

The War on Drugs Criminalizes Youth

How has the war on drugs impacted young people?

In the United States, youth of color caught in the crossfire of the “war on drugs” are frequently prosecuted, incarcerated and denied access to educational opportunities. The irony is that the “war on drugs” is often defended as a necessary policy to protect the nation’s young people. Ironically, the United States is the only country, other than the collapsed state of Somalia that has refused to ratify the U.N. Convention on the Rights of the Child.

In reality, the “war on drugs,” rather than protecting youth, has resulted in the institutionalized criminalization of Black, Latino and Native American young people. While more and more young men and women of color are being ushered into the criminal justice system under the guise of fighting drugs, resources for educating youth are diminishing and barriers to education restrict students with drug convictions from receiving higher education.

Do minority youth have higher rates of drug involvement than White youth?

Although White youth sell and use drugs at the same or higher rates as youth of color, Black and Latino youth are arrested, prosecuted and imprisoned at dramatically higher rates for drug crimes. In 1980, 14.5% of all juvenile drug arrests were Black youth; by 1990, Black youth constituted 48.8% of juvenile drug arrests. A Black youth charged with a drug offense is more than twice as likely to be held in police custody as a White youth. While half of all drug arrests involving White youth result in formal processing, 75% of drug arrests involving Black youth are prosecuted. Among young people incarcerated in juvenile facilities for the first time on a drug charge, the rate of commitment among Black youth is 48 times that of Whites, while the rate for Latino youth is 13 times that of Whites. Black youth are three times more likely than White youth to be admitted to an adult prison for a drug conviction. While the rate of young Whites being sent to prison for drug offenses from 1986-1996 doubled, the comparable Black rate increased six-fold.

Because crimes committed on ‘tribal lands’ often fall within federal jurisdiction, Native American youths who engage in minor criminal conduct that ordinarily would be prosecuted in state court instead face federal prosecution and federal penalties that, as described, are often far harsher than those imposed in state court. For this reason, approximately 60% of youths in federal custody are Native American. Disabled children are also disadvantaged in the juvenile justice system because they may lose their statutory entitlement to individualized education programs upon being transferred to adult facilities.

How do zero-tolerance policies contribute to the problem?

The school-to-prison pipeline is a metaphor—for explaining how children are funneled directly from schools into prison. Instead of schools being a pipeline to opportunity, schools are feeding our prisons. It’s important for us to understand how school discipline policies have been influenced by the war on drugs and the “get tough” movement. Many people imagine that zero tolerance rhetoric emerged within the school environment, but it’s not true. In fact one of the earliest examples of zero tolerance language in school discipline manuals was a cut-and-paste job from a U.S. Drug Enforcement Administration manual. The wave of punitiveness that washed over the United States with the rise of the drug war and the get-tough movement flooded schools. Schools began viewing children as criminals or suspects, rather than as young people with an enormous amount of potential struggling in their own ways and their own difficult context to make it and hopefully thrive. We began viewing our youth as potential violators rather than as children needing our guidance and support.

How have federal policies impacted opportunities for youth with drug offense convictions?

The drug provision of the Higher Education Act, passed in 1998 by the United States Congress, delays or denies federal financial aid for higher education for any student convicted of a misdemeanor or felony drug offense. Given the disproportionately high numbers of Black and Latino youth arrested, prosecuted and convicted for drug offenses, this policy has a disparate impact on the education of youth of color. In this way, the unequal access to opportunities – for education, employment and a decent life – between Black and White youth is exacerbated and sustained, guaranteeing the perpetuation of racial disparities in their future lives as adults and in the lives of their children and grandchildren through the generations.

How have states responded to reduced resources for investing in ‘at-risk’ youth?

Over the past two decades, many U.S. states have cut their budgets for higher education funds at the same time they have increased their criminal justice expenditures in part due to the increasing numbers of drug offenders in state and federal prisons. In both New York and California, prison expenditures now exceed university financing and more Blacks are admitted every year as prisoners than graduate from the state’s colleges and universities. From 1977-1995, the U.S. prison spending increased by 823% while spending on higher education went up by only 374%.

What is at stake for Black communities impacted by punitive drug policies?

The rate at which youth of color are relegated to lives of incarceration and its consequences serves to negate many of the hard-fought gains of the civil rights movement. During the last half of the 20th century, Blacks and other minorities in the U.S. struggled to win the right to equal opportunity in employment, housing, education and public accommodations. These rights are meaningless to hundreds of thousands of minority prisoners and non-violent drug offenders. Because of the “war on drugs” Black communities in the U.S. have lost successive generations of young men to the criminal justice system. Statistical projections suggest that future generations of African American youth will be lost unless U.S. drug policies are reformed.