Jeff Sessions, U.S. attorney general, proposes to return to the harsh determinate sentencing for drug offenses of the 1980s. This decision is lauded by conservative groups and denounced by those who have worked for criminal justice reform. The reaction to this policy shift reflects the enduring tension within the criminal justice system and central to our drug policies. What is the best way to decrease illicit drug use and drug related crime? Which is more effective – deterring illicit drug use through swift, certain and harsh punishment policies or rehabilitating drug offenders with treatment. Is drug addiction in part a choice that can be impacted by harsh sentencing policies or a disease in need of a menu of treatment services?

Determinate sentencing policies of the 1980’s were based upon the drug classification system of the 1970’s and led to mass incarceration of minorities and the poor. This led to what was termed the “revolving door” of drug addiction in our court system and precipitated judicial drug courts which provides more treatment options. The prevailing understanding is that drug courts are effective but drug court has its critics. Neither determinate sentencing (deterrence) nor drug court (rehabilitation) has ended illicit drug use. The recent opioid epidemic has demonstrated this failure and emphasizes the importance of dealing with this problem effectively. More and more people are dying of opiate addiction without regard to age, race, gender or social class. Effective interventions is critical to dealing with this crisis.
Missing from the policy conversation is research that has examined the true cost of the “war on drugs” and understands the nature of drug addiction. This research highlights the shifts in our understanding of drug addiction and the tightrope policy walks between deterrence and rehabilitation in drug policy.