

Civil and Human Rights, and the Impact of the War on Drugs

Published: 01/09/2008 - 16:52

Subsection Links:

[Basic Data](#)

[Voting Rights and Felony Disenfranchisement](#)

[Racial and Ethnic Profiling](#)

[Wiretaps and Domestic Surveillance](#)

[Human Rights and International](#)

[Drugs and Terror](#)

Police encounters don't have to end in an arrest, or worse. The organization Flex Your Rights has put together a comprehensive guide for citizens on how to properly handle encounters with law enforcement, preserving both personal and public safety as well as one's civil rights. Learn more at their website, FlexYourRights.org .

1. Basic Data

"Black and Hispanic Americans, and other minority groups as well, are victimized by disproportionate targeting and unfair treatment by police and other front-line law enforcement officials; by racially skewed charging and plea bargaining decisions of prosecutors; by discriminatory sentencing practices; and by the failure of judges, elected officials and other criminal justice policy makers to redress the inequities that become more glaring every day."

Source:

Weich, Ronald H., and Angulo, Carlos T., Leadership Conference on Civil Rights, "Justice on Trial: Racial Disparities in the American Criminal Justice System" (Washington, DC: Leadership Conference on Civil Rights, May 2000), p. vi.

<http://www.civilrights.org/publications/justice-on-trial/>

2.

(Racial Bias in Traffic Stops and Searches) "In both 2002 and 2005, about 5% of stopped drivers were searched by police during the traffic stop. The 5% includes searches of the vehicle only, the driver only, and both the vehicle and the driver.

"In both years, male drivers were more likely than female drivers to be searched by police during a traffic stop.

"In 2005 black (9.5%) and Hispanic (8.8%) motorists stopped by police were searched at higher rates than whites (3.6%). The likelihood of experiencing a search did not change for whites, blacks, or Hispanics from 2002 to 2005."

Source:

Durose, Matthew R., Smith, Erica L., and Langan, Patrick A., PhD, "Contacts Between Police and the Public, 2005," (NCJ215243) (Washington, DC: Bureau of Justice Statistics, April 2007), p. 7.

<http://www.bjs.gov/content/pub/pdf/cpp05.pdf>

3.

(Racial & Ethnic Bias in Police Behavior During Contact Stops in the US, 2011) "In 2011, less than 1% of the 241.4 million U.S. residents age 16 or older were involved in a street stop during their most recent contact with police (table 1; appendix table 2). A greater percentage of males (1%) than females (less than 1%) were involved in street stops during 2011. Persons ages 16 to 24 were more likely than persons age 35 or older to be involved in street stops. While no differences were observed in the percentage of non-Hispanic white, non-Hispanic black, and Hispanic populations age 16 or older involved in a street stop, among those who were stopped, a smaller percentage of blacks (38%) than Hispanics (63%) or whites (78%) felt the police behaved properly during the stop.

"Traffic stops were a more common form of police contact than street stops in 2011. About 10% of the 212.3 million U.S. drivers age 16 or older were stopped while operating a motor vehicle during their most recent contact with police. ¹ As with street stops, a greater percentage of male drivers (12%) than female drivers (8%) were pulled over in traffic stops. Across age groups, the highest percentage of stopped drivers was among drivers ages 18 to 24 (18%). A higher percentage of black drivers (13%) than white (10%) and Hispanic (10%) drivers age 16 or older were pulled over in a traffic stop during their most recent contact with police.

"A higher percentage of drivers in traffic stops (88%) than persons involved in street stops (71%) believed the police behaved properly during the stop. White drivers pulled over by police (89%) were more likely than black drivers (83%) to think that the police behaved properly, while no difference was observed between the percentages of stopped white drivers and Hispanic drivers who thought that the police behaved properly. There was also no statistical difference in the percentages of black and Hispanic stopped drivers who believed the police behaved properly."

Source:

Lynn Langton, PhD, and Matthew Durose, "Police Behavior During Traffic and Street Stops, 2011" (Washington, DC: Bureau of Justice Statistics, Sept. 2013), NCJ242937, p. 3.

<http://www.bjs.gov/index.cfm?ty=pbdetail&iid=4779>

<http://www.bjs.gov/content/pub/pdf/pbtss11.pdf>

4.

"Our criminal laws, while facially neutral, are enforced in a manner that is massively and pervasively biased. The injustices of the criminal justice system threaten to render irrelevant fifty years of hard-fought civil rights progress."

Source:

Welch, Ronald H. and Angulo, Carlos T., Justice On Trial: Racial Disparities in the American Criminal Justice System (Washington, DC: Leadership Conference on Civil Rights / Leadership Conference Education Fund, May 2000), p. v.

<http://www.civilrights.org/publications/justice-on-trial/>

5.

(Consequences of a Criminal Conviction) "Collateral consequences are those legal, non-criminal penalties that attach to a conviction, but that were not part of the punishment at sentencing. These penalties have been called the 'invisible punishment'⁴ because they are civil penalties that do not fall within the jurisdiction of the criminal justice system. Collateral consequences can make an individual with a criminal history ineligible for various types of employment and occupational licenses, rendering a job search nearly futile."

Source:

Rodriguez, Michelle Natividad; Farid, Elizabeth; and Porter, Nicole, "State Reforms Promoting Employment of People with Criminal Records: 2010-11 Legislative Round-Up," National Employment Law Project, the National H.I.R.E. Network, and the Sentencing Project (December 2011), p. 2.

<http://www.nelp.org/page/-/SCLP/2011/PromotingEmploymentofPeoplewithCrim...>

6.

(Racial Bias in Police Use of Force) "Of the 43.5 million persons who had contact with police in 2005, an estimated 1.6% had force used or threatened against them during their most recent contact, a rate relatively unchanged from 2002 (1.5%). In both 2002 and 2005, blacks and Hispanics experienced police use of force at higher rates than whites. Of persons who had force used against them in 2005, an estimated 83% felt the force was excessive."

Source:

Durose, Matthew R., Smith, Erica L., and Langan, Patrick A., PhD, "Contacts Between Police and the Public, 2005," (NCJ215243) (Washington, DC: Bureau of Justice Statistics, April 2007), p. 1.

<http://www.bjs.gov/content/pub/pdf/cpp05.pdf>

7.

(Bias in Traffic Stops Resulting in Arrest) "Police issued tickets to more than half of all stopped drivers and arrested about 2.4% of drivers. Male drivers were 3 times more likely than female drivers to be arrested, and black drivers were twice as likely as white drivers to be arrested."

Source:

Durose, Matthew R., Smith, Erica L., and Langan, Patrick A., PhD, "Contacts Between Police and the Public, 2005," (NCJ215243) (Washington, DC: Bureau of Justice Statistics, April 2007), p. 1.

<http://www.bjs.gov/content/pub/pdf/cpp05.pdf>

8.

(Racial & Ethnic Bias In Police Use of Force During Traffic Stops, 2011) "In 2011, 6% of drivers pulled over in traffic stops experienced some type of force used against them, from shouting and cursing, to verbal threats of force or other action, to physical force, including hitting, handcuffing, and pointing a gun (table 9). Of the 1% of stopped drivers who experienced physical force during the traffic stop, more than half (55%) believed the police behaved properly during the contact. A similar percentage of drivers who experienced verbal threats of force believed the police behaved properly (56%).

"Three in 4 (75%) stopped drivers who experienced any type of force believed the police actions were unnecessary. About two-thirds (65%) of drivers who experienced police use of force did not think the force was excessive. Among stopped drivers who experienced any type of verbal or physical force, 83% who believed the force used or threatened against them was necessary also thought police behaved properly, compared to 38% of those who did not believe the use of force was necessary."

Source:

Lynn Langton, PhD, and Matthew Durose, "Police Behavior During Traffic and Street Stops, 2011" (Washington, DC: Bureau of Justice Statistics, Sept. 2013), NCJ242937, p. 10.

<http://www.bjs.gov/index.cfm?ty=pbdetail&id=4779>

<http://www.bjs.gov/content/pub/pdf/pbtss11.pdf>

9.

(Bias in Police Use of Force) "The differences found among gender, race, and age groups who experienced force in 2005 were consistent with the 2002 PPCS [Police-Public Contact Survey]. Among the persons who had police contact in 2005, females (1.0%) were less likely than males (2.2%) to have had contact with police that resulted in force (table 9). Males accounted for a larger percentage (72.4%) of contacts involving force compared to their percentage of all contacts (53.6%) (table 10).

"Blacks (4.4%) and Hispanics (2.3%) were more likely than whites (1.2%) to experience use of force during contact with

police in 2005. Blacks accounted for 1 out of 10 contacts with police but 1 out of 4 contacts where force was used.

"Persons age 16 to 29 (2.8%) who had contact with police were more likely than those over age 29 (1.0%) to have had force used against them. Persons age 16 to 29 made up a smaller percentage of persons who had a police contact (34.5%) compared to the percentage of persons experiencing force during a contact (60.3%). The median age of those experiencing force was 26."

Source:

Durose, Matthew R., Smith, Erica L., and Langan, Patrick A., PhD, "Contacts Between Police and the Public, 2005," (NCJ215243) (Washington, DC: Bureau of Justice Statistics, April 2007), p. 8.

<http://www.bjs.gov/content/pub/pdf/cpp05.pdf>

10.

(Civil Rights Claim Procedures) "A civil rights claim arises when an individual or group asserts they have been discriminated against on the basis of their race, sex, religion, age, physical limitation, or previous condition of servitude. Most litigants in civil rights disputes are required to seek administrative remedies involving federal agencies such as the Equal Employment Opportunity Commission (EEOC), in the case of employment discrimination, or the U.S. Department of Housing and Urban Development (HUD), in the case of housing discrimination. Litigants not satisfied with these administrative outcomes can file a civil rights lawsuit in the federal courts to seek monetary or injunctive relief."

Source:

Tracey Kyckelhahn and Cohen, Thomas H., "Civil Rights Complaints in U.S. District Courts, 1990-2006," Bureau of Justice Statistics Special Report, (Washington, DC: US Dept. of Justice, December 2001), NCJ 222989, p. 1.

<http://www.bjs.gov/content/pub/pdf/crcusdc06.pdf>

11.

(NY Stop-and-Frisk of Young Black and Latino Men) "Young black and Latino men were the targets of a hugely disproportionate number of stops. Though they account for only 4.7 percent of the city's population, black and Latino males between the ages of 14 and 24 accounted for 41.6 percent of stops in 2011. The number of stops of young black men exceeded the entire city population of young black men (168,126 as compared to 158,406). Ninety percent of young black and Latino men stopped were innocent."

Source:

"Stop-and-Frisk 2011: NYCLU Briefing," New York Civil Liberties Union (New York, NY: American Civil Liberties Union of New York State, May 9, 2012), p. 2.

https://www.nyclu.org/sites/default/files/publications/NYCLU_2011_Stop-a...

12.

(Sexual Violence in US Prisons and Jails, 2011-2012) "The estimated number of prison and jail inmates experiencing sexual victimization totaled 80,600 (or 4.0% of all prison inmates and 3.2% of jail inmates nationwide) (table 1).

"Among all state and federal prison inmates, 2.0% (or an estimated 29,300 prisoners) reported an incident involving another inmate, and 2.4% (34,100) reported an incident involving facility staff. Some prisoners (0.4% or 5,500) reported sexual victimization by both another inmate and facility staff.

"Among all jail inmates, about 1.6% (11,900) reported an incident with another inmate, and 1.8% (13,200) reported an incident with staff. Approximately 0.2% of jail inmates (2,400) reported being sexually victimized by both another inmate and staff."

Source:

Beck, Allen J., PhD, Berzofsky, Marcus, DrPH, and Krebs, Christopher, PhD, "Sexual Victimization in Prisons and Jails Reported by Inmates, 2011-2012" (Washington, DC: US Dept. of Justice Bureau of Justice Statistics, May 2013), NCJ241399, p. 8.

<http://www.bjs.gov/content/pub/pdf/svpjri1112.pdf>

13.

(Allegations of Sexual Violence Against Inmates Reported by Adult Correctional Facilities in the US 2011) "In 2011, correctional administrators reported 8,763 allegations of sexual victimization in prisons, jails, and other adult correctional facilities (figure 1). About half (51%) involved allegations of nonconsensual sexual acts or abusive sexual contacts of inmates with other inmates, and half (49%) involved staff sexual misconduct or sexual harassment directed toward inmates. About 10% of the allegations (902) were substantiated based on follow-up investigation. While the number of allegations has risen since 2005 (6,241), the number substantiated has remained nearly unchanged (885 in 2005)."

Source:

Allen J. Beck, PhD, Ramona R. Rantala, and Jessica Rexroat, "Sexual Victimization Reported by Adult Correctional Authorities, 2009-11" (Washington, DC: US Dept. of Justice Bureau of Justice Statistics, January 2014), NCJ243904.

<http://www.bjs.gov/content/pub/pdf/svraca0911.pdf>

14.

(Sexual Violence in Prison) "In December 2000, the Prison Journal published a study based on a survey of inmates in seven men's prison facilities in four states. The results showed that 21 percent of the inmates had experienced at least one episode of pressured or forced sexual contact since being incarcerated, and at least 7 percent had been raped in their facility. A 1996 study of the Nebraska prison system produced similar findings, with 22 percent of male inmates reporting that they had been pressured or forced to have sexual contact against their will while incarcerated. Of these, over 50 percent had submitted to forced anal sex at least once. Extrapolating these findings to the national level gives a total of at least 140,000 inmates who

have been raped."

Source:

Human Rights Watch, "No Escape: Male Rape in US Prisons," (New York, NY: April 2001), p. 10.

<http://news.findlaw.com/hdocs/docs/hrw/hrwmalerape0401.pdf>

15.

(Sexual Assault in Prisons) "It is evident that certain prisoners are targeted for sexual assault the moment they enter a penal facility: their age, looks, sexual orientation, and other characteristics mark them as candidates for abuse. Human Rights Watch's research has revealed a broad range of factors that correlate with increased vulnerability to rape. These include youth, small size, and physical weakness; being white, gay, or a first offender; possessing 'feminine' characteristics such as long hair or a high voice; being unassertive, unaggressive, shy, intellectual, not street-smart, or 'passive'; or having been convicted of a sexual offense against a minor. Prisoners with any one of these characteristics typically face an increased risk of sexual abuse, while prisoners with several overlapping characteristics are much more likely than other inmates to be targeted for abuse. Yet it would be a mistake to think that only a minority of extremely vulnerable individuals face sexual abuse. In the wrong circumstances, it should be emphasized, almost any prisoner may become a victim."

Source:

Human Rights Watch, "No Escape: Male Rape in US Prisons," (New York, NY: April 2001), p. 11.

<http://news.findlaw.com/hdocs/docs/hrw/hrwmalerape0401.pdf>

16.

(Laws Restricting Rights of People with Criminal Records) "People with criminal records now confront unprecedented employment challenges that are not solely the result of a weak labor market. States, for example, have collectively adopted more than 30,000 laws that significantly restrict access to employment and other basic rights and benefits for people with criminal records, according to an exhaustive analysis ² by the American Bar Association."

Source:

Rodriguez, Michelle Natividad; Farid, Elizabeth; and Porter, Nicole, "State Reforms Promoting Employment of People with Criminal Records: 2010-11 Legislative Round-Up," National Employment Law Project, the National H.I.R.E. Network, and the Sentencing Project (December 2011), p. 1.

<http://www.nelp.org/page/-/SCLP/2011/PromotingEmploymentofPeoplewithCrim...>

17. Voting Rights and Felony Disenfranchisement

(Estimated Number of People in the US Who Have Been Disenfranchised Due to a Felony Conviction)

"□ As of 2016, an estimated 6.1 million people are disenfranchised due to a felony conviction, a figure that has escalated dramatically in recent decades as the population under criminal justice supervision has increased. There were an estimated 1.17 million people disenfranchised in 1976, 3.34 million in 1996, and 5.85 million in 2010.

"□ Approximately 2.5 percent of the total U.S. voting age population – 1 of every 40 adults – is disenfranchised due to a current or previous felony conviction.

"□ Individuals who have completed their sentences in the twelve states that disenfranchise people post-sentence make up over 50 percent of the entire disenfranchised population, totaling almost 3.1 million people."

Source:

Christopher Uggen, Ryan Larson, and Sarah Shannon, "6 Million Lost Voters: State-Level Estimates of Felon Disenfranchisement in the United States, 2016" (Washington, DC: The Sentencing Project, October 2016), p. 3.

<http://www.sentencingproject.org/publications/6-million-lost-voters-stat...>

<http://www.sentencingproject.org/wp-content/uploads/2016/10/6-Million-Lo...>

18.

(Rates of Disenfranchisement in the US by State)

"□ Rates of disenfranchisement vary dramatically by state due to broad variations in voting prohibitions. In six states – Alabama, Florida, Kentucky, Mississippi, Tennessee, and Virginia – more than 7 percent of the adult population is disenfranchised.

"□ The state of Florida alone accounts for more than a quarter (27 percent) of the disenfranchised population nationally, and its nearly 1.5 million individuals disenfranchised post-sentence account for nearly half (48 percent) of the national total.

"□ One in 13 African Americans of voting age is disenfranchised, a rate more than four times greater than that of non-African Americans. Over 7.4 percent of the adult African American population is disenfranchised compared to 1.8 percent of the non-African American population.

"□ African American disenfranchisement rates also vary significantly by state. In four states – Florida (21 percent), Kentucky (26 percent), Tennessee (21 percent), and Virginia (22 percent) – more than one in five African Americans is disenfranchised."

Source:

Christopher Uggen, Ryan Larson, and Sarah Shannon, "6 Million Lost Voters: State-Level Estimates of Felon Disenfranchisement in the United States, 2016" (Washington, DC: The Sentencing Project, October 2016), p. 3.

<http://www.sentencingproject.org/publications/6-million-lost-voters-stat...>

<http://www.sentencingproject.org/wp-content/uploads/2016/10/6-Million-Lo...>

19.

(States That Allow Inmates to Vote) "Maine and Vermont remain the only states that allow prison inmates to vote. Thirty U.S. states deny voting rights to felony probationers, and thirty-five states disenfranchise parolees. In the most extreme cases, eleven states continue to deny voting rights to some or all of the "ex-felons" who have successfully fulfilled their prison, parole, or probation sentences"

Source:

Christopher Uggen, Sarah Shannon, and Jeff Manza, "State-Level Estimates of Felon Disenfranchisement in the United States, 2010" (Washington, DC: The Sentencing Project, July 2012), p. 2.

http://sentencingproject.org/doc/publications/fd_State_Level_Estimates_o...

20.

(Progress in Reforming Felony Disenfranchisement Laws)

"As Table 1 noted, there have been several significant changes in state disenfranchisement policies over the past decade. Most notably, Delaware removed its five-year waiting period for most offenses in 2013 and South Dakota began disenfranchising felony probationers in 2012. Governor Tom Vilsack of Iowa re-enfranchised all state residents who had completed their sentences by executive order on July 4, 2005 – though that order was then reversed by his successor, Governor Terry Branstad, in January 2011. In 2016 the Alabama legislature eased the rights restoration process after completion of sentence for persons not convicted of a crime of "moral turpitude." Other states have also reduced disenfranchisement through streamlining restoration of rights or re-enfranchising certain groups of individuals with felony convictions. For example, both Rhode Island and Maryland now restrict voting rights only for those in prison as opposed to all individuals currently serving a felony sentence, including those on probation and parole. And in 2016, California restored voting rights to people convicted of a felony offense housed in jail, but not in prison."

Source:

Christopher Uggen, Ryan Larson, and Sarah Shannon, "6 Million Lost Voters: State-Level Estimates of Felon Disenfranchisement in the United States, 2016" (Washington, DC: The Sentencing Project, October 2016), p. 12.

<http://www.sentencingproject.org/publications/6-million-lost-voters-stat...>

<http://www.sentencingproject.org/wp-content/uploads/2016/10/6-Million-Lo...>

21.

(Disenfranchised Citizens) "To grasp how many 'fellow citizens' are unable to vote because of a felony conviction, imagine this: If all of them congregated in a single, geographic area, it would become the nation's second largest city, right behind New York. It would be larger than Los Angeles or Chicago. If those deprived of their suffrage lived in a single state, it would be the country's twenty-sixth most populous - right after Kentucky, right before South Carolina."

Source:

Hull, Elizabeth, "The Disenfranchisement of Ex-Felons," (Philadelphia, PA: Temple University, 2006), p. 1.

http://www.temple.edu/tempres/chapters_1400/1727_ch1.pdf

<http://mapinc.org/url/GhBrp7YH>

22.

(Felony Disenfranchisement in the US, 1994-2004)

"□ Since 1997, 16 states have implemented reforms to their felony disenfranchisement policies

"□ These reforms have resulted in the restoration of voting rights to an estimated 621,400 persons

"□ By 2004, the total number of people disenfranchised due to a felony conviction had risen to 5.3 million

"□ Among those disenfranchised, 74% are currently living in the community

"□ In 2004, 1 in 12 African Americans was disenfranchised because of a felony conviction, a rate nearly five times that of non-African Americans

"□ Voting is linked with reduced recidivism; one study shows that 27 percent of non-voters were rearrested, compared with 12 percent of voters"

Source:

King, Ryan S., "A Decade of Reform: Felony Disenfranchisement Policy in the United States" (Washington, DC: Sentencing Project, 2006), p. 2.

http://www.issuelab.org/resource/a_decade_of_reform_felony_disenfranchis...

23.

(Voting Behavior) "There is some evidence indicating that voting behavior and criminal behavior are related. In a longitudinal survey of 1,000 young adults, Uggen and Manza (2004) found that only around 5% of the voters had been arrested or incarcerated compared to the non-voters of whom 16% had been arrested and 12% had been incarcerated. And, among

former arrestees, approximately 27% of the non-voters had been rearrested compared to 12% of the voters. Similar patterns emerged when examining self-reported crime such that voters reported significantly less crime than non-voters. Thus, voting appears to be part of a 'package of prosocial behavior.'"

Source:

Dhami, Mandeep K. "Prisoner Disenfranchisement Policy: A Threat to Democracy?" *Analyses of Social Issues and Public Policy* (Washington, DC: The Society for the Psychological Study of Social Issues, December 2005) Vol. 5, Issue 1, p. 9.

Abstract: <http://onlinelibrary.wiley.com/doi/10.1111/j.1530-2415.2005.00069.x/abst...>

24.

(Voting Rights and International Law) "The basic principles for electoral democracy are laid out in international law. Article 25 of the International Covenant on Civil and Political Rights (ICCPR) declares that 'Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions: . . . (b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors. . .'; Article 2 sets out that this applies 'without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.'"

Source:

Dhami, Mandeep K. "Prisoner Disenfranchisement Policy: A Threat to Democracy?" *Analyses of Social Issues and Public Policy* (Washington, DC: The Society for the Psychological Study of Social Issues, December 2005) Vol. 5, Issue 1, p. 235.

<http://www.asap-spssi.org/pdf/0501dhami.pdf>

25.

(Felony Disenfranchisement in the US in 1996) "Thirteen percent of all adult black men -- 1.4 million -- are disenfranchised, representing one-third of the total disenfranchised population and reflecting a rate of disenfranchisement that is seven times the national average. Election voting statistics offer an approximation of the political importance of black disenfranchisement: 1.4 million black men are disenfranchised compared to 4.6 million black men who voted in 1996."

Source:

Fellner, Jamie and Mauer, Mark, "Losing the Vote: The Impact of Felony Disenfranchisement Laws in the United States" (Washington, DC: Human Rights Watch & The Sentencing Project, 1998), p. 8.

<http://www.sentencingproject.org/publications/losing-the-vote-the-impact...>

<http://www.sentencingproject.org/wp-content/uploads/2016/01/Losing-the-V...>

Election data cited comes from the US Census Bureau, Voting and Registration in the Election of November 1996 (P20-504) (Washington, DC: US Census Bureau, July 1998).

26.

(Felony Disfranchisement and the 2000 and 2004 Presidential Election Results in Florida) "In the last two presidential races, voters gave almost equal support to Democratic and Republican candidates; in 2004 less than 2.5 percentage points separated President Bush and Senator Kerry and the margin in 2000 between then-Governor Bush and Vice-President Gore was less than half a percentage point. Even more startling, as shown in Table 1, in 2000, the margin between Vice-President Al Gore and Governor George W. Bush was less than 6000 votes in four states. In this contentious political climate voting rights and participation have taken on even greater significance and more Americans are paying attention to how policies affecting offenders in turn affect the electorate. To date, this concern is reflected by the emerging debate over the disfranchisement of felons, an issue that has received much attention from interest groups, media outlets, and politicians. In particular, much of this attention was directed at Florida, a state that permanently disfranchises individuals convicted of felonies."

Source:

Burch, Traci, "Did Disfranchisement Laws Help Elect President Bush? A Closer Look at the Characteristics and Preferences of Florida's Ex-Felons," Searle Center on Law, Regulation, and Economic Growth (Chicago, IL: Northwestern University School of Law: November 3, 2008), p 2.

http://s3.amazonaws.com/zanran_storage/www.law.northwestern.edu/ContentP...

27. **Racial and Ethnic Profiling**

(Racial Profiling and Traffic Stops) "In both 2002 and 2005, white, black, and Hispanic drivers were stopped by police at similar rates, while blacks and Hispanics were more likely than whites to be searched by police. About 5% of all stopped drivers were searched by police during a traffic stop. Police found evidence of criminal wrong-doing (such as drugs, illegal weapons, or other evidence of a possible crime) in 11.6% of searches in 2005."

Source:

Durose, Matthew R., Smith, Erica L., and Langan, Patrick A., PhD, "Contacts Between Police and the Public, 2005," (NCJ215243) (Washington, DC: Bureau of Justice Statistics, April 2007), p. 1.

<http://www.bjs.gov/content/pub/pdf/cpp05.pdf>

28.

(Political Interference In Racial Profiling Research) New York Times, 2005: "The Bush administration is replacing the director of a small but critical branch of the Justice Department, months after he complained that senior political officials at the department were seeking to play down newly compiled data on the aggressive police treatment of black and Hispanic drivers.

"The demotion of the official, Lawrence A. Greenfeld, whom President Bush named in 2001 to lead the Bureau of Justice Statistics, caps more than three years of simmering tensions over charges of political interference at the agency. And it has stirred anger and tumult among many Justice Department statisticians, who say their independence in analyzing important law enforcement data has been compromised.

"Officials at the White House and the Justice Department said no political pressure had been exerted over the statistics branch. But they declined to discuss the job status of Mr. Greenfeld, who told his staff several weeks ago that he had been asked to move on after 23 years of generally high marks as a statistician and supervisor at the agency. Mr. Greenfeld, who was initially threatened with dismissal and the possible loss of some pension benefits, is expected to leave the agency soon for a lesser position at another agency."

Source:

Lichtblau, Eric, "Profiling Report Leads to a Demotion," New York Times, August 24, 2005.

<http://www.nytimes.com/glogin?URI=http://www.nytimes.com/2005/08/24/poli...>

29.

(Racial Data Collection at Traffic Stops) "As of March 2001, 16 of the 49 State police agencies with patrol duties required officers to collect the race or ethnicity of all drivers involved in a traffic stop (table 1). Thirty-seven State agencies collected the race or ethnicity of motorists when an arrest was made, and 22 agencies did so following a vehicle or occupant search. Ten State police agencies — Arizona, Arkansas, Idaho, Illinois, Minnesota, Montana, New Mexico, North Dakota, Oklahoma, and Utah — did not require their State troopers to collect race or ethnicity data."

Source:

Bureau of Justice Statistics, "Traffic Stop Data Collection Policies for State Police, 2001" (Washington, DC: US Dept. of Justice, December 2001), NCJ 191158 , p. 2.

<http://www.bjs.gov/content/pub/pdf/tsdcp01.pdf>

30.

"... blacks are just 12 percent of the population and 13 percent of the drug users, and despite the fact that traffic stops and similar enforcement yield equal arrest rates for minorities and whites alike, blacks are 38 percent of those arrested for drug offenses and 59 percent of those convicted of drug offenses. Moreover, more frequent stops, and therefore arrests, of minorities will also result in longer average prison terms for minorities because patterns of disproportionate arrests generate

more extensive criminal histories for minorities, which in turn influence sentencing outcomes."

Source:

Welch, Ronald H., and Angulo, Carlos T., Leadership Conference on Civil Rights, "Justice on Trial: Racial Disparities in the American Criminal Justice System" (Washington, DC: Leadership Conference on Civil Rights, May 2000), p. 7.

<http://www.protectcivilrights.org/pdf/reports/justice.pdf>

31. **Sociopolitical Research**

(Racial Profiling Laws) "In addition to the increase in the number of States that required State law enforcement agencies to collect race and ethnicity statistics during traffic stops, States have recently enacted statutes that prohibit law enforcement officers from engaging in racial profiling (California, Connecticut, Kentucky, Oklahoma, and Rhode Island). these statutes generally defined racial profiling as stopping a person based solely on race or ethnicity instead of an individualized suspicion arising from the person's behavior."

Source:

Bureau of Justice Statistics, "Traffic Stop Data Collection Policies for State Police, 2001" (Washington, DC: US Dept. of Justice, December 2001), NCJ 191158, p. 1.

<http://www.bjs.gov/content/pub/pdf/tsdcp01.pdf>

32.

(Racial Bias in Traffic Stops) "Under a federal court consent decree, traffic stops by the Maryland State Police on Interstate 95 were monitored. In the two year period from January 1995 to December 1997, 70 percent of the drivers stopped and searched by the police were black, while only 17.5 percent of overall drivers – as well as overall speeders – were black."

Source:

Cole, David, "No Equal Justice: Race and Class in the American Criminal Justice System" (New York: The New Press, 1999), p. 36.

<http://www.ncjrs.gov/App/publications/Abstract.aspx?id=179184>

<http://www.civilrights.org/publications/justice-on-trial/race.html>

33.

(Impact of Racial Disparities) At the start of the 1990s, the U.S. had more Black men (between the ages of 20 and 29) under the control of the nation's criminal justice system than the total number in college. This and other factors have led some scholars to conclude that, "crime control policies are a major contributor to the disruption of the family, the prevalence of single parent families, and children raised without a father in the ghetto, and the 'inability of people to get the jobs still available.'"

Source:

Craig Haney, Ph.D., and Philip Zimbardo, Ph.D., "The Past and Future of U.S. Prison Policy: Twenty-five Years After the Stanford Prison Experiment," *American Psychologist*, Vol. 53, No. 7 (July 1998), p. 716.

http://www.csdp.org/research/haney_apa.pdf

34. **Domestic Surveillance and Wiretaps**

(Extent of Wiretapping in US, 2013) "The number of federal and state wiretaps reported in 2013 increased 5 percent from 2012. A total of 3,576 wiretaps were reported as authorized in 2013, with 1,476 authorized by federal judges and 2,100 authorized by state judges. Compared to the applications approved during 2012, the number approved by federal judges increased 9 percent in 2013, and the number approved by state judges rose 3 percent. One state wiretap application was denied in 2013.

"In 27 states, a total of 142 separate local jurisdictions (including counties, cities, and judicial districts) reported wiretap applications for 2013. Applications in California, New York, Nevada, New Jersey, Georgia, and Florida accounted for 80 percent of all applications approved by state judges. Eighty federal jurisdictions submitted reports for 2013. The Southern District of California authorized the most federal wiretaps, approximately 8 percent of the applications approved by federal judges.

"Federal judges and state judges authorized 1,097 wiretaps and 101 wiretaps, respectively, for which the AO received no corresponding data from prosecuting officials. Wiretap Tables A-1 and B-1 (which will be available after July 15, 2014; sign up to receive an email alert when they are published) contain information from all judge and prosecutor reports submitted for 2013. The entry 'NP' appears in these tables whenever a prosecutor's report was not submitted. Some of the prosecutors' reports were received too late to include in this document, and some prosecutors may have delayed filing reports to avoid jeopardizing ongoing investigations. Information about these wiretaps should appear in future reports."

It is important to note: "This report does not include data on interceptions regulated by the Foreign Intelligence Surveillance Act of 1978, which the AO is not authorized to collect or report."

Source:

Administrative Office of the United States Courts, 2013 Wiretap Report (Washington, DC: June 2014).

<http://www.uscourts.gov/Statistics/WiretapReports/wiretap-report-2013.as...>

<http://www.uscourts.gov/uscourts/Statistics/WiretapReports/2013/Table1.p...>

35.

(Total Number of Wiretaps for Drug Offenses in the US, 2013) "Drug offenses were the most prevalent type of criminal offense investigated using wiretaps. Table 3 indicates that 87 percent of all applications for intercepts (3,115 wiretaps) in 2013 cited illegal drugs as the most serious offense under investigation. 'Other major offenses,' a category that includes smuggling and money laundering, was the second-largest category and was specified as the most serious offense in approximately 4 percent of applications. Homicide, the third-most frequently cited crime, was specified in less than 4 percent of applications. Many applications for court orders revealed that multiple criminal offenses were under investigation, but Table 3 includes only the most serious criminal offense listed on an application."

Source:

Administrative Office of the United States Courts, 2013 Wiretap Report (Washington, DC: June 2014).

<http://www.uscourts.gov/Statistics/WiretapReports/wiretap-report-2013.as...>

<http://www.uscourts.gov/uscourts/Statistics/WiretapReports/2013/Table3.p...>

36.

(Average Cost of Wiretaps in the US, 2013) "Table 5 provides a summary of expenses related to wiretaps in 2013. The expenditures noted reflect the cost of installing intercept devices and monitoring communications for the 2,069 authorizations for which reports included cost data. The average cost of intercept devices in 2013 was \$41,119, down 18 percent from the average cost in 2012. For federal wiretaps for which expenses were reported in 2013, the average cost was \$43,361, a 25 percent decrease from 2012."

Source:

Administrative Office of the United States Courts, 2013 Wiretap Report (Washington, DC: June 2014).

<http://www.uscourts.gov/Statistics/WiretapReports/wiretap-report-2013.as...>

<http://www.uscourts.gov/uscourts/Statistics/WiretapReports/2013/Table5.p...>

37.

(Thermal Imaging) "In *Kyllo [v United States]* , a federal agent used infrared thermal imaging equipment to compare the heat emanating from a triplex unit to the heat signatures of other nearby residences. Based in part on the equipment reading indicating that the defendant's home was warmer than the others, the agent obtained a search warrant. Officers searched the home and seized marijuana plants growing inside. The government argued that the Fourth Amendment had no application, because the defendant had made no effort to conceal the heat escaping the walls of his home and had no reasonable expectation that passers-by would not take notice.

"The Supreme Court disagreed, 5-4, holding that the use of sense-enhancing technology not in general public use, in order to reveal details about the interior of a private home that could not otherwise be ascertained without entering the home, constitutes a search. The majority placed great emphasis on the fact that the technique was aimed at a private dwelling, yet it is not clear from the decision whether (or why) the use of such technology against a barn or private office should yield a different result."

Source:

Best, Richard A., Jr.; Elsea, Jennifer K., "Satellite Surveillance: Domestic Issues," Congressional Research Service (Washington, DC: Library of Congress, January 13, 2011), p. 15.

<http://www.fas.org/sgp/crs/intel/RL34421.pdf>

38.

(Confidential Informants) "DEA officials state that without confidential sources, the DEA could not effectively enforce the controlled substances laws of the United States. Confidential sources come from all walks of life and are significant to initiating investigations and providing information or services to facilitate arrests and seizures of drugs and cash. According to the DEA, it has approximately 4,000 active confidential sources at any one time."

Source:

Office of the Inspector General, Audit Division, "Executive Summary: The Drug Enforcement Administration's Payments to Confidential Sources," (Washington, DC: U.S. Department of Justice, 2005), p. 1

<http://www.justice.gov/oig/reports/DEA/a05/final.pdf>

39.

"The Fourth Amendment provides that

"The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated; and no Warrants shall issue but upon probable cause, supported by Oath or affirmation, and particularly

describing the place to be searched, and the persons or things to be seized."

"In general, the amendment prohibits the government from conducting unreasonable searches or seizures of 'the people' and their property, in most cases (subject to a number of exceptions) requiring a warrant supported by a particularized description of the object of the search or seizure. ³⁵ The term 'search' refers to a governmental infringement of an expectation of privacy that society is prepared to consider reasonable, that is, under circumstances where an individual reasonably expects that the privacy of his or her person, home, papers, or effects are protected from uninvited intrusion. ³⁶ A 'seizure' occurs when there is meaningful governmental interference in a property interest ³⁷ or intentional detention of a person. ³⁸ Searches and seizures can involve intangible as well as tangible things. ³⁹

"Government surveillance where there is no legitimate expectation of privacy does not amount to a 'search' within the meaning of the Fourth Amendment and therefore carries no requirement for a warrant, probable cause, or even any semblance of reasonableness."

Source:

Best, Richard A., Jr.; Elsea, Jennifer K., "Satellite Surveillance: Domestic Issues," Congressional Research Service (Washington, DC: Library of Congress, January 13, 2011), p. 12.

<http://www.fas.org/sgp/crs/intel/RL34421.pdf>

40.

(Helicopter Surveillance) "The Supreme Court addressed whether an observation made from a low-flying helicopter constituted a search in *Florida v. Riley*, ⁵⁸ a plurality concluding that it did not. At issue was the use of a police helicopter, hovering at 400 feet (an altitude prohibited for fixed-wing aircraft), to observe, through an opening in a greenhouse roof, marijuana growing inside. The plurality read [*California v.*] *Ciraolo* as establishing that so long as there was no breach of the Federal Aviation Agency (FAA) safety regulations, the property owner had no legitimate reason to expect privacy with respect to non-intimate activities undertaken in the curtilage of his home that were plainly visible from above. Five justices would have preferred to consider how often members of the public actually make low-altitude helicopter flights over populated areas in determining whether the claimed expectation of privacy was reasonable. The plurality suggested that surveillance overflights that comply with FAA regulations might nevertheless constitute searches if they were to involve "undue noise, [] wind, dust, or threat of injury" or to reveal "intimate details connected with the use of the home or curtilage." ⁹ "

Source:

Best, Richard A., Jr.; Elsea, Jennifer K., "Satellite Surveillance: Domestic Issues," Congressional Research Service (Washington, DC: Library of Congress, January 13, 2011), p. 15.

<http://www.fas.org/sgp/crs/intel/RL34421.pdf>

41.

(Erosion of the Fourth Amendment) "In recent years – in no small part as the result of the failed 'war on drugs' – Fourth Amendment principles have been steadily eroding. The circumstances under which police and other government officials may conduct warrantless searches has been rapidly expanding. The courts have allowed for increased surveillance and searches on the nation's highways and at our 'borders' (the legal definition of which actually extends hundreds of miles inland from the actual border). And despite the Constitution's plain language covering 'persons' and 'effects,' the courts have increasingly allowed for warrantless searches when we are outside of our homes and 'in public.' Here the courts have increasingly found we have no 'reasonable expectation' of privacy and that therefore the Fourth Amendment does not apply."

Source:

Stanley, Jay and Steinhardt, Barry, "Bigger Monster, Weaker Chains: The Growth of an American Surveillance Society," American Civil Liberties Union (New York, NY: January 2003), p. 16.

http://www.aclu.org/files/FilesPDFs/aclu_report_bigger_monster_weaker_ch...

42.

(Confidential Informants) "Drug law enforcement in the United States has grown highly dependent upon the wholesale use of confidential informants (CIs), who are frequently lawbreakers in their own right. Driven by skewed police performance metrics and draconian sentencing policies, and corrupted through perverse incentives coupled with nonexistent oversight, the informant system as operated is antithetical to basic fairness, the proper administration of the justice system, and truly effective law enforcement. The pervasive abuse of the informant system, often by federally funded drug task forces, has had tragic implications for individuals and communities nationwide. Disproportionately targeted by drug law enforcement efforts, African American communities have, unsurprisingly, borne the brunt of this injustice."

Source:

Greene, Judith and Allard, Patricia, "Numbers Game: The Vicious Cycle of Incarceration in Mississippi's Criminal Justice System," American Civil Liberties Union (New York, NY: March 2011), p. 35.

https://www.aclu.org/files/assets/DLRP_MississippiReport_sm.pdf

43. **Human Rights and International**

"In recent years there has been growing attention to the human rights implications of the international narcotics control regime among non-governmental organisations ⁶ and UN human rights monitors. ⁷ [Special Rapporteurs] Human rights violations documented in the name of drug control in countries across the world include: the execution of hundreds of people annually for drug offences; ⁸ the arbitrary detention of hundreds of thousands of people who use (or are accused of using) illicit

drugs; ⁹ the infliction of torture, or other forms of cruel, inhuman or degrading treatment, in the name of 'drug treatment'; ¹⁰ the extrajudicial killings of people suspected of being drug users or drug traffickers; ¹¹ and the denial of potentially life saving health services for people who use drugs. ¹² "

Source:

Lines, Rick, "'Deliver us from evil'? – The Single Convention on Narcotic Drugs, 50 years on," International Journal on Human Rights and Drug Policy (International Centre on Human Rights and Drug Policy, 2010) Vol. 1, p. 4.

http://evolvecms.webfreelancersuk.co.uk/sites/default/files/Deliver_us_f...

44.

UN Conventions on Drugs

" The Single Convention on Narcotic Drugs of 1961 was set up as a universal system (replacing the various treaties signed until then) to control the cultivation, production, manufacture, export, import, distribution of, trade in, use and possession of narcotic substances, paying special attention to those that are plant-based: opium/heroin, coca/cocaine and cannabis. More than a hundred substances are listed in the four schedules of the convention, placing them under varying degrees of control.

" The Convention on Psychotropic Substances of 1971 , in response to the diversification of drugs of abuse, introduces controls over the licit use of more than a hundred-largely synthetic- psychotropic drugs, like amphetamines, LSD, ecstasy, valium, etcetera, again divided over four schedules. An important purpose of the first two treaties is to codify internationally applicable control measures in order to ensure the availability of narcotic drugs and psychotropic substances for medical and scientific purposes, while preventing their diversion into illicit channels. The World Health Organization (WHO) is responsible for the medical and scientific assessment of all psychoactive substances and to advise the Commission on Narcotic Drugs (CND) about their classification into one of the schedules of the 1961 or 1971 treaties.

"In response to the increasing problem of drug abuse and trafficking during the 1970s and 1980s, the Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988 provides for comprehensive measures against drug trafficking. These include provisions against money laundering and the diversion of precursor chemicals, and agreements on mutual legal assistance. The International Narcotics Control Board (INCB) is the quasi-judicial control organ for the implementation of all three United Nations drug conventions. The board consists of thirteen members, three elected from a list of candidates nominated by WHO and ten from a list nominated by Governments."

Source:

Organization of American States, Inter-American Drug Abuse Control Commission, and Caribbean Community Secretariat, "How to Develop a National Drug Policy: A Guide for Policymakers, Practitioners, and Stakeholders," (Washington, DC: 2009), p. 51.

http://www.cicad.oas.org/en/pubs/How_to_Develop_a_National_Drug_Policy_C...

45.

(Human Rights and International Drug Control) "The current international system of drug control has focused on creating a drugfree world, almost exclusively through use of law enforcement policies and criminal sanctions. Mounting evidence, however, suggests this approach has failed, primarily because it does not acknowledge the realities of drug use and dependence. While drugs may have a pernicious effect on individual lives and society, this excessively punitive regime has not achieved its stated public health goals, and has resulted in countless human rights violations."

Source:

Grover, Anand, "Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health," United Nations Human Rights Council (Geneva, Switzerland: Office of the High Commissioner for Human Rights, August 6, 2010), p. 2.

<http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N10/477/91/PDF/N1047791.pdf?O...>

46.

(Public Health and Welfare and the Rights of Drug Users) "The primary goal of the international drug control regime, as set forth in the preamble of the Single Convention on Narcotic Drugs (1961), is the 'health and welfare of mankind', but the current approach to controlling drug use and possession works against that aim. Widespread implementation of interventions that reduce harms associated with drug use — harm-reduction initiatives — and of decriminalization of certain laws governing drug control would improve the health and welfare of people who use drugs and the general population demonstrably. Moreover, the United Nations entities and Member States should adopt a right to health approach to drug control, encourage system-wide coherence and communication, incorporate the use of indicators and guidelines, and consider developing a new legal framework concerning certain illicit drugs, in order to ensure that the rights of people who use drugs are respected, protected and fulfilled."

Source:

Grover, Anand, "Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health," United Nations Human Rights Council (Geneva, Switzerland: Office of the High Commissioner for Human Rights, August 6, 2010), p. 2.

<http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N10/477/91/PDF/N1047791.pdf?O...>

47.

(Rights of Indigenous Peoples, Health, and Traditional Medicines)

Article 24

"1. Indigenous peoples have the right to their traditional medicines and to maintain their health practices, including the conservation of their vital medicinal plants, animals and minerals. Indigenous individuals also have the right to access, without any discrimination, to all social and health services.

"2. Indigenous individuals have an equal right to the enjoyment of the highest attainable standard of physical and mental

health. States shall take the necessary steps with a view to achieving progressively the full realization of this right."

Source:

Report of the Human Rights Council "United Nations Declaration on the Rights of Indigenous Peoples," United Nations General Assembly, (New York, NY: September 7, 2007), Sixty-first session, Agenda Item 68, p. 8.

<http://www.epa.gov/tribal/pdf/UN-Declaration-on-Indigenous-Rights-07-09....>

48.

(Rights of Indigenous Peoples)

Article 31

"1. Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports and traditional games and visual and performing arts. They also have the right to maintain, control, protect and develop their intellectual property over such cultural heritage, traditional knowledge, and traditional cultural expressions.

2. In conjunction with indigenous peoples, States shall take effective measures to recognize and protect the exercise of these rights."

Source:

Report of the Human Rights Council "United Nations Declaration on the Rights of Indigenous Peoples," United Nations General Assembly, (New York, NY: September 7, 2007), Sixty-first session, Agenda Item 68, pp. 9-10.

<http://www.epa.gov/tribal/pdf/UN-Declaration-on-Indigenous-Rights-07-09....>

49.

(Reasons to Seek Alternatives to Incarceration) "In responding to the problem of drug use, many countries have introduced severe penalties for drug use and related crime, which have resulted in large numbers of people in prisons, compulsory treatment centres, or labour camps without significant long term impact on drug use, drug dependence or drug-related crime in the community and are in contradiction with human rights. At the same time, the long term incarceration of a large number of people who use drugs is expensive. It also results in high risk for the transmission of HIV, hepatitis, and TB, both in closed settings and beyond, that represents a significant public health risk to the community. Many countries are consequently looking for alternatives to incarceration for drug use and related crime."

Source:

"From coercion to cohesion: Treating drug dependence through health care, not punishment," United Office on Drugs and

Crime (Vienna, Austria: October 28-30, 2009), p. 9.

http://www.unodc.org/docs/treatment/Coercion_Ebook.pdf

50.

(Death Penalty) "Up to 1000 people are executed for drug offences each year, in direct violation of international law. ⁽²⁾ "

Source:

"The War on Drugs: Are we paying too high a price?" from the "Count the Costs: 50 Years of the War on Drugs," Transform Drug Policy Foundation (United Kingdom, 2011), p. 4.

<http://www.countthecosts.org/sites/default/files/War%20on%20Drugs%20-%20...>

citing Gallahue, Patrick and Lines, Rick, "Death Penalty for Drug Offences: Global Overview 2010," International Harm Reduction Association (London, United Kingdom: 2010), p. 49.

http://www.ihra.net/files/2010/06/16/THRA_DeathPenaltyReport_Web.pdf

51.

(UNODC Funding and Rights Violations) "Much of this money [donations from wealthy donor states] goes through the United Nations Office on Drugs and Crime (UNODC). Donors contributed approximately \$273.2 million USD to the agency's drug programme for the two-year period 2010–20112, of which \$61 million went to counter illicit trafficking, very often in environments with serious human rights risks ³ . These funds are accompanied by millions more in bilateral aid to governments responsible for serious human rights violations.

"These funds are intended to reduce crime and human suffering by reducing the supply of and demand for illicit drugs. In reality, in the name of drug control, donors are supporting practices in other countries that they themselves regard as morally reprehensible and illegal."

Source:

Gallahue, Patrick; Saucier, Roxanne and Barrett, Damon , "Partners in Crime: International Funding for Drug Control and Gross Violations of Human Rights," Harm Reduction International (London, United Kingdom: International Harm Reduction Association, June 2012), p. i.

http://www.ihra.net/files/2012/06/20/Partners_in_Crime_web1.pdf

52.

(Countries With Death Penalty for Drug Offenses) "Of the fifty-eight states worldwide that retain the death penalty, about half – thirty-two jurisdictions in all ³⁷⁶ – maintain laws that prescribe the death penalty for drug offences. In some states, drug offenders make up a significant portion – if not the outright majority – of those executed each year. In a few countries, Malaysia for example, it would seem that capital punishment is maintained solely to punish drug-related offences.

"The figures collected for the Global Overview 2010 demonstrate that the number of executions worldwide each year for drug offences is at least in the hundreds, and is likely well over a thousand when factoring in estimates from countries such as China, Singapore and Viet Nam, which keep their death penalty data secret."

Source:

Gallahue, Patrick and Lines, Rick, "Death Penalty for Drug Offences: Global Overview 2010," International Harm Reduction Association (London, United Kingdom: 2010), p. 50.

http://www.ihra.net/files/2010/06/16/IHRA_DeathPenaltyReport_Web.pdf

53.

"Certain fundamental principles underpin all aspects of national and international policy. These are enshrined in the Universal Declaration of Human Rights and many international treaties that have followed. Of particular relevance to drug policy are the rights to life, to health, to due process and a fair trial, to be free from torture or cruel, inhuman or degrading treatment, from slavery, and from discrimination. These rights are inalienable, and commitment to them takes precedence over other international agreements, including the drug control conventions. As the UN High Commissioner for Human Rights, Navanethem Pillay, has stated, 'Individuals who use drugs do not forfeit their human rights. Too often, drug users suffer discrimination, are forced to accept treatment, marginalized and often harmed by approaches which over-emphasize criminalization and punishment while under-emphasizing harm reduction and respect for human rights.' ⁵ "

Source:

"War on Drugs: Report of the Global Commission on Drug Policy," Global Commission on Drug Policy (Rio de Janeiro, Brazil: June 2011), p. 5.

http://dl.dropbox.com/u/64663568/library/Global_Commission_Report_Englis...

54. **Drugs and Terror**

"A narco-terrorist organization is an organized group that is complicit in the activities of drug trafficking to further or fund premeditated, politically motivated violence to influence a government or group of people. Although the DEA does not

specifically target terrorists, some of the powerful international drug trafficking organizations we have targeted have never hesitated to use violence and terror to advance their political interests."

Source:

Statement of Anthony P. Placido, Assistant Administrator for Intelligence, US DEA, Before the House Oversight and Government Reform Subcommittee on National Security and Foreign Affairs, March 3, 2010, "Transnational Drug Enterprises (Part II): Threats to Global Stability And U.S. Policy Responses."

<http://www.justice.gov/dea/pr/speeches-testimony/2012-2009/ct030310.pdf>

55.

"The office's [Federal Bureau of Investigation's] priorities were driven by two primary concerns. First, performance in the Bureau was generally measured against statistics such as numbers of arrests, indictments, prosecutions, and convictions. Counterterrorism and counterintelligence work, often involving lengthy intelligence investigations that might never have positive or quantifiable results, was not career-enhancing. Most agents who reached management ranks had little counterterrorism experience. Second, priorities were driven at the local level by the field offices, whose concerns centered on traditional crimes such as white-collar offenses and those pertaining to drugs and gangs. Individual field offices made choices to serve local priorities, not national priorities."

Source:

"The 911 Commission Report: Final Report of the National Commission on Terrorist Attacks Upon the United States," National Commission on Terrorist Attacks Upon the United States (Washington, DC: July 22, 2004), p. 74.

<http://www.gpo.gov/fdsys/pkg/GPO-911REPORT/pdf/GPO-911REPORT.pdf>

56.

"Like the war on terror, the war on drugs is framed as a response to an exceptional, existential threat to our health, our security, and indeed the very fabric of society. The 'Addiction to narcotic drugs' is portrayed as an 'evil' the international community has a moral duty to 'combat' because it is a 'danger of incalculable gravity' that warrants a series of (otherwise publicly unacceptable) extraordinary measures. This is not an exaggeration of the political rhetoric. This crusading language has created a political climate in which drug war policy and enforcement are not required to meet human rights norms."

Source:

"The War on Drugs: Undermining Human Rights," from the "Count the Costs: 50 Years of the War on Drugs," Transform Drug Policy Foundation (United Kingdom, 2011), p. 2.

http://www.countthecosts.org/sites/default/files/Human_rights_briefing.p...

Related Chapters:

- [Race & Prison](#)