

# The United States rethinks draconian drug sentencing policies

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## Introduction

Across the Americas, an unprecedented debate on drug policy reform is underway. While a regional consensus on what form those reforms should take remains elusive, there are at least two issues where consensus is growing: the need to address drug use as a public health, rather than criminal, issue and the need to promote alternatives to incarceration for low-level, non-violent drug offenders and ensure proportionality in sentencing for drug-related crimes. Draconian drug laws were often adopted in Latin American countries with the encouragement – if not outright diplomatic, political and economic pressure – from the U.S. government. Those laws have fed the region’s prison crisis, creating humanitarian disasters (Brazil being just one example) affecting the most vulnerable sectors of society, even as drug trafficking-related crime, violence, and corruption have continued to expand.

Yet recent domestic criminal justice reforms suggest that the United States is now changing its approach to these issues within its own borders. Most international attention on drug policy issues in the United States has focused on local and state initiatives to decriminalize marijuana use and, more recently in the states of Colorado, Washington, Oregon and Alaska to create legal, regulated recreational marijuana markets. (In the District of Columbia, voters approved an initiative

to legalize marijuana, and the City Council will be charged with implementation). At the same time, however, growing popular outrage over harsh mandatory minimum sentences for drug-related crimes, the racial bias in their application and the cost to individuals, families and communities across the country is now being taken seriously in the nation’s capital. U.S. officials from both political parties increasingly recognize that the enormous resources that must go towards prisons impede addressing other priorities, such as promoting citizen security and preventing human trafficking, and that the way in which drug laws have been applied in the United States has eroded confidence in the U.S. justice system.

The states have led the way with sentencing reform efforts, reducing incarceration rates with no discernable negative impact; on the contrary, in most of those states crime rates actually fell. The success of these reforms is now being recognized at the federal level. The U.S. Department of Justice has put forward numerous initiatives that could significantly reduce the number of federal prisoners, such as the Smart on Crime Initiative, the Clemency Initiative, and the Drugs Minus Two Act, all described in greater detail below. Additionally, various reform bills have been introduced in the U.S. Congress, with rare bipartisan support.

With only 5 percent of the world’s population, the U.S. has 25 percent of the world’s prison population.<sup>2</sup> Recognizing growing evidence against

mass incarceration, between 2012 and 2013, the number of people incarcerated in federal prison declined for the first time since 1980. Advances have been limited, though; during the same period, state prison populations increased by a larger amount, resulting in a net increase in prison population nationally between 2012 and 2013.<sup>3</sup> Considerable decreases may take several years to be seen, though, as many reforms shorten prison sentences rather than eliminate them altogether.

Ultimately, significant drug sentencing reform in the United States depends on the U.S. Congress enacting legislative changes. Despite bipartisan support for addressing the problem of over-incarceration, political gridlock in the nation's capital means that such legislative action is not likely to happen anytime soon. Nevertheless, the U.S. Department of Justice's reform initiatives will clearly benefit a sector, albeit small, of the U.S. prison population and should help create an environment conducive to more significant reforms in the future. Most importantly for Latin American governments and societies, the U.S. government—after leading the crusade for severe drug laws – is now sending a powerful message to countries across the hemisphere that the time has come to reform unjust drug laws.

## **Slow but steady reform of U.S. domestic drug policies**

Now six years into his term, President Obama is slowly reforming U.S. domestic drug control policies. This may be most visible in the administration's response to the creation of legal, regulated marijuana markets in the U.S. states of Washington and Colorado in the November 2012 elections. Although marijuana remains illegal under federal law, the Obama administration has responded prudently, recognizing the popular support for the new state laws<sup>4</sup> and the difficulties that would be entailed by federal intervention to block the states from going forward with their new laws.<sup>5</sup> This approach, referred to by the Justice Department as "trust but verify," allows states to move forward with regulated markets, but maintains that federal prosecutors can act if certain conditions are not properly enforced. A memo prepared by Deputy Attorney General James M. Cole enumerates the specific circumstances under

which the federal government would interfere with state-regulated marijuana markets, advocating that any situations outside of those discussed in the memo should not consume federal resources. These guidelines include: focus on prevention of violence and use of firearms in the distribution of marijuana, drugged driving or adverse public health outcomes, the growth of marijuana on public lands, environmental damage due to marijuana cultivation, and marijuana use or possession on federal property.<sup>6</sup> The White House also made a statement that affirmed the administration's stance on the importance of marijuana markets as a states' rights issue after Republicans attempted to block a marijuana legalization initiative from appearing on Washington D.C.'s November 2014 ballot.<sup>7</sup>

The Obama administration has also placed greater priority on domestic demand reduction efforts. Of particular significance, the Affordable Care Act (ACA), President Obama's health care reform, attempts to alleviate barriers to treatment for those struggling with drug dependency. In the past, insurance companies often discriminated against those seeking drug treatment; now the ACA requires insurance plans and new state marketplaces to include coverage for mental health and substance abuse disorders, potentially expanding coverage to 62 million Americans. The Presidential National Drug Control Strategy states, "for every dollar spent on substance abuse treatment, \$11 are saved in healthcare and criminal justice costs," thus connecting the projected success of this preventative strategy with the current criminal justice reform initiatives.<sup>8</sup>

## **State and federal courts and sentencing rules**

In the U.S. legal system, the state courts are divided into district trial courts, an appellate court, and a state Supreme Court. The federal courts address violations of federal laws and operate independently of state courts, which exclusively handle violations of state laws. Because drug offenses can be prosecuted in federal or state courts, the state and federal prosecutors decide in which jurisdiction a case will be heard and the final decision cannot be appealed. Changes in state laws only affect those

who were convicted and sentenced in those states' courts, and changes in federal laws only affect those who were convicted and sentenced in a federal court. The state and federal prison systems thus respond to changes in state and federal laws, respectively.<sup>9</sup> While the adoption of harsh drug sentencing policies resulted in equal increases in incarceration in both federal and state prisons, incarceration rates in federal prisons have increased by more than 40 percent since 2001 while state penal populations have leveled off.<sup>10</sup>

A report by the Vera Institute of Justice entitled, *Drug War Detente? A Review of State-Level Drug Law Reform 2009-2013*, focuses on the nearly 50 bills passed by 30 states that change how drug laws are defined and enforced in their localities in the past five years. The report analyzes how states have taken steps to repeal or limit mandatory minimum sentences and increase judicial discretion, improve the proportionality of drug sentencing including legalization and decriminalization of marijuana, expand access to early release opportunities, increase community-based sanctions and alternatives to incarceration, and alleviate the burden of civil penalties attached to drug convictions. These state-level reforms reflect the changing views of U.S. citizens on the issues at the state level, which are now being taken into consideration at the federal level.<sup>11</sup>

Two issues – unbalanced budgets and unjust conditions – are at the root of states' efforts to reduce the prison population. Texas, considered to be among the most politically conservative states, was at the forefront of these reforms. Between 2007 and 2012, 31 states decreased their imprisonment rates, 14 of which reduced this rate by 10 percent or more. However, some states have yet to mobilize support for these reforms and, in fact, fifteen states *increased* their imprisonment rates during this time period. One obstacle to reform in some states is concern about the impact of such reforms on public safety. However, in the 31 states that reduced their imprisonment rates, all but four also saw a decrease in crime rates. Across the country, the overall crime rate has decreased by 45 percent since 1991, a statistic that remained uniform in states that expanded and *did not* expand their

prison populations. While the prison reforms have primarily focused on saving money, especially in conservative circles, they have also been products of the successful results in Texas and other states, as well as the strength of public support for alternatives to incarceration for nonviolent offenders and the evidence-based research regarding the effectiveness of these alternatives.<sup>12</sup>

## The need for sentencing reform: A paradigm shift

The reform of the United States' harsh drug laws and related sentencing practices is a significant advancement that has received far less international attention than the marijuana reforms referred to above. Sentencing reform activists in the United States are gaining marked influence in reshaping policies in the Department of Justice in response to the "historically unprecedented and internationally unique" growth in incarceration rates over the past forty years.<sup>13</sup> Issues that those advocating for reforms would like to see addressed include: the spatially and financially overburdened prisons, the disproportionate sentences for and mass criminalization of drug crimes, a punitive rather than a rehabilitative focus in prisons, racial discrimination in sentencing practices, lack of flexibility accorded to judges, juries, and prosecutors by mandatory minimum sentencing laws, and poor reentry mechanisms that often result in a conviction permanently disadvantaging an individual for a lifetime. These issues have sparked a national discussion and many have been addressed preliminarily in recent years by the initiatives of the Department of Justice, with what appears to be strong support from President Obama and unprecedented bipartisan support from some members of the U.S. Congress.

After nearly a century of stable incarceration rates, the United States has experienced exponential prison population growth since the 1970s, resulting from a "tough on crime" philosophy that has been exported throughout Latin America as well. Mary Price, General Counsel at Families Against Mandatory Minimums (FAMM), describes this phenomenon: "We grew a criminal justice system addicted to solving social and public safety problems with

incarceration.”<sup>14</sup> As is the case in Latin America, there has been a marked increase in the incarceration rate specifically for drug-related crimes, which increased ten-fold from 1980 to 2000, along with a 162 percent escalation of drug law enforcement efforts from 1980 to 2006.<sup>15</sup> In looking at the overall picture, drug-related crimes have been the single most influential factor in the rising incarceration rates.<sup>16</sup>

Attorney General Eric Holder has acknowledged the unsustainability of the current incarceration rates, particularly for federal inmates convicted of drug-related crimes. In testimony before the United States Sentencing Commission, he said, “And as you know – of the more than 216,000 current federal inmates – nearly half are serving time for drug-related crimes. This focused reliance on incarceration is not just financially unsustainable – it comes with human and moral costs that are impossible to calculate.”<sup>17</sup> Since 2010, the Federal Bureau of Prisons along with 27 state systems have been “operating at 100 percent design capacity or greater,”<sup>18</sup> resulting in overcrowded and inhumane conditions. Nationally, the Federal Bureau of Prisons accounts for one-third of the budget allocated to the Justice Department; redirecting these resources towards evidence-based community prevention programs would reduce costs and recidivism.<sup>19</sup>

However, the picture of incarceration in the United States is incomplete without consideration of the racial disparities present in the system. The so-called war on drugs was born in a racially politicized period in the United States; while the civil rights movement resulted in momentous gains for the African American community, racial divisions remained. Though drug use rates are relatively consistent across racial groups, drug laws are disproportionately enforced in minority communities. This is particularly evident in the disparity in sentencing for crack cocaine, associated with the African American population, versus cocaine, associated with the white population.<sup>20</sup> Today, nearly one-third of African American men are likely to spend time in prison and are disadvantaged upon release through the legal and other forms of discrimination people with past criminal convictions face. While race

is absent from any language of drug laws, 90 percent of those sent to prison for drug offenses are African American and Latino.<sup>21</sup>

## The response of the U.S. Department of Justice

### The Smart on Crime initiative

Various efforts are being undertaken by the U.S. Department of Justice to address these issues. Its “Smart on Crime” initiative addresses the overcrowding in prisons as well as mandatory minimum sentencing. Mandatory minimums refer to the guideline requirements for sentencing ranges based on the quantity of drugs possessed and number of offenses, leaving judges limited discretion in determining sentences. In August 2013, Attorney General Holder announced the initiative and the intention to deviate significantly from the “tough on crime” philosophy of past administrations. He asserted, “we cannot prosecute our way to becoming a safer nation.”<sup>22</sup> The five principles of the initiative include: the prioritization of prosecutions in order to focus on the most serious cases, reform of sentencing to eliminate unfair disparities and reduce overburdened prisons, the pursuit of appropriate alternatives to incarceration, the improvement of reentry programs to curb recidivism rates and re-victimization, and the reallocation of resources toward violence prevention and protection of vulnerable populations.<sup>23</sup>

These goals collectively aim to recalibrate the criminal justice system, with a particular focus on drug-related mandatory minimum sentences. Prosecutors have been instructed to avoid charging people who commit low-level, non-violent crimes and are not part of criminal networks with crimes that carry harsh mandatory minimums. The initiative represents a movement away from a regulated, one-size-fits-all policy and toward giving greater discretion to judges, prosecutors, and juries, with the hope that it will bring just, individualized, and proportionate sentences. As Eric Holder describes it, the Smart on Crime Initiative encourages sentences “determined based on the facts, the law, and the conduct at issue in each individual case.”<sup>24</sup> Additionally, programs promoting alternatives to incarceration

are highlighted in the initiative, praising the efforts of state-led programs that have reduced costs and recidivism through diversion initiatives, as discussed in more detail below. In a similar vein, the Attorney General also called for every district to have a Prevention and Reentry Coordinator, appointed by every U.S. Attorney, to ensure the prioritization of these issues.

### Alternatives to incarceration

In December 2013, the Center for Health and Justice at the Treatment Alternatives for Safe Communities created a National Survey of Criminal Justice Diversion Programs and Initiatives, presented in a report entitled, *No Entry*. This survey provides information on diversion programs, which do not result in a conviction on an individual's record, implemented at multiple phases in the justice system and identified important concepts to consider in moving forward with the discussion of diversion as an effective alternative to incarceration, as well as an emphasis on the necessity of addressing public health issues in prisons:

In state prisons, more than half of the people incarcerated (56 percent) have a mental health problem and one in six (16 percent) have a serious mental illness (SMI). In local jails, almost two thirds (64 percent) and 17 percent meet these criteria, respectively. More than half of the people in state prisons (53 percent) and two thirds in local jails (68 percent) have substance use disorders. These conditions often co-occur; among people with mental health problems in state prisons and local jails, 74 percent and 76 percent, respectively, also have substance use disorders.<sup>25</sup>

Overall, the report illustrates the variety of diversion initiatives being carried out in the United States and states' willingness to adopt and adapt diversion programs that take into account the special needs of individual prisoners. It also highlights the focus placed on individuals with drug dependency and mental health issues in diversion programs, as well as the fact that many programs limit participation to first-time or low-level offenders. These efforts at diversion from incarceration occur at distinct phases in the

process of incarceration. At the law enforcement phase, diversion takes the form of collaboration between police and the mental health community, wherein mental health professionals and drug treatment providers and advocates are asked to manage incidents in which the individual has a mental illness and/or drug dependency.

Diversion at the court phase includes the use of drug courts in a variety of forms, primarily with the goal of providing behavioral health care and other treatment services instead of incarceration, with incentives offered for compliance throughout participation. However, critics of drug courts maintain that those with drug dependency problems should be offered treatment in the public health sector, not through the criminal justice system. The Drug Policy Alliance, in a memo on drug courts and their effectiveness, points to evidence that drug courts are not reducing recidivism nor addressing public health concerns,<sup>26</sup> while a recent report by the Collective for the Study of Drugs and the Law states:

Although promoted as an alternative to incarceration, drugs courts remain primarily a criminal justice response, rather than a social or health-oriented response. Instead of replicating the U.S. drug court model, Latin American countries should explore other alternatives to incarceration and the decriminalization of possession for personal use in order to reduce the number of people incarcerated for possession for personal use and for minor, non-violent drug offenses.<sup>27</sup>

The emphasis on alternatives to incarceration has surfaced as a theme throughout recent calls for reform. These alternatives have had mixed results in pilot programs at the state level, as evident in the use of drug courts, yet *No Entry* describes a range of alternative approaches. The Smart on Crime Initiative particularly encourages "in appropriate instances involving non-violent offenses, prosecutors ought to consider alternatives to incarceration, such as drug courts, specialty courts, or other diversion programs. Accordingly, the Department will issue a 'best practices' memorandum to U.S. Attorney Offices encouraging more widespread adoption of these diversion policies when appropriate."

## The Clemency Initiative

The Clemency Initiative, announced by Deputy Attorney General James M. Cole in April 2014, encourages individuals to appeal to the president to reduce their sentences if they meet six criteria:

They must be (1) inmates who are currently serving a federal sentence in prison and, by operation of law, likely would have received a substantially lower sentence if convicted of the same offense today; (2) are non-violent, low-level offenders without significant ties to large-scale criminal organizations, gangs, or cartels; (3) have served at least 10 years of their sentence; (4) do not have a significant criminal history; (5) have demonstrated good conduct in prison; and (6) have no history of violence prior to or during their current term of imprisonment.<sup>28</sup>

This initiative follows President Obama's pardon of eight crack cocaine lifetime sentences in December 2013. Deputy Attorney Cole then created the "Clemency Project 2014," a group of attorneys' organizations that have volunteered to review cases and encourage eligible individuals to seek reductions in sentences. While these advocacy groups have celebrated the president's using his power to correct injustices within the criminal justice system, such an initiative is a stopgap measure until more meaningful drug law reform is legislated by the U.S. Congress. Unfortunately, as noted, political gridlock in Washington is impeding such action on this issue.<sup>29</sup> In the meantime, the Clemency Initiative could benefit a significant number of prisoners and their families.

## Drugs Minus Two

Amendment 782, or the "Drugs Minus Two" Act, adopted by the U.S. Sentencing Commission in 2014, complements the principles set forth in the Clemency Initiative and significantly changes the guidelines for drug sentencing. This initiative will likely have a significant impact on the current prison population as well as those convicted of drug crimes in the future. The Sentencing Commission, an independent agency of the judicial branch, agreed to change the guideline levels in the Drug Quantity Table

used to advise judges to determine sentences by reducing sentences by two levels across all drug types.<sup>30</sup> This change in policy is explained in an example from the Families Against Mandatory Minimums, "for instance, currently if a defendant had 1.5 kilos of methamphetamine he would be sentenced at level 34 [which carries a prison term of] 151 months. With this guideline change, he would be sentenced at level 32 to 121 months. His sentence would be 30 months lower."<sup>31</sup> It is important to note that this act does not change mandatory minimum sentencing guidelines, but rather affects those defendants whose actions do *not* evoke a mandatory minimum or if the crime(s) they are being prosecuted for *already* exceed the mandatory minimum. Thus, mandatory minimum sentencing remains an unresolved issue.

The July 18, 2014 decision to allow retroactive implementation of this amendment could result in 46,000 prisoners gaining eligibility for shorter sentences. The average sentence of these prisoners is 125 months, and has the potential to be reduced to 102 months. This means a reduction in prison time by 18.4 percent, saving 83,525 "bed years."<sup>32</sup> The amendment went into effect on November 1, 2014, but those who will benefit from reduced time retroactively will not be released until November 1, 2015 in order to give ample time for preparation for appropriate and effective reentry plans for the prisoners benefitting from this act.<sup>33</sup>

Though the U.S. Congress technically had the power to overturn the "Drugs Minus Two" Act before November 1, 2014, it did not do so.<sup>34</sup> However, the National Association of Assistant United States Attorneys (NAAUSA) did voice opposition to the initiative. The group, which represents about 5,400 Assistant United States Attorneys in the United States and U.S. territories, has publicly opposed sentencing reforms that reduce sentences for low-level crimes. The NAAUSA contradicted one of the very foundations upon which the need for reform was based in their statement, "the idea that low level drug possessors are getting draconian sentences is a myth."<sup>35</sup> The NAAUSA emphasizes the importance of mandatory minimum sentencing in promoting a race-neutral decision, rather than leaving the fate of a defendant in the hands

of a judge, prosecutor, or jury. Additionally, these prosecutors point to the importance of mandatory minimums in negotiating plea bargains with defendants and dismantling large-scale drug trafficking operations, due to the fact that cooperation can reduce sentences. The organization has also asserted the necessity of longer sentences, especially for drug kingpins, to promote reduced crime.

Many organizations have produced convincing evidence challenging the NAAUSA's claims. First, the reforms are primarily concerned with reformatting the justice system in order to more effectively surge resources—and mandatory minimum sentences—targeting the “drug kingpins,” not low-level drug offenders. Additionally, while “Drugs Minus Two” represents a significant reform for many current prisoners' sentences, it does not alter the mandatory minimum sentences afforded to these prisoners, as discussed above. Additionally, as noted, the correlation between longer sentences and reduced crime has in fact been found to be negative. A study by The Sentencing Project found that in California, New York, and New Jersey, a 25 percent reduction in the prison population occurred while crime rates declined at a faster pace than the national average, though causality is hard to determine.<sup>36</sup> Finally, the pursuit of plea bargains is not dependent on the length of the sentence, but rather research points to the certainty of punishment as the most important factor in ensuring cooperation and deterrence.<sup>37</sup> As Eric Holder asserts, “With or without the threat of a mandatory minimum, it remains in the interest of these defendants to cooperate.”<sup>38</sup>

## Congressional reform efforts

As mentioned previously, drug law reform, and sentencing reform in general, has received bipartisan support in the U.S. Congress. The efforts on behalf of the Department of Justice to encourage the Smart on Crime Initiative, the Clemency Initiative and the Drugs Minus Two act have been facilitated by this bipartisan support. Republicans and Democrats alike have collaborated on various bills to reduce incarceration and sentences, and they have

formed coalitions such as the Right on Crime group, a conservative organization dedicated to justice reforms. Additionally, the U.S. House of Representatives created a bi-partisan Over-Criminalization Task Force, mandated to assess current federal criminal statutes and make recommendations for improvements.<sup>39</sup>

However, the political gridlock that presently characterizes Washington will likely delay meaningful action on these issues. While Mary Price of Families Against Mandatory Minimums remains optimistic that current progress will not be lost, she is cautious about the potential changes in the future: “We’ve gone far in an election year but of course all could change [in 2015]. I hope the conservatives who support reform will stay with us.”<sup>40</sup>

## The Fair Sentencing Act

The 2010 Fair Sentencing Act was a specific reform measure that addressed the crack cocaine drug policies adopted by the U.S. Congress at the height of the “war on drugs.” This was the first change to mandatory minimum sentencing by Congress in 40 years and was called a “bittersweet victory” by activist groups.<sup>41</sup> The 100 to 1 sentencing disparity between crack cocaine and powder cocaine proved to be ineffective in punishing high-level drug kingpins, as was its original intention, and contributed greatly to the increase in incarceration of drug offenders from one-quarter of the prison population in 1980 to over half in 2009. Additionally, the sentencing disparity fell disproportionately on African Americans, as they represented 79 percent of the crack cocaine defendants in 2010, despite the fact that an estimated two-thirds of all crack cocaine users were white or Hispanic. Although the Fair Sentencing Act reduced the 100 to 1 disparity to an 18 to 1 disparity, it represented a commitment within the U.S. Congress to address the inequalities resulting from harsh sentencing policies and their application.<sup>42</sup> This act was made retroactive in 2011, and according to a report by the U.S. Sentencing Commission on the motions decided through June 30, 2014, the application of this amendment retroactively was granted to 59.5 percent of those who applied, resulting in shorter sentences for 7,706 defendants.<sup>43</sup>

## The Smarter Sentencing Act

Other measures introduced by Congress include the proposed Smarter Sentencing Act in 2013, echoing the sentiments of the Department of Justice's Smart on Crime Initiative; the proposed 2014 Senate State and Foreign Operations bill, an appropriations bill which directs the State Department to implement policies that do not expend "scarce criminal justice resources on the prosecution and incarceration of nonviolent, low-level drug offenders;" and the Record Expungement Designed to Enhance Employment (REDEEM) Act in 2014, which would provide assistance for successful reentry and access to welfare benefits for those who have been convicted of drug crimes.<sup>44</sup> The REDEEM act also incentivizes states to raise the age of criminal responsibility to 18 years old, meaning suspects are automatically tried as adults at 18 but not before.<sup>45</sup>

## Conclusion

The culmination of the judicial, executive, and legislative actions to address the current "historically unprecedented and internationally unique" situation in the United States may prove to be a tipping point towards comprehensive reform of prisons, sentencing policies, and more generally, the treatment of drug-related crimes and punishments in the United States.<sup>46</sup> Numerous Latin American countries are debating reforms to their drug laws. Of particular significance, Ecuador adopted a sweeping reform of its penal code, which dramatically reduces sentences for low-level drug offenses. This represents a significant advance for a country where previously, a low-level trafficker could get a higher sentence than someone who committed murder. The measure went into effect in August 2014 and as provisions of the new penal code can be applied retroactively, as many as 2,000 prisoners were expected to be released by the end of 2014 as a result of sentence reductions.<sup>47</sup> In fact, by early November 2014, more than 1,000 people had been released as a result of the new penal code.

At the regional level, a debate is underway on alternatives to incarceration for low-level non-violent drug offenders. With the support

of the Colombian government, the OAS Inter-American Drug Abuse Control Commission (CICAD) has created a regional working group on alternatives to incarceration, which will make recommendations to the region's governments in the coming months. The U.S. government is participating in the working group. Other regional governments should recognize the powerful message coming from Washington that its own harsh drug laws have had significant negative consequences that urgently need to be addressed, as well as the need to reverse the long-standing use of mass incarceration in response to drug use and trafficking.

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### About this briefing paper

After leading the crusade for severe drug laws, recent domestic criminal justice reforms suggest that the United States is now changing its approach towards drug control. This briefing paper reviews the efforts conducted in the country to adopt a less repressive, more proportionate, and more effective approach towards drug offenders.

### About WOLA

The Washington Office on Latin America (WOLA) is a nonprofit policy, research, and advocacy organization working to advance democracy, human rights, and social justice in Latin America and the Caribbean. Founded in 1974, WOLA plays a leading role in Washington policy debates about Latin America. WOLA facilitates dialogue between governmental and non-governmental actors, monitors the impact of policies and programs of governments and international organizations, and promotes alternatives through reporting, education, training, and advocacy.

### About IDPC

The International Drug Policy Consortium is a global network of non-government organisations that specialise in issues related to illegal drug production and use. The Consortium aims to promote objective and open debate on the effectiveness, direction and content of drug policies at national and international level, and supports evidence-based policies that are effective in reducing drug-related harm. It produces briefing papers, disseminates the reports of its member organisations, and offers expert advice to policy makers and officials around the world.

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