

Holder announces a change in tactics for federal drug prosecutions

Written by Australian Business

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In the past decade, people's attitudes about drug use--marijuana in particular--have changed. Many people no longer see the use of drugs as a serious public threat that the government should devote significant funds to fight. Instead of prison time for the offender, more people today would like the law to focus on rehabilitation.

As a result of changing public attitudes, the legislatures of two states have passed laws that have legalized the recreational use of marijuana. Although users in these states can legally use the drug, users can find themselves in a situation where they face federal drug crime charges, as marijuana use is still illegal under federal law. Many of such crimes carry mandatory minimum sentences, which can involve significant jail time.

However according to a recent statement by the Attorney General of the United States, Eric Holder, the federal government is also changing its stance on how it treats drug crimes. According to the announcement, Holder has ordered federal prosecutors to focus on prosecuting large-scale drug traffickers and drug cartels instead of low-level and nonviolent drug users, including those who use drugs recreationally.

This change in prosecution tactics is effective immediately and applies to suspects in cases that have been charged with low-level drug offenses (e.g. drug possession) as well as those who have been convicted, but not sentenced. According to the statement, there are currently no plans to apply the policy retroactively to those who are currently serving their sentences.

To achieve the aims of the new policy, Holder has ordered federal prosecutors to change the way that they charge suspects in low-level drug cases. The prosecutors will now omit the amount of drugs involved from the charging documents in these cases. In doing so, Holder hopes that suspects can avoid the mandatory minimum sentences associated with low-level drug crimes if they are convicted.

Mandatory minimum sentences, which are responsible for the high number of drug offenders

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serving prison sentences, came into being during the "War on Drugs" in the 1980s. Once these laws were enacted, the number of drug offenders in prison has increased rapidly. Drug offenses now account for about half of the federal prison population.

It is the aim of the policy to ease the problem of crowding in the federal prison system. Currently, federal prisons are about 40 percent above capacity. It is estimated that this policy change will save billions of dollars in incarceration costs.

An attorney can help

Even though this policy change makes it more likely that recreational drug users will not face mandatory minimum sentences, this does not mean that significant fines or prison sentences are out of the question. If you have been charged with a drug offense, it is important to have experienced counsel. An experienced criminal defense attorney can work to protect your rights and minimize the negative consequences associated with the charges.