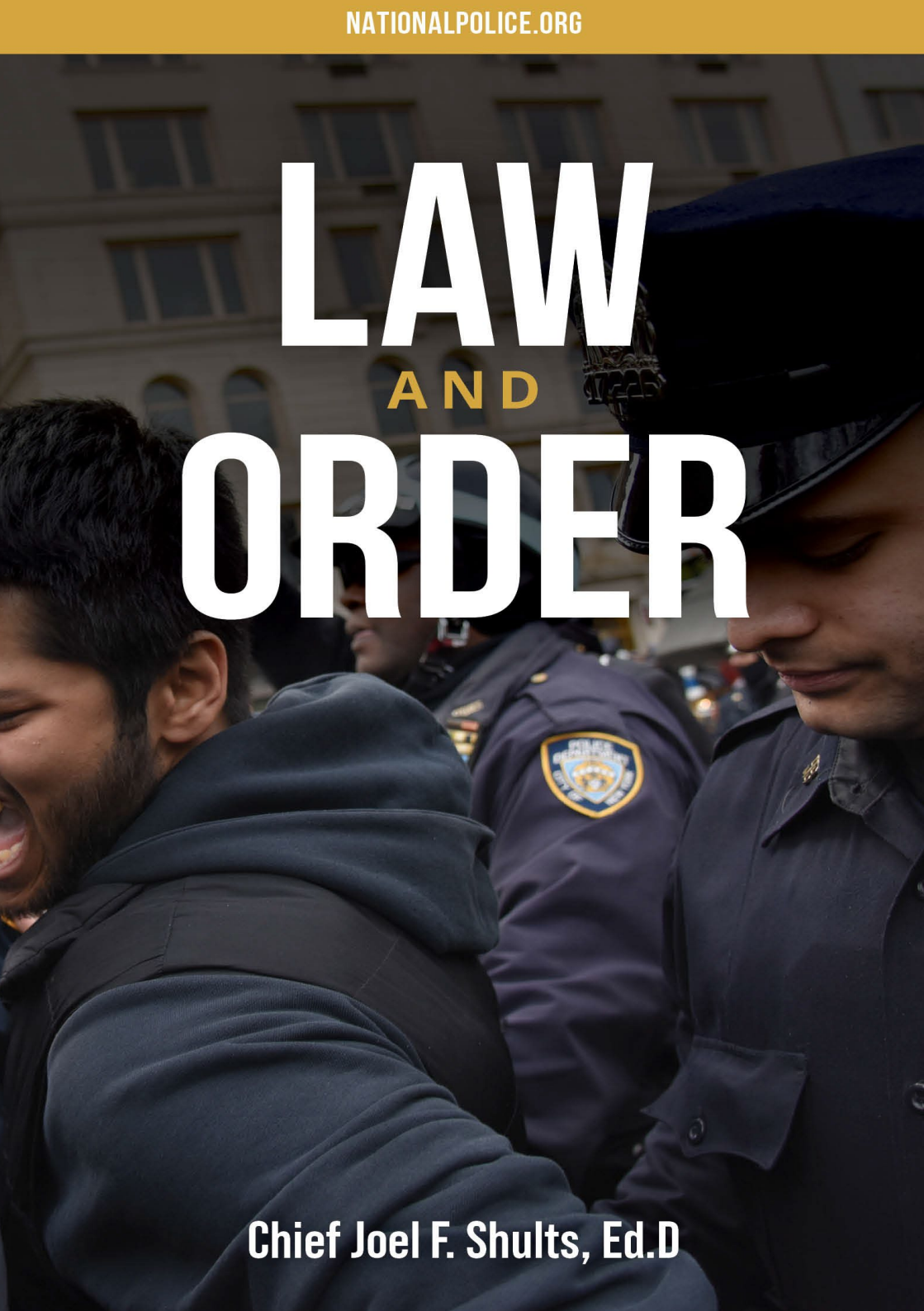


# LAW AND ORDER



Chief Joel F. Shults, Ed.D

The National Police Association's free Law Enforcement education series is designed for home school, classroom, or independent learning. As part of our nonprofit educational mission, it prepares you for careers in public safety. This series is authored by [Chief Joel F. Shults, Ed.D.](#)

Published by the National Police Association. All rights reserved. No part of this publication may be reproduced, distributed, or transmitted in any form or by any means, including photocopying, recording, or other electronic or mechanical methods, without the prior written permission of the publisher, except in the case of brief quotations embodied in critical reviews and certain other noncommercial uses permitted by copyright law.

The [National Police Association](#) is a 501(c)3 Alliance/Advocacy nonprofit in the IRS Educational Organizations category. Donations are tax-deductible.

## Table of Contents

---

- 1** Decriminalizing some crimes can be a good idea
- 4** Hero Report
- 8** Evil: The Forgotten Cause of Criminality
- 11** Broken Windows, Broken Justice
- 15** Force Continuum Doesn't Start with the Police Officer
- 19** When Cops Are Benched Victims Lose and Criminals Win
- 22** Crime's Deadly Pendulum
- 25** Will Oregon's Drug Decriminalization Reduce or Increase Addiction and Crime?
- 29** Defunding the Defunders – Baltimore's Victims Fight Back
- 32** Are There Even Laws Anymore?
- 36** About The Author



## Decriminalizing some crimes can be a good idea

---

It seems like changing crimes into acceptable behavior has been a trendy hobby among west coast legislatures. Shoplifting, trespassing, and drug possession have been decriminalized, refused prosecution, or restricted from enforcement. Possession of what used to be called hard drugs earns a ticket instead of jail in many places. Police are prohibited from making traffic stops or chasing those who flee on foot or in vehicles. Tools like neck restraints, impact weapons, and chemical sprays are removed even during riot situations.

It's the American way to watch the pendulum swing in the world of criminal justice. Laws are passed that seem to be soft on crime, crime goes up, laws get harsher, crime goes down, laws get softer again. These adjustments need to be made, if not to change rates of victimization, at least to generate political support during election cycles. It has been tragi-comically obvious in the past few years that the same block of activist politicians stripping funding and support from law enforcement are now boasting about how they are increasing funding and expanding police numbers.

These balancing acts and up-and-down trends have been going on since the beginning of laws. Now comes decriminalization that this pro-law enforcement writer might be able to celebrate. California's new law allowing jaywalking will take effect in January, allowing a person to cross a street outside of the regulated crosswalks if it is safe to do so.

There is no shortage of statistics to show that California is a leader in pedestrian deaths and injuries, so critics of the new measure fear that number will only increase without enforcement. The new law doesn't prohibit jaywalking enforcement, but the violation must cause immediate danger. In other words, the actions of careless pedestrians that contribute to California's statistics would still be subject to a ticket even under the new, liberalized law.

The new law is tainted, of course, by accusations that jaywalking contacts with police were disproportionately against people of color and made to generate ticket revenue. No way Cali lawmakers could pass up an opportunity to take a swing at law enforcement. The sponsors promoted the law partly to reduce police-citizen contacts, and while the motive might be suspect, it might not be a bad thing.

When we expect armed government agents to enforce a law, society must accept the consequences. If we give them responsibility and the power to fulfill that responsibility, we also expect the citizen to comply. If the citizen does not comply with a law passed in a democratic process for which law enforcement is responsible, the use of coercion is authorized and necessary. Were it not, there would be two classes of citizens: one class that takes all of the consequences of law-breaking, and another that can feel free to walk away and flaunt the enforcer who is impotent to stop them. If we say we want NYPD to enforce a law against selling individual untaxed cigarettes, then we should not be shocked that if a suspect refuses to submit to a lawful

arrest he will be forced into custody. If we want our police to make kids wear bicycle helmets, we must allow them to exercise their authority to do so rather than accept an obscene gesture as the culprit pedals away.

The essential question of any law is to what extent we are willing to interfere with an individual's liberty in order to enforce the law equitably. The golden rule of individual freedom is whether your right to swing your fist interferes with my right to stand and not be struck. Maybe allowing a citizen to make a judgment about whether to cross a street at the crosswalk or not is in the best interest of liberty.

Justice Brandeis made a famous dissent in the 1928 case *Omstead v. United States* in which he stated, "The makers of our Constitution undertook to secure conditions favorable to the pursuit of happiness. They conferred, as against the Government, the right to be let alone – the most comprehensive of rights, and the right most valued by civilized men. To protect that right, every unjustifiable intrusion by the Government upon the privacy of the individual, whatever the means employed, must be deemed a violation of the Fourth Amendment."

Maybe California got it right. Maybe we don't need to government's permission to cross the street.

## Hero Report

---

If a police officer hurts a suspect it can be national headline news. The daily heroic performance of the other 800,000 cops might be a blip on the local news station at best. In case you've missed it, here are some things that law enforcement officers are doing every day.

March 14th in Covington, VA a 1-year veteran officer responded to a domestic disturbance at a gas station where a suspect had just shot his father-in-law. The officer, Caleb Ogilvie, a Marine Corp veteran and father of 4, was shot and killed in an exchange of gunfire in which the suspect was also killed.

On Sunday, March 13th, a Texas Deputy Sheriff with the Bastrop County Sheriff's Office was engaged in a routine investigation. Deputy Sawyer Wilson had occasion to contact Michael Stark who, apparently unknown to the deputy was a parole violator with a long and violent criminal history. Deputy Wilson survived a shot to the chest due to his body armor but was shot in the side and arm with serious injuries. While in the hospital, Wilson is reported to ask to help in the investigation and search for Stark who was arrested 13 hours later.

Albuquerque, New Mexico police responded to a neighborhood to a report of a gunshot victim on Monday, March 14th. On arrival, APD officers heard additional gunshots and while searching for the source



encountered a gunman who fired on the officers, injuring two. The gunman was shot dead.

On March 8th in Portland, Oregon officers Justin Raphael and Tyler Wyatt arrived on the scene of a shooting with a victim lying near death on the ground. Not knowing if a shooter was still in the area, officers chose to enter the vulnerable area to give aid to the victim. Using major wound kits they carry; the officers were able to staunch the bleeding and get the victim to advance care where he survived.

Sgt. William Drew and Officer Nathan Rodgers of Montgomery County Maryland were heading home after midnight on March 5th when they saw a burning, crashed car. Drew broke out a window and was able to pull the unconscious driver from the flaming wreckage while Rodgers used an extinguisher to fight the blaze.

Two Pierce County, Washington officers were wounded Tuesday, March 15th in a SWAT operation to arrest Jeremy Dayton who was wanted for an assault with a firearm charge. Deputy Dominique Calata was in grave condition Tuesday night. The other wounded deputy, Sergeant Rich Scaniffe, was out of surgery Tuesday evening and in stable condition.

In a less dramatic display of protecting and serving, an unidentified Michigan State Trooper saved a confused swan wandering around a Detroit area highway on March 14th.

Columbus Ohio police officers were investigating reports that a car was firing randomly at motorists along

Interstate 71 on Friday, March 11th. Responding officers came under fire and a brief gunfight between the suspect and police resulted in gunshot injuries to the suspect and several rounds shot into a police cruiser.

An armed man in Joplin, Missouri was shot by a Joplin police officer on March 8th after the suspect shot two Joplin PD officers. Cpl. Benjamin Cooper was slain at the scene of a confrontation with an armed man in a shopping area. Also shot was Officer Jake Reed who was transported to a hospital but did not survive.

A routine early morning traffic stop on Sunday, March 13th by Phoenix police turned violent after a pedestrian nearby opened fire on the officers. The suspected gunman was arrested after a manhunt. One officer was treated for a bullet wound and the other for injuries from flying glass.

In Salt Lake City's airport, John D. Baydo, 32 came up behind two SLPD officers who were walking foot patrol inside the airport and punched one of the officers in the side of the head in an unprovoked attack.

On March 6th a major highway was closed to traffic because of a marathon race in progress. Kristen Kay Watts, 52 drove through barricades and past police officers headed toward hundreds of racers. Florida troopers blocked the roadway as Watts continued at a high speed toward them, crashing head-on into a patrol car operated by Trooper Toni Schuck who is recovering from injuries sustained in the crash. Schuck is being praised for putting herself between the drunk driver

and the racers, potentially saving dozens of lives and injuries.

That covers less than 10 days on the calendar and only a tiny fraction of the heroism, service, and sacrifice that happens every moment in the law enforcement profession. How was your week?

## Evil: The Forgotten Cause of Criminality

---

The Utopian idealists who parade folly as compassion want us to believe that everyone is good at their core. Any behavior defined as criminal is excusable because of the deficiencies of society, mental illness, poverty, or racism. In their eyes, evil only exists in prisons and among law enforcement.

Although the belief that every criminal behavior holds within it an excuse rather than a moral component of right and wrong, common sense and the ordinary experience of most humans reveals that people have choices to make and paths to take.

Every religion and philosophy has an element of recognizing right and wrong. For Bible-based religions, wrong is sin and right is righteousness. Evil is manifested in wanton violence and good is manifested in kindness to others. In Islam, what is good is what Allah has commanded and what is bad is what has been forbidden. In human interactions, good and bad are relative. In Buddhism, negative actions and thoughts such as greed, anger, and ignorance create evil that impairs enlightenment and activates Karmic consequences. Hinduism recognizes evil as a cause of suffering in ourselves and others. Those who hold no belief in the intelligent creation and design of mankind still hold that our conduct is constrained by the need to co-exist, and humanists define evil as human action that causes unnecessary suffering.

Political utopian thought is not a fringe element in American society. When legislatures reduce sentences, judges release violent offender suspects without bond, and when police must allow trespassing and shoplifting because the perpetrators can't afford commodities or space, compassion trumps accountability.

To be sure, the discussion on the balance of compassion and consequences is a necessary one, but deconstructing the criminal justice system is not thoughtful, research-based reform, but armchair policy making by those who believe that they will suffer no consequences from wholesale forgiveness of criminal behavior. Classical criminology has served western culture well for centuries. It posits that people avoid pain and seek pleasure. People will make a free will decision to avoid things that cause pain (the probability of punishment) balanced against getting away with behavior that brings them pleasure, such as raping your daughter or stealing your Hyundai.

Famed psychologist Dr. Phil (McGraw) has a habit of saying that we teach people how to treat us. This is a truism for individual relationships – we'll get what we put up with – but it is also true for society at large. How a person calculates the pain v. pleasure equation is partly dependent on what they observe in others who engage in criminal pleasure-seeking behavior. If everyone seems to be getting away with it or society passively puts up with it, the scales are tipped in favor of a decision to go for it.

If people would choose to self-regulate there would be no need to establish legal boundaries for behavior. And

most people do operate within the law. But, as Alexander Hamilton is said to have stated in the Federalist Papers “If men were angels, no government would be necessary”, so here we are.

It is important to recognize that American jurisprudence has a good deal of flexibility in dealing with offenders. There are alternate sentencing and treatment options, case management for addicts and juvenile offenders, and defenses that include insanity and diminished capacity. Prosecutors have much power to determine what and how to prosecute, as do police officers as they exercise discretion in their daily encounters.

The idea that wholesale forgiveness, release from accountability, and blaming society and mental illness can result in increased public safety seems not to be working. Certainly, we as a nation must continue to seek to cure social ills and provide services to restore mental health in individuals. But ignoring the suffering of those who feel the brunt of property and violent crime shifts the balance of justice in favor of the offender. That is patently unjust, unfair, and unsustainable.

## Broken Windows, Broken Justice

---

Since the mid-1980s, a lot of attention has been given to the Broken Windows Theory of crime proposed by James Q. Wilson and George Kelling. The timing of the publishing of their theory coincided with an increase in violent crime and fear of crime. Violent crime became a national issue, reaching a peak under Bill Clinton's presidential campaign. The Clinton administration's crime policy was heavily invested in the broken windows theory as an essential component of community policing. President-elect Biden will likely resurrect the banner of community policing in response to demands for police reform.

In a nutshell, Wilson and Kelling proposed that if a neighborhood looks run down and appears that no one cares it gives tacit permission for small acts of disregard such as vandalism, littering, and drinking in public. Once these offenders see that they are not accountable for these violations of order and decorum, the level of offense increases until the area is no longer safe.

Wilson and Kelling were wise in using the broken window metaphor. Everyone has noticed the eventual degradation of an abandoned building or car. First, a broken window goes without repair. Then more windows are broken. Doors are pried open. Narcotic use and squatters making a nest. Property owners decide that there is nothing worthwhile to do with the property and leave it to crumble or burn. Even the police may decide that since no one cares, there is little incentive to pay much attention to petty crimes.

New York City especially embraced the theory and assigned police resources to the enforcement of offenses that had long been considered not worth their time. How could you justify stopping public drinking and riding the subway without buying a token when there were rapes and robberies to solve? But if the theory held, suppressing and preventing quality of life offenses would gradually shut off the pipeline to violent offenses.

Although not all analysts credit this strategy with dramatically lowering NYC's violent crime rate, the raw statistics showed dramatic success. Other components of the Clinton era crime policies were tougher rules on juvenile offenders, longer prison sentences for some crimes, and funding for adding more prison space.

Now we have a new brokenness: the criminal justice system. With policing funding cuts, reduction in investigative stops, incentives for police officers not to take enforcement actions, suggestions that rioters and looters are justified and exercising Constitutional rights, and increasing prosecution of police officers for justifiable uses of force, lawbreakers are being given permission to ignore the law and its consequences.

As an example, in August of this year, Multnomah County District Attorney Mike Schmidt decided to drop charges on most of the 550 persons arrested by the time he took office. At one point only 45 persons were prosecuted even though 150 of the arrestees were charged with felony crimes including assault and arson.



In June of this year, New York City police were told to stand down in the face of assaults and property damage during civil disturbances. Even though Mayor DeBlasio and top police officials denied that such an order was given. Whether those orders didn't come from the top echelon or not, the lack of support for NYPD by the Mayor makes it quite believable that someone in authority feared repercussions if law enforcement was permitted to enforce the law.

This month the Los Angeles Police Commission ruled that LAPD officer Toni McBride, who was ambushed while responding to a traffic crash, shot her attacker who was advancing with an edged weapon. The suspect fell after two shots, then got up to resume the attack and was shot by McBride 4 more times. The commission said that the 5th and 6th shots were excessive. Really.

Also this month, A grand jury has indicted a rookie San Francisco police officer who fired a single shot at a man who had attacked him and his field training officer with a bottle, and who was apparently trying to stand up after the training officer shot him multiple times. A bottle can be an edged weapon, blunt instrument, or thrown as a distraction device during an attack.

We believed that the broken windows theory gave rise to crime, and that crime was reduced by paying attention to the small erosions of law and order. Responding to disorder allowed police to reduce violent crime significantly. Now we have a broken system, where lawbreakers are forgiven, even admired, and often ignored. With this erosion, is it any wonder that cities are now seeing dramatic spikes in violent crime?

We worked hard to fix the broken window, only to allow our justice system to become shattered. When will our leaders allow that to be fixed?

## Force Continuum Doesn't Start with the Police Officer

---

The use of force continuum is a largely abandoned policy to guide police officers in the lawful use of force. That particular model relies on stages of subject behavior followed by authorized police behavior. It is a reactive policy that relies on a succession of failures until an officer finally gets the upper hand. Refreshed models and training guides still attempt to identify appropriate police reactions to subject behavior. Nearly all of them begin with the lowest threshold being “officer presence”.

As mentioned in a recent NPA article, writer Steve Pomper states “How many crimes, property and violent, do cops prevent simply by rolling down an alley or walking a beat in a high-crime district? How many would-be burglars, assailants, rapists, even murderers had to alter their criminal trajectory when they saw a patrol car or officer appear around a corner?”

When a police officer shows up on a scene of a suspected law violation, whether rolling up on an event in progress or responding to a 911 call, it has always been expected that their mere presence would cause the parties involved to stop or slow down their disruptive or unlawful behavior. Even though embedded in policy and procedure expectations, and verified by the experience of millions of police contacts, a frequent and perhaps prevailing attitude today is that the arrival of the police increases the illegal and violent

behavior of subjects. Thus, the call for increased competency in so-called de-escalation strategies.

Those with no trust in the police are attempting to solve the problem of use of force by eliminating police presence in the first place. The cessation of stop and frisk strategies (long specifically authorized as Constitutional reasonable by the US Supreme Court), the discouraging of proactive policing, both explicitly and implicitly, as well as the demoralizing of police officers who have concluded that doing any optional police work is a threat to their careers, all work towards keeping cops in their cars with blinders on.

What “officer presence” as the first step of compliance misses are two laws that are already long a part of every communities’ law. The first is prohibiting the unlawful act in the first place. The second is the requirement to submit to an arrest. Some states may still say “lawful” arrest, giving an arrestee the legal right to resist the unconstitutional seizure of a person, but most of those laws have been altered to make resisting any arrest against the law. (It is a dangerous license to allow resistance because the arrestee can’t know what the officer knows, plus there are many remedies for a false arrest that exist.)

Every motorist, pedestrian, bystander, and wrongdoer knows what the law is governing their behavior: don’t assault, don’t disturb the peace, don’t steal, don’t ignore traffic laws, etc. This is the first element of avoiding the use of force. Don’t do the crime. Of course, there are times when truly innocent persons are contacted by law enforcement and sometimes in an unpleasant way, but

citizens also must accept that they may be driving a car that matches a lawbreaker's description, or be somewhere unfortunately at the wrong time. Whether innocent or guilty, the second law still applies. They must comply with the police officer.

Most of the high-profile use of force controversies would never have happened had the subject contacted by law enforcement complied with these two laws. They are not merely a social convention, accepted protocol, or suggestions. They are the law.

There are now police agencies and legislative bodies that do not want enforcement of traffic laws or some other minor violations. Why? Because of their fear of "officer presence". They often refer to pretext stops, meaning that an officer finds a minor violation for which they can stop a vehicle to get a chance to investigate other criminal activity. This is another legal question that has been answered by the US Supreme Court. If someone the officer knows is a purveyor of illegal drugs who happens to be driving with an expired license, the legitimacy of the expired license offense remains regardless of whatever else the officer may have on their mind.

Removing these contacts will, indeed, result in fewer uses of force by the police for the mere fact that violent felons will not be caught by the police and therefore have nothing to resist. It will also result in yet another uptick in crime, not to mention an increase in drunk driving crashes, and vehicles operating with dangerous vehicle deficiencies.

The anti-police crowd is winning many battles, gaining ground inch by inch with bad political decisions handcuffing law enforcement from keeping their citizens safe by ceding the advantage to the criminal elements. It should be remembered that these influences are not for “reimagining public safety” or “redistributing funds”, but for moving toward either the abolition of the police or the federalization of policing away from local control.

## When Cops Are Benched Victims Lose and Criminals Win

---

Legislatures pass laws with the expectation that they will be obeyed, and the expectation that those who do not follow the law will face consequences when the law is enforced. The law is enforced by agents of the government, most of whom, because of the variety of their duties that include dangerous activity, are armed police officers.

That's the way it is supposed to work. Unless some political body between the lawmakers and the law enforcers decides that they have a better idea – like not enforcing the law. That doesn't seem to be very democratic, but city councils are performing an end-run around traffic laws for fear that police will shoot drivers who have a burned-out license plate light.

The reality is that the danger is not to drivers breaking the law but to other motorists and police officers. Officers killed while making “routine” traffic stops while unknowingly interrupting criminal activity, as well as being struck while making stops, working crashes, or helping a stranded motorist, comprise a significant number of officers killed in the line of duty.

Embattled Minneapolis police are now barred from many traffic enforcement activities due to a settlement between the city and the Minnesota Department of Human Rights. MPD officers cannot pull over drivers for the sole purpose of expired tabs, license plate issues, broken lights or mirrors, or failing to signal a turn, along

with other minor violations, so, according to one attorney, traffic stops cannot be “weaponized”.

“We already had in policy, that you couldn’t pull someone over because an air freshener was hanging from the rearview mirror... or if something is wrong with how your license plate is hung, [that is] also not a good reason for pulling people over. That was already done,” Mayor Jacob Frey stated.

Members of the California Senate recently passed a bill to limit police from pulling over drivers for certain minor safety infractions. Keeping the laws in place, but prohibiting police from enforcing them sounds like a dog chasing its own tail, but supporters claim “Our primary reason for supporting this is to advance public safety. To make sure the limited public resources we have, police, prosecutors, and courts are focused on the most serious crimes first.” Other brilliant California police-phobic legislative attempts include removing pedestrian safety rules and banning police K-9 use.

It is worth noting a couple of points. First is that traffic laws, including equipment and licensing laws, have national acceptance and typically conform to the Model Traffic Code used as a template by most jurisdictions. Secondly, when it comes to concerns about traffic stops being a tool of racial profiling, minorities are a greater percentage of crash victims. Thirdly, “minor” violations don’t seem so minor when the lack of a turn signal causes a crash, or a collection of items dangling from the rearview mirror keeps a driver from seeing the child at the crosswalk. This is not to mention the number of



drunk drivers, illegally possessed guns, and contraband that are discovered during traffic stops.

The three “Es” of traffic safety are education, engineering, and enforcement. We try to teach people not to drive drunk, not to follow too closely, and to wear seatbelts. We design highways, ramps, signage, and barriers to guide traffic passively. When those fail, enforcement compels compliance. We can measure whether enforcement has an effect by using the math of the “enforcement index”. This is the relationship between enforcement and driver behavior as measured by crashes.

Although the police-phobics claim that these minor traffic laws have no significance to public safety, research indicates otherwise. An exhaustive study conducted by the Austin, TX police that was recently released, states that “Studies and research show traffic enforcement can promote traffic safety. There appears to be an inverse relationship between traffic enforcement and traffic safety. In some studies, when enforcement went up, serious injuries and deaths went down. In others, when enforcement went down, serious injuries and deaths went up”.

If politicians want to feel better about themselves by telling police not to do their jobs, that self-indulgent posturing will cost the lives of citizens they claim to represent.

## Crime's Deadly Pendulum

---

People are dying. We can talk stats, we can talk policy, and we can lament the state of the nation, but higher crime rates mean people are hurting. Fear stalks behind the numbers and gets amplified in the headlines. Can we do anything about it? History tells us that we can.

The FBI is noted as the repository of national crime rates, but they were not the first collector of those statistics. The International Association of Chiefs of Police began the process of gathering data on crimes reported to the police in the late 1920s. Congress authorized a national database and assigned the task to the FBI in 1930. The collection, known as the Uniform Crime Report (UCR) continues to be the flagship of crime measurement in the U.S.

We know a family torn apart by homicide. We found our car stolen or without its catalytic converter. We feel compelled to install alarms and security cameras. Crime is real. Just be thankful you weren't around after the Civil War.

As history shows, the crime rate leveled off for a period, then began a rise in the 1920s through the mid-1930s, attributed to criminal activity generated by Prohibition. While the law against alcohol was supported widely enough in theory to pass a Constitutional amendment, but not widely enough to reduce demand. The dramatic increase in homicide during this period, as well as a more mobile criminal, resulted in increased powers of the FBI and greater attention to measuring crime.

The poverty of the Great Depression resulted in a rise in crime that declined when the economy improved and with the onset of WW2, drafting males of traditionally higher crime ages into military service. Lest we automatically assume that a bad economy equals more crime, the prosperity of the late 1960s was accompanied by higher crime rates.

The 1960s rise was not just more young people (more prone to making bad decisions) as the Baby Boomers came of age, but was accompanied by a lot of social upheaval. Homicide rates more than doubled during the Vietnam War era 1963-1973. Crime became a political issue and President Johnson expanded federal attention, research, and funding to address policing. Those efforts appeared to have an effect until the high crime era of the 1980s.

Fear of crime with the epidemic of drugs and gangs that bled into the suburbs from the inner city was addressed in the Clinton - Bush presidential race. Clinton paid attention to crime and the economy, while Bush said little about crime and reneged on his promise of no new taxes. Clinton (with notable support from then-Senator Biden) enacted a host of legislative reforms and criminal justice funding. These efforts were at least partly responsible for a dramatic decrease in crime in the 1990s as the prison population boomed and zero tolerance for juvenile crime prevailed. Some also noted that the 1973 expansion of abortion reduced the potential field of juvenile criminals preemptively.

We now enter the modern times of the Obama-Biden era where apologies were made for putting people in jail, police were demonized, and felonies were reclassified as misdemeanors or simply not crimes at all. Crime predictably rose alarmingly and remains troublesome. Following the up-and-down cycle of non-enforcement to getting tough on crime, we are now seeing a slow turn away from the permissiveness and outright celebration of criminality toward a return to asking for law enforcement to regain its rightful place in an orderly society. If we achieve a reset of controlling crime over the next few years thousands of lives will be saved and improved.

Depending on voter activism, 2025 could be a major turnaround year. Then hold on to your hats, because according to history when we start feeling safe in our homes again, we soften our position on law and order and the cycle begins to turn again.

## Will Oregon's Drug Decriminalization Reduce or Increase Addiction and Crime?

---

Oregon has reduced the penalty for most drug possession cases from being a felony offense to being no offense at all. The \$100 that a defendant would pay will be a ticket to rehabilitation. Such a radical departure from a criminal justice response to a health care response just might work. If so, the legalization and decriminalization advocates can look over their shoulder and say "I told you so" with great pride. If it doesn't work, the skeptics can say "Too bad, I wish it had turned out the way you had hoped".

### The Plan and Its Goal

Since President Richard Nixon affixed the label of war to drug enforcement efforts in 1971, critics say the war on drugs has failed. Citing that 1 of 11 Oregonians are addicts, the state's proposal anticipates that people who are dependent on illegal drugs will embrace rehabilitation and find a cure for their substance abuse. If that works, it could become a model for other states and even other nations. The law and its operation will face many challenges.

### Sustainability

Laws either reflect the public consensus or reflect the political power of interest groups. When big issues face the political process the outcome is often considered the final solution. Politicians and the public move on to

the next burning issue. The enactment of this drastic decriminalization effort depends on the ongoing support of the public. It is, after all, a grand experiment with an uncertain outcome. Adjustments to programming, funding, and the public's attitude will be necessary in the coming years. Whether that happens or not will determine what long-term successes and failures occur.

## Economics

Funding for treatment for substance abuse needs a reliable source. The \$100 assessment is, in reality, voluntary and would not fund the programming in any case. Ironically, or perhaps appropriately, the program will be funded by tax revenue from marijuana sales. That revenue has been projected to grow, but a continued upward trajectory in the marijuana market isn't guaranteed. It would seem if drug use, in general, were to drop, so would marijuana sales. But we fund health initiatives with cigarette tax money, including smoking cessation plans, so maybe that will work out.

Proponents also claim that the savings in prison costs can be shifted to drug treatment. The relationship between drugs and crime is a complicated one. Since most drug possession cases arise out of other arrests, the absence of a drug charge doesn't mean the absence of a jailable offense. The effect on treatment availability and diversion will not necessarily be a reduction in overall crime. Although a significant number of prison inmates are in on drug-related charges, many are there for sales or manufacture which will still be illegal under Oregon law. And everyone in law enforcement and corrections knows that an inmate is in prison because of

a history of offenses and second chances and plea bargains. To say that drug offenders will no longer go to prison is not universally true.

## Criminal Justice Compulsion

Many drug reforms are already in place within the criminal justice system. Court-ordered treatment, decriminalization, prison-based programs, and probation and parole supervision are some of the ways that entry into the criminal justice system by arrest has been the pathway to substance abuse recovery. Admittedly, rehabilitation in corrections has an unreliable history, but the voluntariness of addicts entering treatment on their own is an assumption that will not always hold true.

The protections of a convicted offender by access to lawsuits and appeals may be lost to an addict in the medical/psychiatric world. Handing over hundreds of offenders to the mental health system has its own set of ethical and procedural questions. The Constitution protects citizens against government actors, not health care providers.

## Treatment Infrastructure

There aren't enough facilities and providers for a sudden mass entry of substance abuse clients. Grants are envisioned to create and sustain treatment centers and modalities. Just as Medicaid reimbursements craft what services are offered based on what money can be made, treatment centers will chase after grant dollars

just as private prisons did when state prisons overflowed. The supervision of these institutions and programs that will spring up like mushrooms will be limited to state resources and expertise. Drug treatment is not settled science. Rehabilitation, by definition, assumes there is a “habilitated” state to which an addict can return. Additional therapy behind mere detoxification can be more complex than the proposed system can accommodate.

Additionally, how many persons will move to Oregon because of the availability of treatment? How many will be relocated because they perceive that there is a get out of jail free opportunity to use drugs with little risk?

## What is Success?

Finally, it will be critical for the public to watch for measures of success. If one out of ten addicts turns away from regular drug use, will that be a success? If it takes multiple trips to rehabilitation programs over a period of years to overcome the addiction, will that still be success? If the addict reduces dependence on drugs but still uses alcohol and marijuana, is that success? If the prison population does not reduce, but treatment facilities are full, is that success? Oregon is embarking on a bold experiment. There are many skeptics waiting to watch that experiment fail.



## Defunding the Defunders – Baltimore’s Victims Fight Back

---

The Baltimore Sun is reporting that businesses in the Fells Point, a historic waterfront neighborhood, are fed up with unchecked criminal activity. Established in 1763, the area was once a bustling ship building port. With over 300 buildings on the National Register of historic buildings the area is rich with eateries, museums, and events.

A letter from nearly 40 businesses in the area states “prostitution, public urination and defecation, and the illegal sale and consumption of alcohol and illicit drugs on the streets, we know these crimes are not as serious as the carjackings, shootings, and homicides that have become routine,” the letter reads. “But, as this past weekend proved, a culture of lawlessness rarely remains confined to petty offenses and invariably leads to the kinds of violence and tragedy we witnessed late Saturday night”, referring to the shooting of three men over the weekend.

“What is happening in our front yard – the chaos and lawlessness that escalated this weekend into another night of tragic, unspeakable gun violence – has been going on for far too long,” said the letter in which the businesses stated their intention to put tax payments in escrow until the situation was resolved.

Baltimore was one of the early adopters of defunding the police by elimination \$22 million from the police budget. Only the Scarecrow from the Wizard of Oz –

lacking a brain – would have been surprised at the surge of crime that followed. The city reversed course, proposing at 2022 budget of an additional \$28 million. The letter stated that “it’s pathetic that we have to ask for these basics.”

Quality of life and order maintenance efforts are always among the first to suffer from funding cuts to police. From either official edicts to stop directing enforcement of parking laws, drinking in public, and littering or just being too busy dealing with increased violent crime with fewer resources, citizens note the truth of the old saying that if you give an inch they’ll take a mile. The protesting businesses are lamenting the increase in a “culture of crime”.

These social experiments are costing lives. As the Washington Examiner’s Byron York noted recently, “Los Angeles has cut its police budget by \$150 million. Seattle has cut \$69 million. San Francisco has cut \$60 million over the next two years. Denver has cut \$50 million. All the cuts are between 10 and 20% of the cities’ police budgets.” Moreover, cities such as Houston, Oakland, and Portland, Maine, have barred their police from serving in certain roles (on school grounds, for example), and Atlanta’s mayor has even been making noises about closing the city jail.

Defunding costs lives. Baltimore’s murder rate is up nearly 20% while Marilyn Mosby, Baltimore’s notoriously anti-police prosecutor cut back on prosecutions during COVID. Mosby announced that drug possession, some sex workers and other misdemeanor offenses would no longer be prosecuted.

“Clearly the data suggests here is no public safety value in prosecuting these low-level offenses,” Mosby said. She touted an 80% decrease in drug arrests, but that was after announcing that she instructed the police department not to make drug arrests during the pandemic. Crime rates will go down when you decide they aren’t criminal anymore. Violent crime rates remained high, with the exception of street robberies during the pandemic where fewer victims were exposed to public places. Mayor Brandon Scott says the violence is unacceptable and urges that “we have to be better as citizens”, blaming, of course, guns as well as poor citizenship.

Baltimore is part of the list of cities who have responded to protests, violence, and activism with the knee jerk response of cutting police budgets. They include New York City, Washington, D.C., Baltimore, Philadelphia, Los Angeles, San Francisco, Atlanta, Minneapolis, Seattle, Salt Lake City, Portland, Oregon, Hartford, Connecticut, Norman, Oklahoma, and Austin, Texas. So far, we’re not hearing of the glorious success of less policing resulting in a higher quality of life. No one is saying “why didn’t we do this a long time ago!”, and no one feels safer except criminals.

Maybe more victims – both individuals and businesses – could follow Fells Point’s lead and defund the defunders.

## Are There Even Laws Anymore?

---

Civil disobedience has been a hallmark of individual courage to force attention to the need for change. From the American Revolution to Rosa Parks to imprisoned 84-year-old nun Megan Rice, defying the law and accepting the consequences has been a noble stand against perceived injustice.

We have entered a new and perverted era of defiance. We now have government officials deciding that the will of the people as expressed in the laws of the land can be thwarted for temporary convenience or their own perceived moral superiority.

As we look over history we can certainly see that not all laws were ultimately just, effective, wise, or served their purpose forever. Legislators are political creatures who posture and bargain for re-election and campaign funding support. Dramatic headlines create a perceived need for immediate action that results in hastily constructed laws whose unintended consequences are not wisely anticipated. For example, look no further than the damaging anti-police laws cranked out in the last 18 months.

Governing 330 million Americans is necessarily complex. For the sake of unity, equality, and consistency we have the U.S. Constitution as the one governing document that must be the supreme law of the land without contradiction. Where no compelling federal interest exists, the 10th amendment recognizes the sovereignty of individual states. "The powers not

delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.” Arguments of federal encroachment aside, that is the system.

The 50 state legislatures, and those of U.S. Territories, act within Constitutional bounds, meeting regularly to address the needs of their constituents. Smaller units of government within each state are created by state law. The county boards and city councils pass ordinances that must be in conformance with their state constitution and statutes. At each level, there are agents of the respective governments that enforce the laws that are passed, thus the label of law enforcement.

Courts provide a check on these legislative bodies to ensure that the laws themselves are legal and conform to the Constitution. The greatest check and balance lies with voters who determine who will sit in those chairs of power to make the rules by which we live.

The fabric of this system has woven a generally peaceful society within which most citizens live orderly lives, always ready to vote, protest, or appeal to the public for change. Then there are politicians who thumb their noses at the law. New York City has decided to provide safe sites for drug users to shoot up, with taxpayer-funded needles and other paraphernalia. Now, that may be an idea whose time has come and will save lives. But it is in defiance of existing law.

Governor Polis of Colorado reduced a 110-year sentence to 10 years for a truck driver who killed 4 people in a fiery crash that he could have prevented.

Maybe that sentence was too harsh, but do we want governors to use their clemency powers to review and overturn sentences required by law after a jury's conviction?

The District Attorney in Manhattan, Alvin Bragg, announced to his staff upon taking office that short of murder and serious assault, he really doesn't want to cause other offenders to suffer jail time. And he doesn't want to be bothered with minor offenses, the kind that, when enforced under Rudy Giuliani's term as Mayor caused New York City's crime rate to drop significantly and made NYC a safe place to visit again. Sure, prosecutors need to have discretion, but not to grant wholesale amnesty to anybody that doesn't put a victim in the hospital or the grave.

We know, of course, that Philadelphia and other cities have prohibited their police officers from enforcing most traffic laws. This is in defiance of statistics that these "minor" offenses contribute to the hundreds of thousands of persons injured or killed in traffic crashes, not to mention the reduced numbers of intoxicated, unlicensed, and criminals operating vehicles that will now be ignored.

Add these perpetrators to the rioters whose destruction was overlooked in favor of their wokeness and to the violent offenders released without sufficient bail to keep them off the streets, and one wonders why the "reformers" are shocked by the increase in crime.

It seems that the one area being aggressively prosecuted is criminal charges of police officers, even if the

prosecutor has to dig up old cases already cleared. Whether 2022 becomes the banner year for law-breakers remains to be seen, but things seem to be in their favor.

## About The Author

---



This series is authored by [Chief Joel F. Shults, Ed.D.](#) Joel is a retired police chief. He is an award-winning writer, college professor, trainer, and first responder chaplain.