

Argument for incarceration of nonviolent drug offenders research paper examples

[Law](#), [Criminal Justice](#)



Abstract

The United States has the highest use of incarceration; which is attributable to incarceration of non-violent offenses. Non-violent offences are those that involve public disorder and drug abuse without any harm actually being inflicted on a victim. It has always been argued that incarceration of non-violent drug offenders in the U. S. A has resulted in an unwarranted high prison population and consequently high budgetary allocations to prison departments in order to meet the cost of maintaining the high population of prisoners at the expense of more pressing needs. However, incarceration of non-violent drug offenders is a necessary evil needed to fight the drug prevalence that has far reaching consequences to the American society. The threat of jail time is one of the most commonly used measures of deterrence in criminal justice systems all over the world. The United States, notably, makes the highest use of incarceration. Every state recognizes its jurisprudential right to legislate on behalf of its citizens for the good of society as well as for an individual's own good. Criminal punishment is easily explicable in cases of crimes that involve harm to actual victims. However, the punishment of victimless crimes is hard to explain. Non-violent offences are those that involve public disorder and drug abuse without any harm actually being inflicted on a victim. Persons convicted of non-violent crimes form the greatest populations in Federal and Non-federal prisons with perhaps the single largest category of non-violent offenders being drug users. The rising rates of incarceration of non-violent drug offenders has resulted in an unwarranted increase in the prison population as well as increased budgetary allocations to prison departments in order to meet the

cost of maintaining these high populations. However, this is a necessary evil in order to combat even greater drug prevalence.

First off, drug addiction is a costly habit not only to the immediate families of the drug offenders but also the government in the long-run. Drug users are often unable to focus on their studies or attain gainful employment which negatively impacts their ability to earn or support their families. The offenders often also divert most of their resources towards meeting their addiction. Families of small time drug users often have to rely on food stamp and social welfare in order to meet their daily needs. This places an additional economic burden on the state. Essentially, one could infer that the state could end up funding the drug offender's habits by taking care of the obligations they are supposed to. Thus there is a need to establish some form of punishment for non-violent drug offenders inasmuch as it is a victimless crime in order to safeguard the economic interests of the family the drug offender belongs to and the state as well.

An offender is a rational being, who commits a crime based on the trade-off between the risk faced and the expected returns. This is a restatement of the rational offender assumption. Thus when a drug user chooses to use illegal drugs with the knowledge of the consequences his or her actions could attract it is only fair that the said user is treated as a person capable of making their own choices. Essentially, the drug offender deems the potential punishment to be worth the crime and should thus be punished when caught. Using this assumption would clearly indicate that fines as opposed to prison time would be the most logical punishment to effect in order to encourage deterrence. Some of the drug offenders that actually get caught

and incarcerated are rich and thus the use of fines should be avoided when the wealth of the offender makes it likely that paying the fine would have no impact on their economic state . Notably, the use of fines to punish drug offenders is on the decline as it often affords the offender an opportunity to the wealthy offenders to buy their way out of jail. There is an overriding desire to have both poor and rich offenders face equal treatment.

Practice also tends towards the incarceration of offenders in order to afford the State an opportunity to retain control over offenders who would otherwise have an opportunity to commit further crimes if released. The drugs that are traded by drug offenders are often banned by the state forcing drug peddlers to create black markets in order to trade in drugs. These markets are often expanded to include other illegal items such as guns and counterfeit money. Economically, black market activities deprive the government of revenue. Socially, trade in illegal drugs and arms contribute to the rise in social vices. Thus the best way to ensure that such illegal activities do not go on, many states seek to incarcerate offenders and retain some form of supervision and control over their activities. Further criminal acts are thus prevented.

Nations make use of a variety of criminal justice systems depending on the goals they have in mind. These goals could be punishment, rehabilitation, deterrence or incapacitation (Wright, 2010). The punishment of offenders, even non-violent ones such as drug abusers, has a twofold deterrent effect. First, the certainty of punishment makes potential offenders afraid of attempting criminal acts lest they are caught. Incarceration is used as a deterrent measure to the general public in this sense. People make the

greatest imitators and are thus more likely to attempt a particular act when others attempt it and succeed. The prospect of spending time in prison generally puts off the general public from pursuing drug related activities. Second, the severity of punishment facilitates the evaluation of the risks associated with committing particular offenses and the benefits that may accrue to the offender as a result of the perpetration of the particular criminal act. The theory of deterrence assumes that offenders are rational beings who weigh their actions before committing them. To achieve a desired deterrent effect, focus ought to be had to the certainty of punishment and not its severity.

Incarceration can thus be used to influence specific criminal behavior. Specific deterrence refers to the tendency of an individual to avoid criminal acts once they have already received punishment for the same or similar offenses. More specifically, once imprisoned an offender is unlikely to risk re-offending and receiving the same punishment once more. Once burnt by a flame, people are often careful not to touch the flame again. Incarceration can thus produce a positive change in a person's attitude through the instillation of fear. Stringent policies pertaining to drug abusers are designed to reduce the levels of illegal drug use on the streets. This achieved through general deterrence as well as specific deterrence.

The increase in prison population and more so in Federal Institutions may be attributed to policy changes pertaining to federal sentencing and correctional measures (James, 2012). For example, the institution of mandatory minimum prison penalties for particular offenses has contributed to the increase in prison populations as it deprives judges of the discretion

they would otherwise have whilst sentencing offenders. The elimination of parole programs through the Comprehensive Crime Control Act of 1984 also means that these offenders will have to serve their full sentences (James, 2012). The three strikes laws implemented by most states have increased the amount of prison time served by offenders. More crimes have been brought under the ambit of Federal Statutes which often employ minimum prison penalties thus contributing to the rise in the number of inmates. The only way to address drug prevalence is through the establishment of a supportive framework that facilitates the arrest and punishment of offenders. The abolition of discretion in sentencing and parole programs serves to limit the possibility of bribing judges in order to have one's sentence for a drug related offence mitigated. Three strikes laws may be the only way to deal with chronic offenders as the harsher the penalty the more likely they will refrain from committing the offense.

The threat of criminal sanctions such as incarceration has an effect on the prices on the street. This flows from a basic financial sense involving the tradeoff between risk and expected returns. The greater the risk that drug peddlers have to undertake in order to deliver drugs to the streets the higher the prices of these drugs are likely to be. The greater the severity of punishment also has a positive correlation with the prices of drugs on the streets. The more expensive drugs are, the less the available market for them and consequently the less the prevalence. In this way, incarceration is used to wage economic warfare on the use of drugs in society.

Prison overcrowding refers to the accommodation of more inmates than a prison is certified to hold. Overcrowding in many prison institutions both

Federal and State institutions has been on the rise over time. This overcrowded state is more prevalent in male prisons as opposed to female prisons . In order to manage the rising cost of maintaining increasing numbers of inmates, a reduction of the time served for other crimes has resulted. Incarceration of nonviolent drug offenders has influenced policy makers to abolish petty offences or review the punishment imposed for particular offences in order to ensure that there is adequate room in prison to accommodate drug offenders. Also, the rising numbers of prison inmates has been addressed through contracting containment facilities from private developers. This creates jobs for almost as many people as drug abuse destroys jobs for, forming one of the positive outcomes of the incarceration of offenders.

Incarceration facilities often double up as rehabilitation facilities for drug offenders. Through regular counseling and support from other recovering inmates, drug addicts are offered an opportunity to turn over a new leaf while in prison. A prison environment deprives them of the access they would otherwise have to drugs. It encourages them to undertake more productive activities such as reading as well as the acquisition of skills such as welding and carpentry among others. Once the inmates have served their time and are released from prison they are in a position to make use of the skills they acquired to seek gainful employment. Incapacitation also facilitates the reduction of the direct demand and consumption of drugs. When the final consumer of drugs is incarcerated, they can no longer buy the drugs. Often, the peddlers of drugs are also the consumers thus their incapacitation affects both the demand and supply market for drugs. The

incapacitation of users and sellers of drugs could just result in the transfer of the drug market into prisons. This simply calls for the maintenance of vigilant prison systems in order to ensure that drug trade does not occur within prison walls.

Imprisonment facilitates the weaning off drugs for inmates which safeguards them from the health complications that can endanger the lives of the drug abusers. Drug abuse has been referred to as a mental disease which starts off as a conscious action and quickly develops into a compulsive action that one cannot contain. Drug users are susceptible to HIV and other sexually transmitted diseases, cardiac and pulmonary complications, hormonal dysfunctions and even cancer leading up to death. The State incurs collateral costs through investing a lot of its funds into health care systems that can cater for these medical conditions while these funds could be channeled to other more productive avenues such as the construction of more schools for children. The incarceration of drug offenders provides a cheaper alternative to the state in curbing the vice as compared to dealing with its consequences.

Legal jurisprudence holds that a state is justified in legislation that affects the lives of its citizens where it seeks to prevent them from harming themselves. General laws also seek to enforce certain moral standards in society which reflect the values of a particular society . The incarceration of drug offenders is the state's way of attempting to enforce a moral code within society. Three strikes law demand that habitual offenders face harsher penalties as compared to first time offenders once they have committed at least three serious offenses. The application of three strikes law can result in

the increase of prison time served by a habitual nonviolent drug offender. At the end of the day in as much as nonviolent drug offenses are described as ‘victimless’ crimes, their effects pervade through all aspects of society. As the protector of society’s interests, the state incarcerates nonviolent drug offenders for the good of society even if it means incarcerating them for lengthy periods of time following habitual felonies or misdemeanors.

References

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