

Lockdown The War on Drugs may be more about big business than curbing marijuana use.

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The War on Drugs may be more about big business than curbing marijuana use. Tim Farley December 18th, 2013
EDITOR'S NOTE: This is part one of a three-part series about marijuana and its impact on the state.

Locking up nonviolent drug users and perpetuating the 42-year-old War on Drugs has become a profitable and political tool used by Oklahoma's elected officials and the for-profit prison industry.

Many of those offenders have a recognized need for treatment or a halfway house setting instead of incarceration, said state Rep. Gus Blackwell (R-Laverne), an advocate for reforming Oklahoma's criminal justice system.

"We need to look at who we are locking up and why we are locking them up," he said.

Nonviolent offenders make up 51.6 percent of the 25,580 inmates housed in state-run and for-profit prisons. In addition, 2,683 inmates (10 percent) are serving time in Oklahoma prisons for drug possession.

Nationally, more than 1.5 million people were arrested last year on nonviolent drug complaints and more than half of those arrests (749,825) were connected to marijuana, and 88 percent of those people were booked on possession-only complaints. Marijuana possession-only arrest figures are not available in Oklahoma City or statewide, but one defense lawyer suggests local and state figures mirror the national trend.

"Pot, you might say, is law enforcement's top cash crop. They don't want to see it go away," said OKC defense attorney Chad Moody, who bills himself as the "Drug Lawyer." "The last thing our criminal justice system wants is for people to stop getting drunk or high," he said. "It's a revenue stream with all the fines and fees people pay. Municipal courts, as much as state and federal courts, are revenue courts."

The battle rages

Since 1937, political leaders and business executives have armed themselves with reefer madness messages claiming marijuana would push people to commit violent acts while producing a generation of insane drug addicts.

Although none of those claims have been proven true, the battle against marijuana and the continued incarceration of pot users remains big business for the for-profit prison industry.

Situated in the heart of the Bible Belt, Oklahoma has some of the harshest drug laws in the nation, which is an asset to private prisons because of the beds that will be occupied, said state Sen. Connie Johnson (D-Forest Park), a proponent of legalizing marijuana.

An initial pot possession charge typically results in probation for the offender, but a second offense is a felony punishable by two to 10 years in prison.

The strict drug laws and maintaining marijuana as an illegal substance is a recipe for big profits. For instance, Oklahoma contracts with private prison giants Corrections Corporation of America (CCA) and The GEO Group, Inc., to operate three corrections facilities that warehouse 7,540 inmates. Both companies are proponents of the rigid drug laws for one reason: more inmates equate to a larger bottom line.

"It (private prisons) [is] a necessary evil as long as the prison population is growing," said Justin Jones, former director for the Department of Corrections. "It's like buying a car. You get what you pay for. In Oklahoma, because of the economy, you're getting the basics and that's it."

Oklahoma's growing prison population has been driven, in part, by a rising crime rate and a truth-in-sentencing law that requires certain categories of prisoners to serve at least 85 percent of their sentence before they are eligible for parole.

In 2010, the CCA annual report reflected the profit-driven motive with written statements describing the company's future and the effects reduced sentencing laws or decriminalization might have on the firm.

"This possible growth depends on a number of factors we cannot control, including crime rates and sentencing patterns in various jurisdictions and acceptance of privatization. The demand for our facilities and services could be adversely affected by the relaxation of enforcement efforts, leniency in conviction or parole standards and sentencing practices or through the decriminalization of certain activities that are currently proscribed by our criminal laws," company officials wrote in the report.

"For instance, any changes with respect to drugs and controlled substances or illegal immigration could affect the number of persons arrested, convicted and sentenced, thereby potentially reducing demand for correctional facilities to house them," the report states.

CCA officials also fear that more inmates, because of their good behavior, could be released early and cause a reduction in the company's profit margin.

CCA officials did not return emails or telephone calls requesting comment for this story.

Money and favors

As a result, for-profit prison firms have made a commitment to lobby state leaders, providing them with campaign contributions and other gifts, according to an investigation by the Tulsa World. Legislative attempts to legalize and decriminalize marijuana and to approve medical marijuana have all failed at the state Capitol.

The newspaper reported in May that private prison interests have given nearly \$200,000 to 79 of the 149 Oklahoma legislators since 2004. House Speaker T.W. Shannon (R-Lawton) was the No. 1 recipient of private prison-related donations totaling \$34,950. That figure includes \$22,500 contributed by three private prison companies to fund the 2013 Speaker's Ball.

Lawton is the site of a private prison operated by The GEO Group, Inc., one of the firms that contributed to lawmakers' campaign coffers.

Meanwhile, Gov. Mary Fallin has enjoyed private prison support, which includes \$33,608 in gifts and campaign contributions from employees, political action committees and lobbyists employed by those companies, the newspaper's investigation showed.

As the private prison industry gives to Oklahoma's elected officials, it also receives plenty in return. Spending on private prisons increased from \$57 million in 2004 to \$73 million last fiscal year, said Department of Corrections spokesman Jerry Massie.

Massie said the increase corresponds to a higher number of prison inmates during the last eight years.

Former DOC director Jones has a different viewpoint on the campaign contributions by private prison interests.

"If you take me to dinner at Mickey Mantle's every night for a year, are you going to be upset if I don't look favorably on a request later on?" he said.

"That's the American way."