

Drug Policy Alliance

Criminal Justice Issues and Prisoners' Rights

<https://drugpolicy.org/issues/policing>

Mission Statement

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Policing is long overdue for a disruption. Modern police forces have not only failed to break from historic roots in racial oppression, they have become more powerful and more lethal in large part due to the drug war.

In the pursuit of drugs, police have been given unchecked power to use aggressive tactics, which in too many instances has led to killings, particularly of Black and Latinx people. Police have purchased expensive surveillance technologies and military equipment, been tasked with patrolling more spaces such as schools, and been empowered to permanently take property from people with only a suspicion of drug-related conduct. Law enforcement agencies consume vast amounts of government funds, and their bloated budgets have long been justified by statistics padded by drug arrests.

Communities nationwide have increasingly realized that business-as-usual policing has not only failed to stop drug use or problematic behaviors, it has caused even deeper problems.

We must fundamentally transform drug policies away from a punishment-based model to one that is rooted in health, compassion, and autonomy. We must strengthen systems of police accountability, prioritize budgets to make communities safer without police involvement, and repeal laws that allow for oppressive policing.

Every year, there are more than 1.5 million arrests in the U.S. for drug-related offenses, with over 85% of those solely for possessing drugs one every 23 seconds on average. Many more involve petty offenses associated with drug use, including public intoxication, loitering, and possession of drug paraphernalia such as pipes or syringes, or drug checking kits, which help prevent overdose and save lives. Black and Latinx people are consistently stopped and arrested more frequently than white people for suspected drug possession despite similar use and sale rates across all races.

Many police departments, often in the pursuit of drug evidence have adopted formal or informal policing strategies similar to New York's stop-and-frisk policy, which encourage the frequent stop, questioning and frisks of pedestrians and drivers, often justified only by the vague claim that police smelled marijuana. This has a substantial impact on the well-being of those living in hyper-policed neighborhoods. Even when an individual is detained and then released, or when drug arrests do not end in conviction, the effects are devastating and often impact employment, childcare, family finances and health. This contributes to higher rates of anxiety, poor health outcomes, distrust in government, and economic disparities. Learn more about this culture of criminalization at [UprootingTheDrugWar.org](#).

Police training has become increasingly aggressive. Officers have been trained to treat civilians as threats, use disproportionate force, shoot-to-kill, and use dangerous techniques such as choke-holds. Vast numbers of civilians experiencing a mental health crisis or intoxication have been killed by police who may have had little to no training in de-escalation or behavioral crisis intervention.

The use of paramilitary units in local police agencies has grown along with the drug war. These units use military style uniforms, procedures, and weaponry. [The Department of Defense's 1033 Program](#) and the Department of Justice's Edward Byrne Memorial Justice Assistance Grant (JAG) Program, both focused in part on enforcing drug laws, have been primary sources of military equipment and funding for police forces. As local police arsenals have proliferated, the use of these heavily-armed units for everyday policing activities, particularly for executing search warrants in the pursuit of drugs, has led to an increase in police violence and numerous tragic killings.

The dangers of militarized police are particularly on display in the violent ways that law enforcement agencies wage the war on drugs by storming into homes unannounced and with great force. Police executing a warrant generally must knock and identify themselves as law enforcement agents, but courts have increasingly allowed police to sidestep those requirements either with no-knock warrants or simply by claiming to hear occupants possibly destroying drug evidence. Forcible entries, particularly with no-knock warrants, have been shown to increase the number of individuals killed by police.

[Breonna Taylor's death](#) on March 13, 2020 serves as a stark example of the dangers of such entries. Taylor was fatally shot eight times by police when they entered her Louisville home with enormous force at 1:00 am. They were executing a no-knock warrant to pursue evidence of suspected drug crimes that were revealed to have nothing to do with her.

[Learn more about how the drug war killed Breonna Taylor.](#)

The endless pursuit of drugs has been used to justify ever-increasing police budgets. As aggressive policing of drugs leads to more arrests, police leaders call for increased hiring of officers, more overtime pay, more equipment, and more advanced technologies. Entire industries have emerged to develop software and technologies for policing. Many communities now devote 20 to 45% of general funds to police at the expense of resources that contribute to community health, safety, and education.

Police agencies have invested heavily in surveillance technologies to monitor residents and pursue drug evidence, including location tracking devices, license plate readers, drones, social network monitoring, cell-site simulators, surveillance cameras, facial or tattoo

recognition, gunshot detection, gang databases, and predictive policing software. Surveillance technologies not only threaten civil liberties but are used disproportionately against Black, indigenous, Latinx, and other people of color. Beyond invasions of privacy through surveillance, aggressive policing driven by the drug war has vastly eroded fundamental Fourth Amendment protections, such as the right to be free from unreasonable searches and seizures in your home or vehicle.

Laws permitting governments to seize property suspected of having a connection to criminal activity - known as [civil asset forfeiture](#) - expanded as part of the drug war. Congress authorized such seizures through the Comprehensive Drug Abuse Prevention and Control Act of 1970. Since then, both the federal government and states continued to expand the types of property that could be seized and made it easier to take property without even an arrest or a conviction. These practices have served as an incentive for police to pursue drug arrests and have been a source of funding for much of the military and surveillance equipment commonly used in drug war policing. From 2001 to 2014, deposits to the DOJ and Treasury forfeiture funds approached [\\$29 billion](#).

The use of police in schools and other public places has also expanded the reach of police and the drug war. Not only do police directly engage in student searches and seizures, but they often pressure school administrators and other professionals to pursue evidence of drugs. Due to the widespread adoption of zero-tolerance policies, drug use is now the [second-highest source](#) of student referrals to the police.

Civilians have also been employed to do the work of policing in public spaces. Social workers and case managers in child welfare agencies, physicians attending to pregnant people, and social service employees working with TANF and SNAP applicants have been used to conduct drug tests, identify drug use, and report it to police and judges. Learn more about how the drug war has taken root in these systems at [UprootingtheDrugWar.org](#).

Instead of pouring money into strategies that tear communities apart, we must better invest in community health and safety by redirecting resources toward community-based health and harm reduction services.

[Decriminalizing drug use, possession, and low-level drug sales](#) is an essential step toward shifting to health-based strategies for addressing addiction and the harms of drug prohibition. Oregon became the first state in the nation to decriminalize drug possession, significantly expanding access to substance use disorder treatment, harm reduction, and other health services.

Defacto decriminalization can also be achieved through pre-arrest diversion programs and by local prosecutors implementing non-prosecution policies for arrests solely involving drug possession and use, possession of drug paraphernalia, and survival-based and other public order violations.

Local governments should enact policies that prohibit officers from seeking, obtaining or executing no-knock warrants for investigating drug cases. They should also place stricter requirements on officers serving both arrest warrants and search warrants to require that officers do not forcibly enter without giving occupants meaningful notice.

State and local governments should place strict limits on the acquisition and use of tactical gear and surveillance equipment and prohibit their use in enforcing drug laws. This includes [repealing the 1033 Program](#) and prohibiting grants for military-style equipment through the JAG Program. They also should prohibit the use of such equipment and SWAT tactical teams in executing routine searches solely targeting drug offenses.

Local governments should reclaim the savings from cutting harmful policing strategies and reinvest those funds to expand and improve delivery of social services, healthcare, employment and income assistance, housing, and education in historically hyper-policed communities.

We should end police presence in schools, public transit, parks, and public housing. Local governments should establish and adequately fund civilian first response teams to respond to mental health crises, low-level behavioral incidents, and other non-emergency situations. Such teams should be composed of mental health experts, including crisis-trained responders, and operated independent of police.

Additionally we should increase the availability of substance use disorder treatment and harm reduction services, and strengthen systems that help keep people healthier and safer, including:

Governments must create or strengthen the powers of police oversight boards and empower them to hold officers accountable for abusive practices, including incidents involving unnecessary use of force.

States and Congress should pass legislation to abolish civil forfeiture entirely. Short of repeal, legislators should pass reform bills to scale back abuses of civil forfeiture by requiring a criminal conviction as a prerequisite to forfeiture, requiring appointment of counsel in all forfeitures, and directing civil forfeiture revenues be deposited into the general fund rather than directly into police department budgets.

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