

Common Sense for Drug Policy Presents The Facts: Crack

Crack

1. **“Powder cocaine and crack cocaine are two forms of the same drug, containing the same active ingredient.”**

Source: US Sentencing Commission, *Special Report to Congress: Cocaine and Federal Sentencing Policy* (Washington DC: US Sentencing Commission (February 1995), p. v.

2. **Crack cocaine is the only drug for which the first offense of *simple possession* can trigger a federal mandatory minimum sentence. Possession of 5 grams of crack will trigger a 5 year mandatory minimum sentence. “Simple possession of any quantity of any other substance by a first-time offender—including powder cocaine—is a misdemeanor offense punishable by a maximum of one year in prison.” (21 U.S.C. 844.)**

Source: US Sentencing Commission, *Special Report to Congress: Cocaine and Federal Sentencing Policy* (Washington DC: US Sentencing Commission, February 1995), p. iii.

3. **In 1986, before mandatory minimums for crack offenses became effective, the average federal drug offense sentence for blacks was 11% higher than for whites. Four years later following the implementation of harsher drug sentencing laws, the average federal drug offense sentence was 49% higher for blacks.**

Source: Meierhoefer, Barbara S., *The General Effect of Mandatory Minimum Prison Terms: A Longitudinal Study of Federal Sentences Imposed* (Washington DC: Federal Judicial Center, 1992), p. 20.

4. **The US Sentencing Commission found in its 1997 report that “nearly 90 percent of the offenders convicted in federal court for crack cocaine distribution are African-American while the majority of crack cocaine users is white. Thus, sentences appear to be harsher and more severe for racial minorities than others as a result of this law. The current penalty structure results in a perception of unfairness and inconsistency.”**

Source: US Sentencing Commission, *Special Report to the Congress: Cocaine and Federal Sentencing Policy* (Washington, DC: US Sentencing Commission, April 1997), p. 8.

5. **In federal court today, low-level crack dealers and first-time offenders sentenced for trafficking of crack cocaine receive an average sentence of 10 years and six months. This is:**

- only 18% less than the average prison sentence received by those who committed murder or manslaughter (153 months);
- 59% longer than the average prison sentence received by rapists (79 months);
- 38% longer than the average prison sentence received by those guilty of weapons offenses (91 months).

Source: US Sentencing Commission, *Special Report to the Congress: Cocaine and Federal Sentencing Policy* (Washington DC: US Sentencing Commission, February 1995), p. 150; Bureau of Justice Statistics, *Sourcebook of Criminal Justice Statistics 1996* (Washington DC: Bureau of Justice Statistics, 1997), p. 476, Table 5.58.

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6. According to the U.S. Sentencing Commission, only 5.5% of all federal crack defendants are high-level dealers.

Source: US Sentencing Commission, *Special Report to Congress: Cocaine and Federal Sentencing Policy* (Washington DC: US Sentencing Commission, February 1995), p. 172, Table 18.

7. The Sentencing Commission also notes a problem regarding “prosecutorial and investigative sentencing manipulation. For example, because powder cocaine is easily converted into crack cocaine and because the penalties for crack cocaine offenses are significantly higher than for similar quantity powder cocaine offenses, law enforcement and prosecutorial decisions to wait until powder has been converted into crack can have a dramatic impact on a defendant’s final sentence.”

Source: US Sentencing Commission, *Special Report to the Congress: Cocaine and Federal Sentencing Policy* (Washington, DC: US Sentencing Commission, April 1997), p. 8.

8. Among the general population there has been no detectable increase in birth defects which may be associated with cocaine use during pregnancy.

Source: Martin, M.L., Khoury, M.J., Cordero, J.F. & Waters, G.D., “Trends in Rates of Multiple Vascular Disruption Defects, Atlanta, 1968-1989: Is There Evidence of a Cocaine Teratogenic Epidemic?” *Teratology*, 45: 647-653 (1992).

9. Presented with children randomly labeled “prenatally cocaine-exposed” and “normal,” childcare professionals ranked the performance of the “prenatally cocaine-exposed” children below that of “normal,” despite actual performance.

Source: Thurman, S.K., Brobeil, R.A., Duccette, J.P., & Hurt, H., “Prenatally Exposed to Cocaine: Does the Label Matter?” *Journal of Early Intervention*, 18: 119-130 (1994).

For a more complete perspective, also read related Drug War Facts sections on Cocaine and Pregnancy, Drug Use Estimates, Gateway Theory, Prison, Race and HIV, Race and Prison, Treatment, and Women.