The War on Drugs and African-Americans: Why the Justice Reinvestment Initiative Has the Potential to Improve the Socio-Economic Condition of Black Inner City Neighborhoods

The United States has the highest incarceration rate in the world. One in every 100 Americans is currently incarcerated in state or federal prisons. The ballooning American prison population is largely the result of mandatory minimum sentences for drug convictions enacted by Congress in the mid-1980s as a key component in the “War on Drugs”. The “War on Drugs” has exponentially increased the number of African-Americans sentenced to prison. Although they are no more likely to use or sell illegal drugs, African-Americans are disproportionately arrested and convicted for drug related crimes. Because inner-city poverty results from the complicated interplay of mass incarceration and the collateral consequences of a drug conviction, the “War on Drugs” has undermined the socio-economic prospects of black inner-city neighborhoods. However, the Justice Reinvestment Initiative has the potential to improve the socio-economic conditions of black inner-city neighborhoods through the use of a data-driven approach to criminal justice reform. This approach advocates reducing prison sentences and increasing the use of problem solving courts.
INTRODUCTION

The United States holds the dubious honor of having the highest incarceration rate in the world. In fact, one in every one-hundred American adult is currently incarcerated in state or federal prisons.\(^1\) This amounts to about 714 people incarcerated per 100,000 individuals.\(^2\) To put this number in perspective, the United States’ incarceration rate is between five to eight times higher than that of comparable industrialized nations such as Canada and Western European countries.\(^3\) While the United States certainly does not have a historical aversion to locking up criminals, this astronomically high incarceration rate is of recent vintage. The ballooning American prison population is largely the result of the get tough on crime approach adopted by Congress in the 1980s to stop the flow of illegal drugs into the country.\(^4\) On account of these policies, drug prosecutions now occupy 35\% of the federal

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3. Id.
4. Levy-Pounds, supra, at 357.
This represents a 14% increase from 1982. In 2002 alone, one-third of all felony convictions in state courts were drug related.

The "get tough" approach adopted by Congress was in response to growing public perception of the exploding drug problem in America. Media reports of violent gang related crimes and widespread drug addiction as a result of crack cocaine, evoked public outcry that required an appropriate response from elected officials. The Anti-Drug Abuse Act of 1986, which introduced sentencing guidelines and mandatory minimum sentences, is the very embodiment of the "get tough on crime" approach adopted by Congress. Under the Act, an individual caught trafficking or possessing illegal drugs are subject to a harsher sentencing structure in which judges are required to sentence criminal defendants to automatic, predetermined term of imprisonment within a guideline range based largely on the offense, as opposed to the offender.

Mandatory minimum sentences were based on the mistaken belief that extended prison terms would deter the flow of illegal drugs throughout the country. Congress believed the means by which to guarantee longer prison terms was to take away sentencing discretion.

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6 *Id.*
7 *Id.*
8 *Id.*
9 *Id.*
10 *Id.*
from judges. The move to limit judicial discretion was in response to claims that judges were arbitrarily and capriciously sentencing criminal defendants. Critics argued that because judges’ individual biases factored into sentencing decisions, there was a pressing need to limit discretion in order to guarantee uniformity and equality in sentencing. This argument was based on the premise that judges were using their latitude to discriminate against certain types of criminal defendants. Specifically, advocates argued African-Americans were unjustifiably being sentenced more harshly than their similarly situated white counterparts.

If achieving equity in criminal sentencing was the goal; mandatory minimum sentences had the complete opposite effect. Although no more likely to use or sell illegal drugs, African-Americans are disproportionately arrested and convicted for drug related crimes. Under mandatory minimum sentencing schemes, African-Americans have received disproportionately longer prison sentences compared to their white counterparts. There has also been a stark increase in the number of African-Americans sentenced to prison since mandatory minimum sentences were adopted in the mid-1980s. For example, in 1980

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12 Id.
13 Id.
14 Id. at 299.
15 Id.
blacks accounted for 21% of drug possession arrest.\textsuperscript{16} By 2005 that number increased to 35%.\textsuperscript{17} This mass incarceration of African-Americans has negatively impacted the socio-economic prospects of black inner-city neighborhoods. Inner-city poverty results from the complicated interplay of mandatory minimum sentences and the collateral consequences of a drug conviction. Therefore, the Justice Reinvestment Initiative (JRI) has the potential to improve the socio-economic conditions of black inner-city neighborhoods through the use of a data-driven approach to criminal justice reform. This initiative uses the cost savings from states’ correctional budgets to invest in alternative treatment models. JRI has the potential to increase the socio-economic prospects of black inner-city neighborhoods precisely because it achieves cost savings by reducing the number of individuals sent to prison and the length of their sentences.

I begin my analysis by highlighting the disparate impact mandatory minimum sentences have had on African-Americans. I describe the differences in drug arrest, prosecution, and conviction rates. I argue this disparity results from police enforcement tactics that target outdoor drug transactions, the increase of prosecutorial discretion, and the crack vs. power cocaine disparity. In the second part of my paper I give an overview of the collateral consequences of a drug conviction. I assess its impact on African-American

\textsuperscript{16} Id.
\textsuperscript{17} Id.
welfare, housing, and education prospects. In the final part of my paper I argue mandatory
minimum sentences intertwine with collateral consequences to produce the mass
incarceration of African-Americans. In turn, the mass incarceration of African-Americans
has negatively impacted the socioeconomic prospect of black inner-city neighborhoods. I
then explain why JRI has the potential to increase the socio-economic prospects of black
inner-city neighborhoods.

I. DISPERATE IMPACT OF THE WAR ON DRUGS

A. Drug use, Arrest, and Incarceration Rates:

Media reports in the 1980s documenting the crack cocaine epidemic in inner-city
neighborhoods may have left a lasting impression that African-Americans are
disproportionately represented among drugs users and those involved in the illicit drug trade.
To the contrary, blacks are no more likely to sell or consume illegal drugs. According to a
2006 survey from the federal Substance Abuse and Mental Health Services Administration
(SAMHSA), approximately 49% of whites and 42.9% of blacks age twelve or older have
used illicit drugs in their lifetime.\textsuperscript{18} In addition, there is not a huge difference in recent drug
use patterns. The survey revealed that 14.5% of whites and 16% of blacks have used illegal

257, 266 (2009).
drugs in the past year. In addition, 8.5% of whites and 9.8% of blacks have used illegal drugs in the past month. In real numbers, there are not a greater proportion of blacks selling drugs. According to the SAMHSA, 2.8% of blacks and 1.6% of whites surveyed reported selling illegal drugs in the past twelve months. However, because whites make up a greater percentage of the population, there are far more whites than blacks engaged in the illicit drug trade. There are an estimated 2,461,797 white drug dealers compared to 712,204 black drug dealers. Based on this figure, blacks would only account for about 14% of the combined white and black drug dealers.

While blacks and whites are equal in drug consumption and distribution, this equity does not extend to arrest and conviction rates. Between 1980 and 2007, there were more than twenty-five million adult drug arrests in the United States for either possession or sale. The percentage of these arrest involving blacks increased from a low of 27% in 1980 to a high of 42% in 1992. Blacks now make up 35% of the individuals arrested each year for drug offences in the United States. To put this figure in perspective, in 1980 blacks were arrested

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19 Id.  
20 Id.  
21 Id.  
22 Id.  
23 Id.  
24 Id. at 271  
25 Id. at 272.  
26 Id. at 275.
at almost three times the rate of whites. By 1992 the ratio had increased to almost five times the rate of whites. Over the past six years the ratio has fluctuated between 3.5 and 3.9.\footnote{Id.}

This racial disparity becomes even greater as cases work their way through the criminal justice system. In state court, blacks account for 43% and whites 55% of the individuals convicted of drug felonies.\footnote{Id.} In federal courts, blacks account for 33% of the individuals entering federal prisons each year for drug offences. If these percentages were broken down by gender, then the disparity becomes even greater. Black men are sent to prison on drug charges at 11.8 times the rate of white men and black women are sent to prison on drug charges at 4.8 times the rate of white women.\footnote{Id.}

**B. How Can this Disparate Impact Be Explained?**

The disproportionate arrest and conviction of African-Americans for drug related crimes is almost impossible to reconcile with the fact that African-Americans are no more likely to use or sell illegal drugs. The fact that blacks account for almost 33% of the individuals convicted each year in federal courts for drug related crimes is even more difficult to understand when you consider that blacks are only 14% of the population.\footnote{Id.} Law enforcement tactics is one of the major factors driving the disproportionate arrest and

\footnote{Id. at 274.}
conviction of African-Americans for drug related crimes. Police departments often divert most of their resources to stopping outdoor drug transactions.\textsuperscript{31} It is simply easier to make an arrest when the drug transaction is conspicuous as oppose to behind closed doors in a suburban home or office building.\textsuperscript{32} The conspicuous nature of outdoor drug transactions alerts neighbors who complain to the police.\textsuperscript{33} Police are then able to identify and arrest both the buyer and the seller. Most outdoor drug transactions occur in low-income neighborhoods. African-Americans are disproportionately affected by this policy because they are more likely to live in low income neighborhoods.\textsuperscript{34} African Americans are more likely to live in low income neighborhoods because they are disproportionately represented among individuals living in poverty. In 2012, 27.2\% of African-Americans were living below the poverty line compared with 9.7\% of whites.\textsuperscript{35} Therefore, African-American are more likely to be disproportionately affected by police tactics that target low income neighborhoods.\textsuperscript{36}

The increase of prosecutorial discretion has also disproportionately increased the number of African-Americans sent to prison for drug related crimes. Mandatory minimum

\textsuperscript{31} Id. at 271
\textsuperscript{32} Id.
\textsuperscript{33} Id.
\textsuperscript{36} Jamie Fellner, supra, 271.
sentences had the duel effect of limiting judicial discretion while at the same time increasing prosecutorial discretion. Prosecutors have the sole discretion to make charging decisions. Prosecutors use their discretion to ratchet up charges in order to get individuals to plead guilty. This has resulted in a prosecutor driven plea bargain system in which ninety-five percent of federal defendants plead guilty rather than risk trial. This plea bargain system has disproportionately impacted low income African-Americans who are unable to afford quality legal representation. These individuals are often appointed a public defender who is overburdened with large caseloads and lacks the resources to provide quality legal representation. In fact, only five percent of criminal defendants in state courts spoke with their publicly-appointed counsel prior to trial. In contrast, sixty perfect of defendants in state courts spoke with their private attorneys within one week of being charged. The inability to afford quality legal representation might account for the fact that the disparity between whites and blacks becomes even greater as cases make their way through the criminal justice system. For while blacks account for 35% of the individuals arrested each year on drug charges, they represent 43% of the individuals convicted for a drug related offense.

37 Id.
38 Nekima Levy-Pounds, supra, 307.
39 Id. 320.
40 Id.
41 Id.
The disparity between crack vs. power cocaine sentences has disproportionately increased the length of time African-Americans spend in prison relative to their white counterparts. The Anti-Drug Abuse Act of 1986 introduced a 100-1 sentencing disparity for possessing crack vs. powered cocaine.\textsuperscript{42} Under the act, possessing five grams of crack resulted in an automatic five year sentence. In contrast, an individual would have to possess 500 grams of power cocaine to warrant the same sentence.\textsuperscript{43} While the Fair Sentencing Act (FSA) reduced the disparity, it did not eliminate it. The FSA only reduced the disparity from 100-1 to 18-1 ratio.\textsuperscript{44} African-Americans are therefore still disproportionately affected by this sentencing disparity because crack is more prevalent in inner neighborhoods. Over 88% of the individuals arrested each year for possessing crack are African-Americans.\textsuperscript{45} Therefore, the sentencing disparity results in blacks spending longer period of time in prison relative to their white counterparts.

Opponents of mandatory minimum sentences cite the persistent disparity in crack vs. power cocaine as a prime example of why the justice system is systemically prejudicial toward African-Americans. On the other hand, supporters of mandatory minimum sentencing schemes contend the criminal justice system is not per se prejudicial. They argue racially

\textsuperscript{42} Id. at 303
\textsuperscript{43} Id.
\textsuperscript{44} Id.
neutral law enforcement tactics and not racial bias accounts for much of the discrepancy. It is irrelevant whether or not the disparate arrest and conviction of blacks for drug related crimes is motivated by racial bias. What is important is the fact that certain laws and law enforcement practices is disproportionately increasing the number of African-Americans involved with the criminal justice system. In turn, the mass incarceration of African-Americans is one factor contributing to the poor socio-economic well-being of inner-city neighborhoods. Therefore, the importance of explaining the reasons for this disparate impact is to understand how and why so many blacks are incarcerated for drug related crimes. Understanding the root causes of incarceration is helpful in developing polices to reverse recent trends.

II. **COLLATERAL CONSEQUENCES**

A. **Welfare, Housing, and Higher Education**

Collateral consequences are the vast number of civil penalties that applies to an individual after he or she has been convicted of a crime or is suspected of engaging in criminal activities. Particularly important are the civil penalties that specifically attach to drug convictions. These penalties disproportionately affect African-Americans because they are more likely to be convicted of drug related offences. As explained above, law enforcement tactics, prosecutor discretion, and disparate drug laws are factors contributing
to the overrepresentation of African-Americans in prison. African-Americans are therefore more likely to be affected by collateral consequences that specifically apply to drug convictions. For example, the Personal Responsibility and Work Opportunity Reconciliation Act permanently bars any individual convicted of a drug related offense from receiving food stamps or Temporary Assistance to Needy Families (TANF) benefits. In addition, the amount of money payable to the individual’s household is reduced proportionately. The statute is especially punitive because it mandates a lifetime ban. Therefore, any subsequent drug treatment or rehabilitation will not restore benefits. While states have the option to opt out or modify the ban, very few have done so. Currently only eight states and the District of Columbia have opted out of the ban. Another twenty states have modified its requirement. The permanent revocation of welfare benefits for drug conviction disproportionately affects African-American women. Studies show that almost 30% of mothers in state prison were receiving welfare benefits prior to their drug arrest. Black women were disproportionately represented among these individuals. It is estimated that 36% of black women compared with

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47 Id.
48 Id.
49 Id.
50 Id. at 3011
31% of Latina women and 20% of white women were receiving welfare benefits prior to their incarceration.\textsuperscript{51}

A drug conviction also puts an individual in danger of losing public housing. The Anti-Drug Abuse Act of 1988 mandates that Public Housing Authorities include a provision in their lease agreement rendering any criminal activity on the part of the tenant or anyone associated with the tenant, good cause for eviction.\textsuperscript{52} Particularly important is the fact that the tenant does not have to be aware of the criminal activity. The Supreme Court ruled in \textit{Department of Housing \& Urban Development v. Rucker}, that there is no innocent owner defense.\textsuperscript{53} Therefore, the leaseholder can be evicted for the criminal activities of a member of the household or a guest of the household, even if the leaseholder had no personal knowledge of the criminal activity.\textsuperscript{54} Once evicted, an individual is ineligible to obtain public housing for three years unless he or she successful undergoes a drug rehabilitation program.\textsuperscript{55}

A drug conviction also restricts an individual’s ability to receive federal loans for higher education. The Drug Free Student Loan Act of 1998 proclaims that “any person convicted of a federal or state offense involving the possession or sale of drugs is ineligible to receive any grant, loan, or work assistance to use in furtherance of higher education for a

\textsuperscript{51} \textit{Id.}
\textsuperscript{52} \textit{Id.} at 312.
\textsuperscript{53} \textit{Id.} at 313.
\textsuperscript{54} \textit{Id.}
\textsuperscript{55} \textit{Id.}
statutorily designed period of time.” The statute mandates an automatic one year ban on all federal loans for individuals convicted for the first time of drug possession. The ban becomes permanent upon a third drug possession conviction. The act is even more punitive for individuals convicted of selling drugs. An individual receives an automatic lifetime ban the second time they are convicted of selling drugs. Since its enactment, this ban has prevented thousands of individuals from receiving federal loans. For example, approximately 9,000 students were found ineligible to receive federal loans in 2001-2002 school year on account of the ban.

III. POVERTY AND CRIME

A. Interrelated Issues

Legislators who adopted mandatory minimum sentences shifted from a rehabilitative model of criminal adjudication to a punitive model. They believed increased incarceration would stem the tide of crime and drug use in American. In reality, the crime prevention benefits of increased incarceration are inconclusive. Some studies report a 9 percent drop in

\[^{56}\text{Id. at 319.}\]
\[^{57}\text{Id.}\]
\[^{58}\text{Id.}\]
\[^{59}\text{Id.}\]
\[^{60}\text{Id.}\]
crime for every 10 percent increase in the rate of incarceration.61 While other studies report a negligible decrease of 0.05 percent in crime for every 10 percent increase in incarceration.62 In adopting mandatory minimum sentences, legislators failed to take into account the socio-economic effects of increased incarceration. The lock-em up approach advocated by mandatory minimum sentences does not account for the larger social context in which crime and poverty emerge. Studies consistently show that unemployment and poverty are risk factors that increase an individual’s likelihood of engaging in criminal activities.63 A significant percentage of individuals who are incarcerated report extended periods of unemployment and low wages prior to their incarceration.64 For example, “only 42 percent of mothers and 55 percent of fathers who are incarcerated were working full time at the time of their arrest; 32 percent of mothers and 18 percent of fathers were unemployed and not even looking for work.”65 Therefore, the “tough on crime” approach fails to realize that crime and poverty are interrelated issues. In enacting mandatory minimum sentences, legislators refused to acknowledge the fact that unemployment, poor housing, family structure, and poor educational background all fuel the cycle of incarceration among poor communities of color.

62 Id. at 99
63 Id.
65 Todd R. Clear, supra, at 114.
The interconnectedness of crime and poverty is a major reason why mandatory minimum sentences have had such a negative socio-economic effect in black inner-city neighborhoods. These neighborhoods, plagued with high unemployment and limited social services, were the perfect breeding ground for the crack cocaine epidemic. Instead of addressing the underline causes of addiction, mandatory minimum sentences attacked its manifestation. In the process, it has exacerbated the problem by limiting the economic prospects of black inner-city neighborhoods. Studies consistently show that merely being arrested has a short-term negative impact on an individual’s earning potential.\textsuperscript{66} Being convicted and spending time in prison has a permanent impact on future earning potential.\textsuperscript{67} For example, researchers estimate that going to prison reduces annual earnings by about one-third for individuals going to state prison. In addition, 65\% of employers were unwilling to knowing hire an ex-offender regardless of the offense.\textsuperscript{68}

\textbf{B. Mandatory Minimums + Collateral Consequences = Mass Incarceration}

Viewed in isolation, both mandatory minimum sentences and collateral consequences have negative socio-economic effects on African-Americans. However, these two factors uniquely combine to produce the mass incarceration of African-Americans. Mandatory minimum sentences combine with collateral consequences to produce mass incarceration

\textsuperscript{66} Id.
\textsuperscript{67} Id.
\textsuperscript{68} Id.
precisely because drug arrest is concentrated in these densely populated urban communities. In 2007, “77% of all drug arrest occurred in cities. Although urban blacks account for just 6% of the national population, they accounted for 29.8% of all drug arrest.”69 For example, blacks in New York City represent only 10.7% of the state population but accounted for 42% of drug arrest statewide.70 Even more alarming is the fact that drug arrest of African-Americans in the eleven largest cities rose by more than 500% between 1980 and 2003.71 Therefore, these urban communities have a high concentration of individuals who have been incarcerated.

Once incarcerated, these individuals automatically become subject to collateral consequences. As mentioned, ex-offenders can be prevented from receiving food stamps, housing, and higher education loans. In addition, ex-offenders are ineligible to enlist in any branch of the armed services unless there is an exception.72 State law occupational licensing requirements might also limit an individual’s ability to find gainful employment. Occupational licensing requirements regulate professional, unskilled, and semi-skilled occupations. For example, barbers, nurses, and contractors are all regulated by state licensing

69 Jamie Fellner, supra, 273.
70 Id.
71 Id.
72 Margaret E. Finzen, supra, at 315.
requirements. An individual convicted of a drug offense may be ineligible to receive an occupational license if he is unable to satisfy the good moral character requirement. State licensing committees typically use an individual’s criminal record to determine whether or not they possess good moral character. In addition to licensing requirements, employer discrimination also reduces the ability of ex-offers to provide for themselves financially. A recent study found that a criminal record reduced the likelihood of receiving a callback by almost ninety perfect for blacks. These obstacles to employment are one of the major reasons why almost 60% of former inmates are unemployed one year after release. Therefore, the collateral consequences of drug convictions make rehabilitation difficult, if not impossible. Without food, shelter, or employment, ex-offers are often forced to return to a life of crime in order to survive. In turn, this perpetuates a cycle of arrest and conviction. The sheer number of individuals cycling in and out of prison in these densely populated cites results in the astronomically high incarceration rates that is referred to as mass incarceration.

IV. MASS INCARCERATION

A. Destabilizing Effect

73 Id.
74 Id.
75 Id.
77 Margaret E. Finzen, supra, at 315.
Some argue the main problem facing black inner-city neighborhoods is not mass incarceration but rather the under-enforcement of criminal statutes. They argue blacks are disproportionately likely to be the victims of violent crimes such as robbery, rape, assault or murder. Therefore, the mass incarceration of African-Americans is justified by a need to protect law abiding blacks from the violence inherent in the illicit drug trade. However, while there might very well be some marginal benefits to robust enforcement of the criminal statute, the sheer number of individuals cycling in and out of prison has a destabilizing effect in inner-city neighborhoods. High incarceration rates damage social networks, family financial resources, and the community’s economic infrastructures.

A recent student from Baltimore, Maryland found that high incarceration rates correlated with high unemployment, higher rates of vacant or abandon housing, lower life expectancy, and high rates of violent crimes. Particular informative is the fact that all these factors increased with the level of incarceration. As mentioned above, mass incarceration is damaging precisely because it is concentrated in these densely populated high poverty

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79 Id.
80 Id.
83 Id.
neighborhoods. This results in a large portion of the population with criminal records. Collateral sanctions then explicitly prohibit these individuals from obtaining certain employment or they are unable to find employment because of their criminal records. These individuals then languish in these communities without a purpose or a defined social role. They either return to prison or become a part of a criminal enterprise. Social disorganization eventually develops as a direct byproduct of mass incarceration. Social disorganization reduces the community’s ability to prevent crime through informal social processes.\textsuperscript{84} Studies show that families tend to isolate themselves when a member is sent to prison. This in turn undermines the community’s norms of cooperation and mutual support. Residents in these communities are less inclined to take responsibility for addressing neighborhood problems because they do not feel any sense of cohesion. Studies consistently show that neighborhoods with low levels of social organization experience higher levels of violence and property crime.\textsuperscript{85} The high level of violence adversely affects the socio-economic well-being of these neighborhoods because it deters individuals and companies from investing in the community.\textsuperscript{86}

High incarceration has a direct negative financial effect in communities because it removes income earners. High incarceration also adversely affects the entire community

\textsuperscript{84} Tracey L. Meares, supra, 195.
\textsuperscript{85} Id.
\textsuperscript{86} Id.
because it reduces the supply of employable residents.\textsuperscript{87} In turn, this depletes the neighborhood’s economic strength because producers lack the human capital needed to keep up with demand.\textsuperscript{88} Researchers estimate that the increases in incarceration since the 1980s have reduced young black male labor force activity by 3-5 percent.\textsuperscript{89} In addition, families also experience severe financial hardships that results from the loss of economic resources once generated by the incarcerated individual. This financial hardship is compounded by the fact that the family now has to expend some of its reduced income on prison visits, phone calls, and sending money to the imprisoned individual.\textsuperscript{90}

V. THE JUSTICE REINVESTMENT INITIATIVE

The Justice Reinvestment Initiative (JRI) which began in 2010 has the potential to increase the socio-economic prospects of black inner-city neighborhoods. It has the potential to increase African-American socio-economic prospects precisely because it aims to limit the amount and length of prison sentences.\textsuperscript{91} The 17 states that have adopted the JRI take the cost savings from reduced correctional populations and then reinvest it into alternative treatment

\begin{footnotesize}
\textsuperscript{87} Todd R. Clear, \textit{supra}, at 116.
\textsuperscript{88} \textit{Id}.
\textsuperscript{89} \textit{Id}.
\textsuperscript{90} \textit{Id}.
\textsuperscript{91} Urban Institute, \textit{The Justice Reinvestment Initiative: Experiences from states}, 1 (2013).
\end{footnotesize}
programs.\textsuperscript{92} This initiative is an implicit realization that the “get tough on crime” approach has not worked. It has only expanded the prison population with limited crime prevention benefits. As explained above, African-Americans are disproportionately represented among those arrested and convicted of drug related crimes. The collateral consequences of these convictions combine to produce the mass incarceration of African-Americans. In turn, the mass incarceration of African-Americans has negatively impacted the socio-economic prospects of inner-city neighborhoods. Therefore, the JRI’s data-focused, evidenced based criminal justice reform model has the potential to improve the socio-economic prospects of inner-city neighborhoods. It has the potential to improve the socio-economic prospects of black inner-city neighborhoods by limiting the constant cycle of arrest and conviction present in these communities. States achieve this goal by engaging a wide array of stakeholders.\textsuperscript{93} These individuals include judges, prosecutors, defense attorneys, correctional staff, and law enforcement agencies.\textsuperscript{94} States then develop policy solutions that target the key causes of correctional cost and populations.\textsuperscript{95} The solutions are then incorporated into the state’s

\begin{itemize}
\item \textsuperscript{92} Id.
\item \textsuperscript{93} Id.
\item \textsuperscript{94} Id.
\item \textsuperscript{95} Id.
\end{itemize}
criminal justice and policies. Once implemented, states are then able to take a portion of the resulting cost savings and reinvest it into alternative treatment models.⁹⁶

States adopting JRI reforms has already seen some limited successes. For example, between 2012 and 2014 Georgia saw an 8 percent decrease in the number of admissions to prison.⁹⁷ While admission among whites remained the same, admission were down 11 percent for blacks.⁹⁸ North Carolina’s reduction was even more dramatic. Between 2011 and 2014 North Carolina experienced a 21 percent reduction in admissions to prison.⁹⁹ The number of blacks entering North Carolina prison fell by almost 26 percent during this same period.¹⁰⁰ Some of the most popular policy reforms accounting for this reduction are risk and assessment models, intermediate sanctions, and changes in sentencing.¹⁰¹ Risk and assessment models identity criminal risk factors. In other words, it estimates the likelihood that a person will reoffend.¹⁰² States then use this information in problem solving courts to decide on appropriate treatment models. Problem solving courts are non-adversarial adjudication settings designed to treat individuals with substance abuse and mental health

⁹⁶ Id.
⁹⁸ Id.
⁹⁹ Id. at 5.
¹⁰⁰ Id.
¹⁰¹ Urban Institute, supra, at 2.
¹⁰² Id.
problems. This has the potential to disproportionately benefit African-Americans who are arrested for drug possession. These individuals will be able to receive the proper rehabilitate care they need which might reduce their recidivism rate.

Intermediate and graduated sanction is another policy that has the possibility to limit prison sentences. This approach “establishes swift and certain responses, such as short jail stays, for parole and probation violations.” Most importantly, these sanctions serve as an alternative to incarceration. Some states have supplemented these immediate sanctions with incentives to encourage compliance with supervision requirements.

Perhaps the most important policy being advocated by some states is revising mandatory minimum sentences and expanding non-incarceration options. For example, Kentucky modified its controlled substance act by using presumptive probation for first time and second time drug possession offenses. Oregon reduced sentences for certain property and drug crimes, such as identity theft and marijuana offenses. These policy changes will have an immediate positive impact on African-Americans because it will limit the amount of these individuals who are convicted of drug related offenses. Without drug conviction, African-American will not be disproportionately affected by most collateral consequences.

103 Id.
104 Id.
106 Id.
Collateral consequences are one of the factors contributing to the mass incarceration of African-American. Therefore, implementing the JRI policies has the potential to limit the mass incarceration of African-American. Limiting the mass incarceration African-American will improve the socio-economic wellbeing of black inner city neighborhoods.

**CONCLUSION**

African-Americans have been disproportionately affected by the war on drugs and its resulting polices. These polices have combined to disadvantage African-Americans at every stage of the criminal justice system from arrest to prosecution. The mass incarceration of African-Americans produced by these polices has had a negative socio-economic impact on black inner city neighborhoods. However, the Justice Reinvestment initiative which aims to cut correctional cost by reducing the length of time individuals spend in prison has the potential to improve black inner-city socio-economic prospects.