

WHY US?
LEFT BEHIND AND DYING



Video Curriculum Modules

**Lesson 11: HIV —
Drugs and Prison**

LEARNING WAS NEVER LIKE THIS



Lesson 11: Drugs and Prison

Standards:

Health:

1.12.3

2.12.10

3.12.1

3.12.2

Science:

Skills Practiced and Gained:

1.1—1.7

2.1—2.5

Overview

“It’s estimated that one out of every four people currently living with HIV has been in prison at some point in time.” This statement made in the video module does not bode well for African American and Latino males since



they have a higher rate of imprisonment. This rate does not necessarily indicate that they are committing more crimes. In fact, drug use is relatively uniform among different ethnic groups however “Black males are 12 times more likely to be convicted than White males for the same drug crimes.” The video module, “*Drugs and Prison*,” examines the disproportionate numbers of Black males in prison and the repercussions of this disparity on the spread of HIV/AIDS in African American communities.

Key Concepts

Disproportionate rates of imprisonment for African Americans and other minority groups

Common myths about drug use and contracting HIV

Common myths about rates of drug use in minority communities

Social determinants of health

Impact of disparities in the justice system on the spread of HIV/AIDS in the African American community



Materials for Activities and Educator Background Knowledge

The following readings can be found at the end of this lesson and will be used in *Activity 11.2*.

Reading 11.1

Excerpt from Drug Policy Task Force about the effect of drug policy and enforcement on people of color

<http://www.drcnet.org/nycla.html#part5>

Reading 11.2

Excerpt from Wikipedia describing the different treatment of opium use by Chinese and Indian immigrants versus White Europeans

http://en.wikipedia.org/wiki/Opium#Chinese_diaspora

Reading 11.3

Highlights from report on the disproportionate arrest of Latinos for Marijuana possession

<http://www.drugpolicy.org/resource/arresting-latinos-marijuana-california-possession-arrests-33-cities-2006-08-0>

Procedure

Part I

View “*Drugs and Prison*” video module. After viewing the module use the following questions to facilitate group discussion or give the questions as prompts for journal entries.



Discussion / Journal Questions

- 1) **W**hat new information did you gather from the video module?
- 2) **H**ow do disproportionate prosecution and imprisonment rates of Black males contribute to the spread of HIV/AIDS in the African American community?
- 3) **W**hat other questions or comments do you have?



Part II

Activity 11.1

Again and again, statistics show that people of color are unduly arrested and convicted of crimes that Whites commit at equal rates. Let's examine how this reality affects African Americans. Discuss the following questions:

- 1) How do the disproportionate prosecution and incarceration rates of Black men stigmatize the African American community? And, how do these rates help perpetuate cycles of oppression and poverty?
- 2) According to the video module, what are some of the reasons why Whites are not prosecuted or incarcerated as much as other ethnic groups?
- 3) Given that prisons have the highest HIV rates, what does this mean for African American men?
- 4) What are the additional impacts on the greater African American community, once the men return from prison?



Closure—Activity 11.2

Having explored the repercussions of disproportionate prosecution and incarceration of African Americans, discuss the racism codified in many drug policies, laws and practices. Some laws are now defunct while others are still in effect today. Have students/participants divide into three groups, give each group one of the three excerpts (*Readings 11.1, 11.2 & 11.3*) to read, then have the groups share findings with one another. Use the following questions to facilitate group discussion or give the questions as prompts for journal entries.

- 1) Did anything in the readings surprise you?
- 2) What, in your opinion, needs to change to make the justice system around drug use more equitable?
- 3) How might you, as an informed voter, use your voice to influence this trend?
- 4) Does understanding drug policy and imprisonment patterns change your thoughts about how you might act? Why or why not?



Reading 11.1

Drug Policy, Drug Law Enforcement And People Of Color

(adapted from <http://www.drcnet.org/nycla.html#part5>)

The empirical evidence available clearly demonstrates that the adverse effects of current drug policy impact disproportionately on people of color. Although it is estimated that over 80% of drug users are white, minorities comprise 74% of those incarcerated for drug offenses. Therefore, the injustices inherent in the enforcement and criminal prosecution of drug offenses impact more profoundly on communities of color.

Civil rights are eroded with the creation of additional exceptions to the Fourth Amendment's bar on warrantless searches (in what has effectively become the "drug exception" to the U.S. Constitution), while discriminatory stereotyping regarding the profile of a drug dealer leads to the more frequent search and seizure of people of color. Further, vaguely worded loitering and curfew laws, intended to curb drug dealing, are disproportionately enforced on inner city streets.

Other factors lead to a disparity in the racial makeup of those arrested for narcotics offenses. Wealthier white drug users make their purchases behind closed doors, in business districts and in more isolated suburban communities, away from the eye of law enforcement agents -- and therefore, more frequently escape detection. On the other hand, street dealers, and many drug users in inner city neighborhoods are considerably more exposed.

At the same time, a statistically high number of drug prosecutions result in convictions. This is largely due to the "professional" nature of witnesses involved in narcotics cases, and because drug offenders are typically apprehended as a result of "buy-and-bust" operations or pursuant to "observation sales," where police set up operations in designated "high crime" neighborhoods, so as to make undercover purchases from street dealers, and/or observe and apprehend individuals involved in street sale and purchase of narcotics. Additionally, such community based "buy-and-bust" and other similar operations tend to concentrate on low level dealers and users rather than the drug kingpins, since street sellers and purchasers are simply easier to locate and apprehend.

Current drug policy has other irrational and discriminatory consequences, e.g. the disparate treatment of crack-cocaine offenders (generally poor people of color), versus powder-cocaine offenders (generally white, middle-upper class), and the inequitable prison sentences which this duplicity engenders.

Due to lack of other forms of attention, by government and private industry, inner city neighborhoods have become the battleground for much of the drug trade, including enforcement efforts by police. Moreover, the great sums of money involved in the illegal drug trade encourages police corruption, leading to a breakdown of appropriate law enforcement efforts in these communities. Furthermore, broadly drafted civil forfeiture and other similar laws, providing for the eviction of entire families where one of its members may be involved in drug dealing, are more frequently enforced in poor communities, leading to greater hardship in communities where higher numbers of black and Latino people reside.



Reading 11.2

Opium

(Adapted from <http://en.wikipedia.org/wiki/Opium>)

Opium is the dried latex obtained from the opium poppy. Opium contains up to 12% morphine, an alkaloid, which is frequently processed chemically to produce heroin for the illegal drug trade. Cultivation of opium poppies for food, anesthesia, and ritual purposes dates back to at least the Neolithic Age (new stone age). Widespread medical use of unprocessed opium continued through the American Civil War before giving way to morphine and its successors, which could be injected at a precisely controlled dosage.

In China recreational use of the drug began in the fifteenth century but was limited by its rarity and expense. Opium trade became more regular by the seventeenth century, when it was mixed with tobacco for smoking, and addiction was first recognized. After 1860, opium use continued to increase with widespread domestic production in China, until more than a quarter of the male population were regular consumers by 1905. Recreational or addictive opium use in other nations remained rare into the late nineteenth century.

Beginning in 19th-century China, famine and political upheaval, as well as rumors of wealth to be had, led to the Chinese Diaspora. Chinese emigrants to cities such as San Francisco, London, and New York brought with them the Chinese manner of opium smoking and the social traditions of the opium den. The Indian Diaspora distributed opium-eaters in the same way, and both social groups survived as "lascars" (seamen) and "coolies" (manual laborers). Among whites, opium was more frequently consumed as laudanum or in patent medicines. American law sought to contain addiction to immigrants by prohibiting Chinese from smoking opium in the presence of a white man.

Because of the low social status of immigrant workers, contemporary writers and media had little trouble portraying opium dens as seats of vice, white slavery, gambling, knife and revolver fights, a source for drugs causing deadly overdoses, with the potential to addict and corrupt the white population. By 1919, anti-Chinese riots attacked Limehouse, the Chinatown of London. Chinese men were deported for playing pook-apu, a popular gambling game, and sentenced to hard labor for opium possession. Both the immigrant population and the social use of opium fell into decline.

Global regulation of opium began with the stigmatization of Chinese immigrants and opium dens in San Francisco, California, leading rapidly from town ordinances in the 1870s to the formation of the International Opium Commission in 1909. During this period, the portrayal of opium in literature became squalid and violent, British opium trade was largely supplanted by domestic Chinese production, purified morphine and heroin became widely available for injection, and patent medicines containing opiates reached a peak of popularity. Opium was prohibited in many countries during the early twentieth century, leading to the modern pattern of opium production as a precursor for illegal recreational drugs or tightly regulated legal prescription drugs.



Reading 11.3

Arresting Latinos for Marijuana in California Possession Arrests in 33 Cities, 2006-08

(adapted from <http://www.drugpolicy.org/resource/arresting-latinos-marijuana-california-possession-arrests-33-cities-2006-08-0>)

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Levine, Harry G., et al.

Drug Policy Alliance

The Drug Policy Alliance and the William C. Velasquez Institute have released a report that documents widespread race-based disparities in the enforcement of low-level marijuana possession laws in California. In the last 20 years, California made 850,000 arrests for possession of small amounts of marijuana, and half a million arrests in the last 10 years. The people arrested were disproportionately African Americans and Latinos, overwhelmingly young people, especially young men. Yet, U.S. government surveys consistently find that young whites use marijuana at higher rates than young Latinos. From 2006 through 2008, major cities in California arrested and prosecuted Latinos for marijuana possession at double to nearly triple the rate of whites.

- In the last twenty years, California made 850,000 arrests for possessing small amounts of marijuana, and half a million arrests in the last ten years, disproportionately of young Latinos and blacks.
- U.S. government surveys consistently find that young Latinos use marijuana at lower rates than young whites. Yet from 2006 through 2008, major cities in California arrested and prosecuted Latinos for marijuana possession at double to nearly triple the rate of whites.
- In the City of Los Angeles, where one in ten Californians live, police arrested Latinos for marijuana possession at twice the rate of whites.
- In San Jose, the third largest city in the state, Latinos are 31% of the population but 54% of those arrested for marijuana possession. Police in San Jose arrested Latinos at 2.2 times the rate of whites.
- In the twenty years from 1990 to 2009, the marijuana possession arrest rate of Latino teenagers in California more than tripled.
- These patterns in marijuana arrests are a system-wide phenomenon, occurring in cities throughout California. The arrests were not mainly the result of individual prejudice or racism. In making these arrests, patrol officers were doing what they were assigned to do.
- Marijuana possession arrests have serious consequences. They create permanent "drug offense" records easily found on the Internet by employers, landlords, schools, credit agencies, licensing boards, and banks.
- One guilty plea for marijuana possession can deny a legal immigrant re-entry to the U.S. Two guilty pleas can trigger mandatory deportation.
- Changing the crime of marijuana possession from a misdemeanor to an infraction does not change the double standard of enforcement. Police will almost certainly continue to give out a great many summonses, disproportionately to young Latinos and blacks.