

CHARLOTTE, NC, October 07, 2013 **/24-7PressRelease/** -- The United States Attorney General, Eric Holder, recently announced that the U.S. Department of Justice will no longer pursue mandatory minimum sentences for certain federal drug crimes. Possibly recognizing inefficiencies in the decades-long "War on Drugs," Attorney General Holder noted that we cannot prosecute or incarcerate our way to safety, paving the way for the exclusion of some low-level, non-violent drug crimes from application of federal mandatory minimum sentencing.

Getting Rid Of Excessive Sentences For Some Drug Crimes

Excessive incarceration is "ineffective and unsustainable" noted Holder in a recent talk given to lawyers from across the country at the American Bar Association's annual meeting. He intends to work through Congress to reform current mandatory minimum sentencing guidelines for drug crimes. In the meantime, the Department of Justice has determined that federal prosecutors should be mindful of the impact of mandatory minimums when charging an individual with a federal drug crime.

The DOJ is promoting the pursuit of lesser drug charges that won't trigger mandatory minimums when the following criteria are met:- The accused drug offense was nonviolent- The circumstances of the alleged drug offense are considered a low-level crime- There was no involvement with a drug cartel, gang or other organized crime group in the commission of the alleged drug offense.

Whether a person is accused of a federal drug crime, awaiting the determination of guilt or the determination of sentencing, the new guidelines related to mandatory minimum sentencing apply if the above three criteria are met.

Will A Change In Manadatory Minimum Sentencing End The War On Drugs?

The focus of federal prosecutors should no longer be on seeking severe punishments for low level drug crimes, but this is not the same as ignoring drug crimes altogether. Drug trafficking crimes particularly will still be strongly pursued and mandatory minimum sentencing will continue to apply at the federal level.

In North Carolina, there has - as of yet - been no change in sentencing or prosecution for lower

level drug crimes like simple possession of marijuana. In fact, Sheriffs' offices across the state have affirmed that they will continue to enforce the drug laws as written, pursuing any and all drug offenses within their jurisdiction.

The Impact Of Mandatory Minimum Sentencing For Drug Crimes

According to The Sentencing Project, more than half the people in federal prison at any given time are incarcerated for drug crimes. While some may be drug kingpins or serving a sentence for a serious drug trafficking offense, many are first-time offenders with no prior record of violence.

Actor Michael Douglas recently spoke out against the application of mandatory minimum sentencing structure for lower-level drug crimes. His son, Cameron Douglas, has dealt with drug addiction for several years and is now in federal prison serving a sentence for non-violent drug crimes. He is not expected to be released until 2018.

Douglas was initially sentenced to five years in prison; that term was nearly doubled in 2011 after he was found guilty of possession of a controlled substance in prison. In early 2013, Douglas failed a drug test and has since been in solitary confinement. Douglas has attempted, unsuccessfully, to appeal his lengthy prison sentence.

Prisons are not a place for reform or treatment, explained Cameron Douglas in a jailhouse essay on drug policy. His own cycle of addiction led him through a maze of relapse and repeat, something he couldn't get away from even while behind bars.

In a glimmer of hope, however, for those suffering with drug addiction that has resulted in substantial jail time on drug-related crimes, Judge Guido Calabresi, who heard Douglas' appeal, noted:

It may well be that the nation would be better served by a medical approach to treating and preventing addiction than by a criminal-justice-based "war on drugs." The multiple costs of our imprisonment approach - including the expense of filling our prisons with drug addicts, to

mention just a base economic cost - impel me to express the hope that Congress may someday seek out a different way of dealing with this problem.

Senator Rand Paul (R-Ky) also noted that one of the consequences of mandatory minimum sentencing in the United States is that minorities are disproportionately excluded from the ability to participate in government because of non-violent drug-related offense. In simple terms, they cannot vote because of a drug-related conviction.

Where Are We Now?

The Justice Safety Valve Act, which would grant judges leeway in sentencing for low-level drug crimes was referred to committee in April. The proposal would expand an existing safety valve law and allow judges to deviate below mandatory minimum sentences if public safety would not be jeopardized.

"Our reliance on mandatory minimums has been a great mistake. I am not convinced it has reduced crime, but I am convinced it has imprisoned people, particularly non-violent offenders, for far longer than is just or beneficial," commented Senator Patrick Leahy (D-Vt) who co-sponsored the Safety Valve Act with Senator Rand Paul (R-Ky).

At least one federal judge has been persuaded to hold off on sentencing a man convicted of cocaine possession to see if the call for mandatory minimum sentencing reform will result in more discretion being given to judges in sentencing non-violent drug crimes. With an approximate 700 percent increase in U.S. prison populations over the last 30 years, the time for reform has certainly arrived.

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