individualization were removed from the equation (Barkow, 2012, 1620). By imposing uniform sentences on crimes, mandatory minimums took away the human aspect of sentencing, and further caused the disparities they were intended to dispel.

In 1994, seventeen year old Angela Tompkins was sentenced to fifteen years in prison. She had been forced by her uncle to sell cocaine (Batey, 2002, 25). She had had a difficult childhood where she had been passed from home to home, but had no prior criminal record. She sold cocaine to an undercover officer after he insisted repeatedly that

she sell him enough to pass the two ounce requirement for a mandatory minimum sentence of fifteen years. New York courts had to uphold the mandatory sentence of fifteen years, however they did so reluctantly (Batey, 2002, 25).

Tompkins was a young girl who had lived a troubled life but had never gotten into trouble with the legal system. She was under the influence of an older relative who was providing her a place to live, and had to be asked repeatedly by the undercover police officer to sell him an amount cocaine that would surpass the sentencing requirement.

Taking all the mitigating factors of the case into account, it is highly unlikely that any sentencing judge or jury would have imposed such a harsh sentence on this young girl.

In addition to barring sufficient consideration of mitigating factors in cases, mandatory minimum sentences also cause a shift in the balance of power to the prosecuting attorney via plea bargaining (U.S. Department of Justice, 2017, 15). In cases where an innocent defendant is facing the option of a plea bargain for a crime with a mandatory minimum sentence, they may be more likely to plead guilty to avoid the risk of receiving an extremely severe sentence. Rather than taking that risk, they would prefer to admit to a crime they did not commit in order to receive a lesser punishment (U.S. Department of Justice, 2017, 15). This results in a completely unjust scenario, as individuals feel pressured to admit to crimes they did not commit rather than risk a punishment that does not fit the crime by maintaining their innocence.

Mandatory minimum sentences have had a negative effect on our society as a whole, but have especially impacted low income communities and communities of color, trapping them in a cycle that is nearly impossible to get out of.

By taking away the wage earner in a family, the system punishes the other family members who have to survive without the head of the household. Once the primary wage earner is released from prison and able to return to society, they face extreme difficulties in getting that wage earning position back, as our society is set up in a way that makes it hard for ex-convicts to find an employer willing to hire them.

Another issue with mandatory minimums is the disparity in sentencing between white defendants and defendants of color. While the United States population was only 12.6% Black and 16.3% Hispanic as of the 2010 Census, the American prison population was overwhelmingly disparate, at 37.9% Black and 22.3% Hispanic (Barkow, 2012, 1609).

A prime example of this is the “hundred-to-one” disparity, which despite the United States Sentencing Commission’s efforts remained effective in federal law until 2010 (ACLU). This statute specifies that possession of five grams of crack cocaine will trigger a mandatory minimum sentence of five years in prison. However, the amount of powder cocaine required to be possessed to trigger the same mandatory minimum five year sentence is five hundred grams (Batey, 2002, 26). While the two substances are chemically identical, crack cocaine is cheaper and more addictive than powder cocaine (Dahl, 2014, 273). Crack cocaine is typically used by Black individuals while powder cocaine is more commonly used by white individuals (Batey, 2002, 26).

In 1995, the United States Sentencing Commission petitioned Congress to equalize the treatment of crack and powder cocaine by eliminating the disparity in the amounts needed to trigger a five year mandatory minimum sentence. For the first time, Congress rejected the United States Sentencing Commission’s recommendation with

President Bill Clinton's encouragement (Batey, 2002, 26). In 2010, Congress reduced the one hundred to one disparity to an eighteen to one disparity through the passage of the Fair Sentencing Act, signed into federal law by President Barack Obama (Ahmad, 2022).

In 2018, Congress passed the FIRST STEP Act, signed into law by President Trump. This Act provided relief to individuals sentenced under the original hundred-to-one disparity (Ahmad, 2022). While these reforms have been a good start in the right direction, the disparity between crack and powder cocaine should not exist. There is no legitimate reason for a disparity between these two chemically identical substances. The higher penalty for possession and distribution of crack cocaine has not led to reduced drug use or improved public safety, but has only served to disproportionately incarcerate people of color.

Regardless of the fact that it was lessened, the disparity between the two chemically identical substances is still in existence, which many believe is a telling sign of the prevalence of racial bias in the American criminal justice system.

Mandatory minimum sentences have had a significant impact on women in the federal prison system. According to the Bureau of Justice Statistics, about 59% of imprisoned women are serving mandatory minimum sentences for non-violent drug related offenses (U.S. Department of Justice, 2017, 15). Many of these women had not sold, distributed, or used the drugs but were subject to mandatory minimums attached to conspiracy charges in cases where they were in relationships with drug dealers and were aware of the drug offenses going on. Many of these women remained in the relationships for financial and safety reasons and were victims of domestic abuse (U.S. Department of Justice, 2017, 15). Black women specifically have been impacted by mandatory

minimums due to the disparities in sentencing between crack and powder cocaine, leading to higher representation than white women in the federal prison system (U.S. Department of Justice, 2017, 15).

Mandatory minimum sentences have caused our nation's prison population to quadruple, but have not had any positive effect on society's drug problem (Batey, 2002, 24). According to the United States Sentencing Commission, "no other decision ... has had such a profound impact on the federal prison population" (Barkow, 2012, 1615).

Many Americans have grown frustrated with the disparities in sentencing and unfair treatment of citizens of color.

### III. Defund the Police

The recent Defund the Police movement has come about largely as a result of the unfair practices prevalent in our criminal justice system, especially the disproportionate unfair treatment of people of color, much of which is a direct or indirect result of the tough on crime approach and resulting implementation of mandatory minimum sentences.

A number of racial justice protests broke out across the United States beginning on May 26, 2020 (Jacobs et al., 2020, 1). Protesters called for the police to be defunded after the killings of unarmed Black individuals by law enforcement including Tony McDade, a transgender man fatally shot by police, Breonna Taylor, who was fatally shot in her bed after police broke into the wrong residence and began shooting, and George Floyd, whose neck was knelt on by a police officer until he died and whose death sparked the uprising that started the Defund the Police movement. (Jacobs et al. 2020, 1).

The protests across the nation led to a countrywide reevaluation of the practice of policing, which had been a keynote of United States policy up until this point. In addition to policing, the uprisings highlighted the field of social work as a possible alternative to traditional policing duties (Jacobs et al., 2020, 1).

The call for social work to replace policing in any number of circumstances was met with divided responses, both by the public and by representative bodies in the field of social work. The National Association of Social Work and the Council on Social Work Education, two of the most widely recognized organizations in the field, initially offered statements that were very pro-police. The National Association of Social Work issued a statement celebrating the history of social work's collaboration with the police force. The Council on Social Work Education offered their condolences and expressed sympathy for anyone impacted by police brutality, while still voicing their strong support for police and citing the long history of collaboration between the two fields (Jacobs et al., 2020, 1).

These initial pro-police statements prompted other social work organizations to issue statements with a more critical response to policing practices. The Society for Social Work and Research issued a statement denouncing the acts of violence committed against Black individuals by police and called for structural changes to policing across the nation (Jacobs et al., 2020, 2). Social Service Workers United - Chicago, a smaller and more defiant organization, stated that social work should be part of the movement to divest from policing. They further argued for the abolishment of some forms of social work and related fields such as child welfare due to their history of unjust and racist practices (Jacobs, et al., 2020, 2).

The Defund the Police movement has been largely misunderstood by the public. While some of this is due to misinformation, much of it has to do with the many differing opinions within the movement itself making it difficult to understand exactly what is meant by “defund the police.” Especially in the early days of the movement, citizens were concerned that advocates were calling for a total defunding and removal of the police.

Some of the more radical subscribers to the movement do advocate for a total abolishment of the police. Advocates for a total abolishment believe this is a necessary step as the criminal justice system and policing have such a drastic number of systemic problems and a racist history. They believe that the issues run too deep to be fixed by making changes to the system, and that the system needs to be totally eradicated as it is maintaining a racial hierarchy (Fine & Del Toro, 2022, 4).

Many advocates, however, observe a clear distinction between defunding the police versus abolishing the police (Fine & Del Toro, 2022, 3). They believe that a portion of police funding should be redistributed. Even among supporters who are calling for a partial defunding of the police, there is not a consensus on how much money should be redirected to fund other options, and which alternatives should be funded.

Attitudes toward totally abolishing or partially defunding the police have been shown to vary across racial groups (Fine & Del Toro, 2022, 3). Many youth of color have experienced disparate unjust instances of policing practices and therefore are more likely than their white counterparts to have critical and untrustworthy views of police. This leads to youth of color being more likely to support abolishment or defunding of the

police, as their experiences have caused them to believe that police are racially biased against them, which leads to fear and mistrust.

Like many new social and political movements, Defund the Police attempts to find a solution to an existing problem, and in doing so takes it to an extreme. While the Defund the Police movement is based in good faith, it goes too far in its proposed solutions to the issue at hand.

Past attempts to cut police department funding have provided examples of how defunding the police could have the opposite of the intended effect (Weichselbaum & Lewis, 2020, 2). Memphis and Chicago police experienced budget cuts but did not experience reduced violence or improved relationships between officers and residents of the neighborhoods they served in. Complaints relating to use of force increased, overtime costs almost doubled, and wait times for 911 and police calls rose (Weichselbaum & Lewis, 2020, 3).

Former Commander of the New York Police Department, James McCabe, called the push to defund the police “a little bit of a knee-jerk reaction” (Weichselbaum & Lewis, 2020, 3). He shares the concern of many citizens who believe the call to defund the police is moving too quickly without considering what the outcome will be.

The Defund the Police movement does make a good case for moving away from policing in response to issues that are not so much crime related as they are issues of social service needs. Police respond to calls relating to mental health issues, out of control parties, and barking dogs. None of these situations are criminal in nature, and many advocates of defunding the police believe these cases would better be handled by social work professionals (Weichselbaum & Lewis, 2020, 2). Proponents of increasing

collaboration between social workers and police argue that increasing reliance on social workers addresses a serious need in providing more opportunities for public service, as social workers have the necessary experience and training to address social problems that police officers oftentimes lack (Jacobs et al., 2020, 6).

Mental illness has been shown to be a major contributor to police killings (Jacobs et al., 2020, 19). A 2018 study found that individuals with mental illness, especially those whose mental illnesses are untreated, are seven times more likely than individuals without mental illness to be killed during police intervention (Jacobs et al., 2020, 19).

In situations where police respond to calls regarding mentally ill individuals, research has shown that there is a high risk involved for both police officers and mentally ill individuals, mainly due to the fact that police are not properly trained to respond to these types of calls. The reasoning behind having police respond to calls involving mentally ill individuals goes back to common law principles (Lamb et al., 2014, 1266). First, the police have the power and authority to protect the safety and welfare of the community. Secondly, the state dictates protection for citizens who are incapable of caring for themselves (Lamb et al., 2014, 1266).

As a result of these principles, police officers in the field have to determine whether mentally ill individuals would be best served by the criminal justice or healthcare system. They have little training in this area, however, which can not only lead to incorrect decisions, but can also result in a dangerous situation. The awareness on the part of the police officer making the decision contributes to the tension of the situation. The responding police officers are required to make decision quickly to resolve the disturbance of civil order, and adding to this the knowledge that these types of calls are

more likely to result in injury to the officer or the mentally ill individual can affect the responding officer's decision making and performance (Watson et al., 2008).

The other most common situation in which police encounter mentally ill individuals is within healthcare or health crisis settings. Police officers are commonly dispatched to emergency rooms, ambulance services, and inpatient trauma facilities. While this is meant to protect workers, patients, and visitors, more and more evidence is beginning to show that police presence in these situations can have the opposite of the intended effect, increasing the risk of harm or death for patients and workers (Jacobs et al., 2020, 20). Police officers' interactions with patients in cases such as interviews can interfere with or delay treatment, which can increase the risk of injury or death. Police presence can increase stress in some patients, agitate them, or create distrust of their healthcare providers (Jacobs et al., 2020, 20).

In many psychiatric emergencies, police have coordinated with mental health professionals in order to reduce the high risk of violence these situations generally provide. Studies have shown that individuals with serious mental illnesses are significantly more dangerous than the general population, especially when they are psychotic, not taking medication to manage their symptoms, and abuse drugs (Lamb et al., 2014, 1268).

Police officers often need and want the assistance of mental health professionals in dealing with complex psychiatric emergencies. This is often due to the fact that most police officers are not properly trained to handle these types of situations, and therefore greatly benefit from the help of mental health professionals who understand what tactics

to use to deescalate the situation and reduce the risk of violence or suicide (Lamb et al., 2014, 1268).

Mental health professionals benefit from the assistance of police in psychiatric emergencies with a high risk of violence (Lamb et al., 2014, 1268). Due to the dangerous nature of these situations, many mental health professionals do not feel fully equipped to handle the situation themselves. While they have the training to communicate effectively with the mentally ill individuals and deescalate the situation, they may feel unsafe without police presence in instances where there is a heightened risk of violence (Lamb et al., 2014, 1268).

Increasing cooperation between police and mental health professionals would help to reduce the risk of violence in these situations and would better serve the mentally ill community members involved. Some advocates may argue that mental health professionals should be called without the help of police in situations where violence is an unlikely concern.

While the Defund the Police movement offers a number of valid improvements to the issues in our criminal justice system, it falls short on some aspects while attempting to take some matters too far.

#### IV. Drug Courts

In an attempt to reduce recidivism and lessen the number of incarcerated individuals in the federal and state prison systems, drug courts were introduced as an alternative sentencing option.

The law and order and tough on crime responses to drug related offenses did nothing to alleviate society's drug problem, but dramatically increased the number of incarcerated individuals in our society.

In addition to lessening incarceration rates, drug courts were intended to reduce the high rates of recidivism seen in drug offenders. By prioritizing rehabilitation over punishment, drug courts were intended to solve the root of the problem, which was addiction, rather than simply jailing individuals who committed drug related offenses.

Proponents of drug courts recognize that many offenders suffer from addiction, which fuels the resulting crimes committed. By helping offenders recover from their addiction, treatment reduces the risk of those individuals reoffending significantly more than simply putting them in prison, as they have been shown to be likely to reoffend following their release. Placing these individuals in jail only serves to get them off the streets temporarily but offers no constructive solution to the issue and further adds to the issue of overcrowding in our jails and prisons.

Drug courts have strict requirements and participants are closely monitored (Mitchell, 2012, 61). Many supporters of the law and order and tough on crime approaches accuse drug courts of being soft on offenders, often referring to drug courts as "hug courts" or "hug-a-thug" courts (Kaye, 2019). However, this is not the case, as drug courts have been shown to be rigorous through their high percentage of participants who are unable to successfully complete the program. A 2001 study found the average successful completion rate to be 47 percent (Mitchell, 2012, 61). Drug courts operate with six key components, including " (1) collaborative, non-adversarial, outcome driven court processing; (2) early identification of eligible offenders; (3) drug treatment

integrated into criminal justice case processing; (4) urine testing; (5) judicial monitoring; and, (6) the use of graduated sanctions/rewards” (Mitchell, 2012, 61).

In order to ensure successful completion of all aspects of the program, drug courts typically combine a team of individuals from the criminal justice system, social work, and treatment service (Sacco, 2018, 4). By combining these three aspects, drug courts are able to alter the roles of those in the criminal justice system and the social work and treatment practitioners (United States Department of Justice, 1997, 7). The judge is the one who focuses on accountability and sobriety, and therefore takes on the role of ensuring participants remain engaged in their treatment. This takes that responsibility off the social workers and treatment practitioners, which allows them to develop a more therapeutic relationship with each participant, allowing for more trust and better communication (United States Department of Justice, 1997, 7).

Individuals arrested and determined to be eligible to participate in drug court agree to have their sentences reduced or dismissed on the condition that they successfully complete the program (Mitchell et al., 2012, 61). Once an individual enters drug court, they are deemed a drug court client and their case proceeds with either a pre-plea case processing or a post-plea case processing. During a pre-plea case processing, a client waived their right to a speedy trial, and enters the drug court program, upon successful completion of which their charges will be dropped (Mitchell, 2012, 61). During a post-plea processing, a client is admitted to drug court after they are convicted but before they are sentenced. Upon successful completion of the program, they will be sentenced to probation or a reduced sentence (Mitchell, 2012, 61).

Drug courts often use a three phase approach to treatment including a stabilization phase, an intensive treatment phase, and a transition phase in order to rehabilitate participants and prepare them for a productive return to society (Sacco, 2018, 4). The stabilization phase typically consists of an initial assessment to determine the best course of treatment, detoxification, education, and any other necessary screenings to determine any other needs (Sacco, 2018, 4). The assessment and screenings take into account aggravating factors such as mental illness, educational deficits, homelessness, domestic violence, and childhood abuse, any of which could slow or impede an individual's progress if not taken into consideration (United States Department of Justice, 1997, 15).

The intensive treatment phase usually includes counseling and other various forms of therapy (Sacco, 2018, 4). Forms of treatment include individual and group counseling, medical care, general health education, primary health care, preventive health care, medical detoxification, acupuncture to aid in detoxification, programs for domestic violence and childhood abuse, 12-step self help programs, and relapse prevention (United States Department of Justice, 1997, 17). Payment of fines, fees, and restitution costs are often a part of the treatment schedule, but if a participant cannot afford to pay, they are still eligible to participate in the program (United States Department of Justice, 1997, 18).

The transition phase is typically comprised of some combination of social integration, education, housing, and employment (Sacco, 2018, 4).

The first drug treatment court was established in Miami, Florida in 1989 under acting State Attorney Janet Reno (Kaye, 2019). The success of this court and others that followed was a significant factor in Reno's later appointment to serve as the first female United States Attorney General under President Clinton (Kaye, 2019). Over the course of

only two decades, drug courts expanded from a solitary court in Miami to thousands of courts operating in many jurisdictions across the United States (Mitchell et al., 2012, 61).

According to the United States Department of Justice's Office of Justice Programs, as of June of 2015, there were 3,142 drug courts operating across the United States (Sacco, 2018). Drug Courts have been diversified to serve individualized groups such as veterans, college students, and juveniles (Sacco, 2018, 4). Each of these specializations takes into account the needs of the participants they serve, resulting in an experience tailored to each group of individuals the court was designed for. This ensures more success in treatment and a corresponding reduced rate of recidivism as treatments are more effective the more they meet the needs of the individual.

As drug courts have continued to expand, they have gained support from the federal government (Sacco, 2018, 6). The Department of Justice supports research on drug courts, offers technical assistance and training, and supplies grants for development and improvement of drug courts (Sacco, 2018, 6).

Over the course of the Obama and Trump presidencies, support for drug courts increased. Once President Obama was inaugurated in 2009, much of the nation was against the war on drugs, the tough on crime approach, and the resulting high levels of incarceration and long sentences for nonviolent drug related offenses (Kaye, 2019). Gil Kerlikowske, President Obama's director of national drug control policy, emphasized the importance of drug courts in fulfilling the Obama Administration's goal of taking an alternative approach to the " 'tough on crime,' enforcement-centric 'war on drugs' approach" (Kaye, 2019). Kerlikowske recognized that many nonviolent drug offenders suffer from addiction and simply locking them up was not going to solve anything as it

wasn't getting to the root of the issue, saying "they need treatment, and they deserve a chance to recover and change their lives. That's why this Administration is working to expand innovative programs like drug court" (Kaye, 2019).

While the Trump Administration was not expected to continue the Obama Administration's approach to crime, the support for drug courts continued. President Trump promised aggressive enforcement of police and appointed Jeffrey Sessions, a well known proponent of the war on drugs, Attorney General. However, President Trump voiced his support for "innovative approaches that have been proven to work, like drug courts" in a speech he gave on the opioid epidemic (Kaye, 2019).

While Jeffrey Sessions has remained a strong proponent of the tough on crime approach, he is also a longtime supporter of drug courts, having helped to establish Alabama's first drug court during his career as a United States federal attorney in the 1980s (Kaye, 2019). President Trump's budget request in 2018 proposed significantly increased financial support for the courts, totaling \$139 million in federal grants, which was just over a 50 percent increase compared to President Obama's \$92 million dollars allocated in his last budget of 2017 (Kaye, 2019). Later into his presidency, President Trump put together a White House Commission on Addiction and the Opioid Crisis led by former Governor of New Jersey Chris Christie. The Commission called for drug courts to be expanded into every one of the country's federal districts.

Drug courts have garnered support from many individuals on both sides of the political divide (Kaye, 2019). Liberals progressives appreciate the humanitarian aspect of drug courts in serving to help offenders addicted to drugs and alcohol rather than simply punishing them (Kaye, 2019). Many conservatives who are proponents of drug courts are

in favor of the approach due to the effectiveness of treatment under court supervision in reducing both costs and rates of recidivism (Kaye, 2019).

## V. Conclusion

In order to provide the best possible solution to many of the issues within our criminal justice system, a combination of factors relative to mandatory minimum sentences, the Defund the Police movement, and drug courts must be implemented.

Mandatory minimum sentences and the 18:1 ratio in sentencing between crack and powder cocaine need to be eliminated in order to make our judicial system more just. As research has shown over the years, mandatory minimum sentences do more harm than good. They do not meet the supposed requirement of a punishment that fits the crime; rather, they are unnecessarily harsh punitive measures in comparison to the crimes they correspond to. This was done intentionally in order to serve as a deterrent. It has clearly not worked but has instead caused numerous issues, both in terms of harming individuals and the families of those who are sentenced and in contributing greatly to overcrowding in prisons and jails.

Mandatory minimums take away the role of the jury and significantly limit the power and discretion of the judge in sentencing. By failing to allow judges to take mitigating factors into consideration and provide sentences accordingly, mandatory minimums further lead to unfair sentences in many cases where the resulting punishment is far too harsh for the crime.

While a significant amount of progress has clearly been made in reducing the disparity in sentencing between crack and powder cocaine from a 100:1 ratio to an 18:1

ratio, there should ideally be no disparity between the two substances. There is no reason for possession of crack cocaine to carry a higher penalty than possession of the same amount of powder cocaine. The two substances are chemically identical, which makes clear that one is not more dangerous than the other and they should therefore be treated equally. Keeping even a smaller ratio is only causing disproportionate harm to people and communities of color, as they are more likely to use crack cocaine while white individuals are more likely to use powder cocaine. This issue is one of the main and concrete reasons why many individuals claim that our criminal justice system is racist. As opposed to the other reasons, this is a much easier and more straightforward issue to remedy. Eliminating the ratio as it stands would be a significant step forward in making our judicial system more just.

The Defund the Police movement makes a good faith effort to resolve many of the issues in our policing system. However, it is too radical of a movement for its implementation to solve the issues it seeks to. Completely abolishing the police would have a number of detrimental effects on society, as the police are very much needed for many of the tasks they perform. While advocates push for social work alternatives to completely replace the police, there has not been enough planning, funding, or research to prevent a dramatic upheaval from being anything short of chaotic.

While subscribers to the Defund the Police movement who only want a partial defunding and redirection of funds are approaching the issue more reasonably, our society is still not at a point where such a transition could be expected to go smoothly, or even to produce the desired results. Further, there is still not a consensus on how much to defund and where to redirect spending.

However, some aspects of the Defund the Police movement would undoubtedly be beneficial to our criminal justice system if implemented. Increasing cooperation between police and mental health professionals would be beneficial for both professions and for the mentally ill individuals with whom they are dealing. Having social workers respond to some calls that are more of a social service issue than crime related, such as loud parties and barking dogs, would also likely benefit the community in addition to police and social workers. This would provide more work for social work professionals, reduce the busy workload of police officers, and may cause less tension in situations between neighbors than involving police.

Drug courts have been shown to be extremely effective, and have been supported by both liberal and conservative citizens and politicians. Increasing funding for and prevalence of drug courts would be beneficial in reducing recidivism, helping to reduce society's drug and alcohol problems, and reducing costs and overcrowding in prisons and jails.

Drug courts have proven to be a productive solution to the issues that mandatory minimums tried and failed to fix. By acknowledging addiction as the root issue of many nonviolent drug related offenses and focusing on rehabilitation rather than punishment, drug courts have not only reduced overcrowding and associated costs, but have also made a positive impact on society's drug problem, which mandatory minimums were never able to accomplish.

By eliminating mandatory minimum sentences and the sentencing disparity between crack and powder cocaine, increasing reliance on drug courts, and implementing

some of the more realistic strategies suggested by the Defund the Police movement, our justice system would be more just, efficient, and cost effective.

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