

Sunday, November 9, 2008

The tight economy demands a smaller criminal justice system.

Image from Bureau of Engraving and Printing's website. What are the United States' largest socialist programs? This year's nearly trillion dollar bailout of AIG and other financial institutions is one. The social security system is another. Certainly, the criminal justice system is a major socialist enterprise, as well, which helps explain why so many economic conservatives want to downsize or eliminate the drug war. In these belt-tightening times, the criminal justice system is particularly overgrown. The system needs to be shrunk substantially, in large part through legalizing marijuana, gambling and prostitution, and by heavily decriminalizing all other drugs. Drug prosecutions occupy a huge chunk of court, police, and prosecutorial time, so marijuana legalization and heavy drug decriminalization already will help to heavily shrink the nation's criminal justice system. How expensive is the criminal justice system? As the ACLU blog points out on November 7, 2008: "The introduction to "Smart on Crime: Recommendations for the Next Administration and Congress." -- produced by an organization that includes the ACLU -- "ends with a prescient reminder that during these very challenging economic times, there are critical cost savings that can come from reforming a system that incarcerates 2.3 million people (that's more than 1 out of every 100 adults in the U.S.) at a staggering cost of more than \$60 billion per year." The ACLU blog quotes as follows from the foregoing "Smart on Crime" study: "At a time when the nation is facing its worst economic crisis since the Great Depression, it is essential to review the cost of the criminal justice system to all Americans. Such a review should not only account for the cost in terms of dollars and cents, but also in terms of human lives and capital, which are our nation's most valuable resource." On the indigent defense side alone, public defender offices are so overburdened with criminal defense cases that seven such offices have been turning away many people who otherwise would be qualified for their services. Consequently, the criminal justice system must be substantially shrunk. Jon Katz

Posted by Jon Katz in Drugs at 00:00

I agree that the tighter economy should result in smarter approaches to handling criminal cases and possibly more alternative courts such as drug courts, mental health courts, and maybe some new "veteran's courts" to assist returning Iraqi war veterans. Your post has some good ideas for potential jury arguments or arguments for mitigation in non-violent offenses. With over 2.3 million people incarcerated, America should consider alternatives to incarceration.
Yours in the Defense of Fellow Human Beings,
Glen R. Graham, Tulsa Criminal Defense Attorney, Tulsa, Oklahoma
Anonymous on Nov 17 2008, 21:14