

## DEBUNKING THE CLAIM THAT PRISONS ARE FILLED WITH ‘PETTY DRUG USERS’

A guest editorial appeared in the Wednesday, March 28, 2008, edition of the Meadville Tribune, authored by the Pocono Record, entitled “Why Are So Many People in Jail in Pennsylvania?”

This editorial was absurd. After reading the editorial, John Q. Public is erroneously led to believe that our state prisons are filled with-as the Pocono Record claims- “occasional marijuana users” and “first-time petty drug users.” The Pocono Record does not offer one example of an individual who was sent to state prison because he or she was simply a “petty drug user.” They can’t do so because in Pennsylvania, it is impossible for a person who has only been convicted of the simple possession of marijuana or the possession of a controlled substance to be sentenced to a state correctional institution. These crimes are ungraded misdemeanor offenses that carry a maximum of thirty days in jail and a maximum of one year in jail respectively.

Pursuant to the sentencing laws of Pennsylvania, only sentences handed down by a judge that have a maximum of at least two years can be served in a state prison. Therefore, individuals convicted of only “petty drug offenses” cannot be sentenced to a state correctional institution.

The Pocono Record claims that Pennsylvania must re-evaluate its mandatory minimum sentencing laws because their use has filled our prisons with people who do not deserve to be there. In drug cases, mandatory minimum sentences only apply to individuals who have been convicted of manufacturing, delivering or selling a certain quantity of a controlled substance. These people are not “occasional marijuana users.” These people are criminals who terrorize communities. They ruin lives and they are accomplices to the perpetration of the vast array of crimes drug users commit to support their habits. A drug dealer does not have to wield a machine gun to be a menace to society.

In Pennsylvania, there are no mandatory minimum jail sentences for simple possession charges. I have been a prosecutor for 11 years, and I assure you that it is extremely rare for a person who is only convicted of a drug possession charge to be sent to jail. In fact, in Crawford County, offenders who have no prior criminal record who are charged with the possession of a small amount of marijuana or some other controlled substance, are either given a probationary sentence or are admitted into the Accelerated Rehabilitative Disposition Program. Defendants convicted of possession charges only get sent to county jail when they have amassed a lengthy criminal record by committing crime after crime.

Just because two thirds of the 10,000 prisoners in the state system may be classified as “nonviolent” certainly does not mean they do not deserve to be behind bars. Ask a person who has come home to a ransacked and burglarized home if the perpetrator should not spend time in jail. What about people who repeatedly drive drunk or who steal large sums of money from their employers? What about criminals who scam the elderly out of their life savings? These are all nonviolent offenses.

Is the Pocono Record telling me these criminals don’t deserve jail time because they did not do physical harm and it costs money to incarcerate them? Of course they deserve it, and society expects it. People who end up serving time in state prison have earned it. My office has convicted many “nonviolent” offenders who deserve every day of the state prison sentence they received.

This assertion that our prison system is overcrowded with individuals, whose only crime is the occasional use of marijuana or some other drug, is a myth that is perpetuated by certain members of the media and drug advocacy groups who seek to abolish America’s drug laws.

Francis J. Schultz  
District Attorney