Alternatives to incarceration for women involved in the drug market[1]

Recognition of the enormous human and other costs of punitive policies, and of their meager benefits, makes urgent the task of implementing alternatives to incarceration with a sensitivity to gender considerations, from which women who have committed drug offenses in the region can benefit significantly. The alternatives for women are particularly important to the extent that—even though women continue to represent a small fraction of persons incarcerated—the increase in the number of women deprived of liberty for drug offenses has been significantly greater than the increase in the number of men. These offenses are the first or second leading cause of the incarceration of women in the countries of the region.

This document offers, initially, a series of general recommendations for implementing alternatives to incarceration in the countries of the region. It then proposes a series of specific recommendations on the type of alternatives that could be implemented for women who have played different roles in the drug markets—problematic users who commit other offenses or women who have committed various minor drug offenses—and who should be accorded treatment other than prosecution by the criminal justice system or a sentence involving a prison term. The implementation of drug policies without considering the particular characteristics of the women who face charges may, in fact, create discrimination against the population of women who have to face lengthy criminal proceedings. This justifies the recognition of alternative measures for the female population.

There are a variety of alternatives to incarceration already being implemented in and beyond the region that include decriminalization (removing a given conduct or activity from the sphere of the criminal law, even though it may or may not continue to be prohibited and sanctioned by other means), depenalization (eliminating or modifying the penalty entailing deprivation of liberty, even though the conduct continues to constitute a criminal offense), dejudicialization (which consists of the case exiting the criminal justice system before a sentence is imposed, or in programs where the matter is diverted to other institutions before the case enters the judicial system), and de-incarceration (which operates when the sentence has already been imposed and is geared toward eliminating, reducing, or satisfying the prison sentence, and may take the form of specific reprieves, pardons, diversion to treatment, or reduction in the sentence).

The selection among these possibilities should be guided by criteria including proportionality based upon the specifics of the case, economy in the use of resources (which may imply a preference for pre-procedural measures over those applied during the criminal trial or after the sentence), and consistent with the criminal justice policy of each country. This should all take into account the key principle that incarceration should be used only as a last resort.

1. General recommendations:

- The objective of alternatives to incarceration should be to attain more humane and effective responses to drug offenses that reduce the impacts and negative consequences of incarceration (such as overcrowding and human rights violations in the prisons), as well as to rationalize the use of the criminal law, making it more focused on guarantees and more compatible with the idea of criminal punishment as a last resort. It is necessary to minimize the use of the tool of criminal prosecution and imprisonment, focusing instead on reinforcing women's eligibility for alternative penalties that avoid the impacts caused by female incarceration. In addition, the purpose of the penalty should be to promote re-socialization and the construction of endeavors in line with the women's aspirations.

Box 1. For whom should alternatives to incarceration be implemented?

The countries of the Americas have recognized that massive incarceration for drug offenses has turned out to be ineffective for interrupting the activities of the drug trafficking organizations or for protecting public health. In the countries of the region the population in prison for drug offenses is made up, in general, of the weakest links in the trafficking chain, far outstripping the number of high-level drug traffickers in prison. These "weak links" have been subject to significant criminal sanctions and were generally caught by surprise in possession of a substance for personal use, distributing small amounts of a drug, or in relatively unimportant roles where they are easy for the drug trafficking organizations to replace. Most of these offenders lived, and will probably continue to live after imprisonment, in conditions characterized by social vulnerability.

Mindful of these realities, the countries of the region, in a recent report published by the Inter-American Drug Abuse Control Commission (*Comisión Interamericana para el Control del Abuso de Drogas*, CICAD), and led by the Ministry of Justice and Law of Colombia, have supported the need to seek "alternatives to incarceration for minor, non-violent offenders, using incarceration as a primary response for violent crime, high-level drug trafficking, and other serious security threats." The report recognizes that repression alone is insufficient if the state doesn't offer the persons who commit drug offenses real alternatives for improving their living conditions, such that they have an opportunity to opt for an option of subsistence in legality.

The report also puts forth the need to incorporate differential approaches when implementing alternatives to incarceration such that one can take a closer look at the function and characteristics of the offender—for example gender, age, socioeconomic status, place of origin, religion, childhood, and physical and mental disabilities—so that the authorities can determine the most appropriate alternative responses, recognizing the vulnerabilities that the various persons may confront and—particularly important for women—the impacts that incarceration may have on the persons under their charge.

The following categories should be taken into account for women: socioeconomic vulnerability, participation in the weakest links of the trafficking organizations, lack of aggravating factors such as use of violence in committing the offense, addiction, negative impact on the rights of third persons under their charge, amounts of drugs involved, or additional vulnerabilities on the grounds of age, ethnicity, and place of origin, among others.

- Remove all legislative and practical obstacles that keep people who commit drug offenses from benefiting from alternatives to incarceration or suspended sentences. As has already been indicated, the characterization of drug offenses as "serious offenses"

in many contexts means that all those who violate drug laws must be held in pretrial detention or that they cannot benefit from alternatives to incarceration. In addition, all the provisions or practical obstacles that keep women who are incarcerated for drug offenses from being able to receive such benefits should be removed. Among other obstacles, it is important to evaluate and review the public defender systems to guarantee that low-income women enjoy an effective and adequate defense in the criminal proceedings they must face, and that a deficient defense should for no reason mean the imposition of more severe penalties or not being able to benefit from suspended sentences or alternatives to incarceration that are available.

- For every female first-time offender of a drug-related offense, guarantee entry to programs outside the criminal justice system that make it possible to prevent her, through a comprehensive approach and the support of a multi-sectoral network, from committing any new offense. Additionally, recidivism should not act against the person if the system does not perform the functions of rehabilitation and social insertion. Accordingly, recidivism should not be used in criminal laws on drugs as an argument to exclude a person from diversion programs or other alternatives to incarceration or to aggravate the penalty.

Box 2. Recidivism and access to diversion programs

The concept of recidivism is conceived of as "the material act of the guilty person engaging in a criminal offense again,"[i] which may be generic (the new offense is of a different nature from that for which he or she was sentenced) or specific (reiteration of offenses of the same type).

Unfortunately, Latin American countries have included specific recidivism in their legislations with two effects: (1) to increase the penalty at the moment of applying it to the individual case; and, (2) (in certain countries) to block conditional release or to exclude a person from diversion programs.

In the Ecuadorian case, the Organic Comprehensive Criminal Code (*Código Orgánico Integral Penal*, COIP), at Article 57, provides for recidivism, determining that it should apply to offenses that have the same intent and negligence, respectively, increasing the penalty imposed on the recidivist by one-third of the maximum. In the Criminal Code of the Republic of Costa Rica, Article 39 provides: "One is a recidivist who commits a new offense, after having been convicted by firm judgment of a domestic or foreign court, if the act is sanctioned in the Republic, and so long as it is not a political offense amnestied or committed before one is of age to be charged criminally. Nor shall the offense committed abroad be taken into account if by its nature it is not subject to extradition." In the Criminal Code of the Republic of Uruguay, Article 48 aggravates responsibility for recidivism, indicating that it is understood to be constituted by "the act of committing an offense, before five years have transpired since a prior offense, whether the penalty was imposed in the country or abroad, and one should discount, for the determination of the term, the days that the perpetrator was deprived of liberty, either in pretrial detention, or serving the penalty."

That provision is unconstitutional, as it violates the following principles:

- **Principle of culpability**: This principle is violated if the penalty is aggravated because of a person's prior record.

[i] DONNA, Edgardo A./ IUVARO, María José, Reincidencia y culpabilidad. Astrea, Buenos Aires , 1984.

- **Principle of *non bis in idem***: No one may be tried more than once for the same cause and matter. When we speak of double jeopardy, one must verify the concurrence of a threefold identity: identity of the person, objective identity, and identity of cause of prosecution.[ii] This principle is not only provided for in the Latin American constitutions, but also in international treaty law (Article 14(7) of the International Covenant on Civil and Political Rights, and Article 8(4) of the American Convention on Human Rights).

- **Principle of equality**: It violates that principle on classifying citizens as recidivists and non-recidivists, thereby furthering a state-sanctioned form of discrimination.

- **Principle of the act**: This principle enables us to differentiate between criminal law as applied to the perpetrator and criminal law as applied to the offense. In the first,[iii] the person answers for his or her being, characteristics, personality, and dangerousness; in the second, he or she answers for his or her conscious and voluntary acts. The criminal law based on the perpetrator, according to the Colombian Constitutional Court, is based on human dignity, and is accepted as such in most Latin American countries.

To these violations is added the fact that the responsibility for the failure of social rehabilitation of the sentenced person cannot be laid on the person him or herself, but rather should be assumed by the state, which clearly failed in its rehabilitation model or policy.

Recidivism should not be used in criminal and/or drug laws as an argument for excluding a person from a diversion program, or for aggravating their penalty, for one cannot act against the person if the system doesn't perform its functions of rehabilitation and social insertion of the convict, which would constitute a violation of basic principles of the law incorporated in international treaties and constitutions, in addition to being a criterion rooted in the perpetrator-based criminal law, which should be suppressed from criminal law provisions, in which respect for human dignity and minimal intervention of the criminal justice system should prevail.

2. Problematic drug use and offenses related to use

These are persons who may be facing charges for offenses related to problematic drug use or small-scale trafficking associated with dependency on controlled substances. It should be reiterated that simple drug use (or possession of drugs for person use) should not be criminalized. The following are recommended for this profile of offenders:

- Consider suspending the criminal proceeding for offenses related to problematic drug use while affording an opportunity for treatment by diversion as an alternative before or during the criminal proceeding. Enforcement of the penalty in prison may reinforce the problems of drug use and dependency, for drug markets operate actively in the region's prisons.

[ii] FLEMING, Abel. / LOPEZ VIÑALS, Pablo, Las Penas. Rubinzal-Culzoni Editores, Buenos Aires, 2009.
[iii] Judgment C - 077/06. Constitutional Court of Colombia.

- Adopt models of restorative justice, promoting a case-by-case management model, exploring with the user which were the factors that led to committing crimes associated with problematic use, through inter-institutional cooperation and the support of a multidisciplinary team and an integral approach to psychosocial health.

- Ensure that these programs are implemented with a non-punitive collaborative approach aimed at the rehabilitation of the person, using innovative measures adapted from processes such as voluntary conciliation or mediation in the criminal justice setting. In no case should one be required to enter a treatment program—available evidence shows that forced treatment programs are ineffective and counterproductive, and the United Nations has condemned compulsory rehabilitation processes for drug users as an alternative to incarceration.[iv]

Box 3. Evidence on programs for the diversion of dependent drug users to health and treatment programs

The drug courts model promoted by the United States has been adopted or is being considered by several Latin American and Caribbean countries, including Mexico, Argentina, Chile, Panama, Costa Rica, the Dominican Republic, Jamaica, and El Salvador. These courts involve referring drug users who have committed an offense related to their use to a court specialized in drug issues. The objective is to send the person to a treatment program and also to reduce the rate of incarceration of persons who have committed minor, non-violent drug-related offenses.

Nonetheless, this mechanism has been the subject of much criticism, thus it does not appear to be a relevant model in the region. One of the main criticisms is that dependency on drugs continues to be approached from a criminal justice perspective, not as a public health problem or a social problem. In Latin America one of the limitations of the drug courts is that they serve mainly drug users accused of possession of small amounts of substances. Yet even though the system is focused on other offenses not related to personal use, many persons sent to the drug courts do not have problems of dependence, yet end up choosing to participate in a treatment program to avoid prison, which results in inefficient use of available resources. Other problems include:

- The lack of health professionals to determine whether or not the person is dependent on drugs;
- The fact that the person must admit guilt as a condition for accessing a treatment program; and,
- The practice, for those who do not complete their treatment program, of imposing more severe penalties than if they had been prosecuted in the traditional criminal justice system.[2]

One finds a variety of other diversion mechanisms[3] for users dependent on health services or treatment that make it possible to avoid existing concerns related to the drug courts. In Portugal, for example, since the adoption of the law on decriminalization in 2001, any person arrested for possession of drugs is diverted to a “Disuasion Committee” made up of a social worker, a psychologist, and a physician. The committee reviews each case individually. If the person is dependent on drugs, the committee may refer him or her to

[iv] http://idpc.net/alerts/2012/03/joint-un-statement-closure-of-compulsory-drug-detention-and-rehabilitation-centers

appropriate treatment services and/or to any other health or social service. The system fully recognizes that dependence is a chronic illness, and therefore in the event that a person does not comply with his or her treatment program and/or begins to use drugs once again, no sanction is imposed, but rather a review is begun of the psychological, sociological, and other aspects that led the person to use drugs. This system has been effective in reducing the level of stigmatization and discrimination that attach to drug use, and in favoring access for dependent persons to solid treatment and harm reduction services.

Another interesting example of diversion is the "Law Enforcement Assisted Diversion" program (LEAD) in Seattle, United States. The program, implemented since 2011 in the Belltown district in downtown Seattle, is focused on those who have committed minor drug-related offenses or persons involved in sex work and who have a problem of drug dependency. Most of the persons involved in the project (from 80 percent to 86 percent) are homeless. When the police arrest them they are not prosecuted as per the usual procedures of the criminal justice system, but rather each case is transferred to a network of social and health services, after review by a social worker. The success of LEAD is based on strong and unique collaboration among multiple actors, including the police, prosecutors, treatment and mental health services, and housing services, among others. Preliminary reports show that drug-related arrests dropped 30 percent during the year in which LEAD started up operations. The study also showed that 60 percent of the participants in the program were less likely to become recidivists.[4]

The Drug Treatment Program under Judicial Supervision (*Programa de Tratamiento de Drogas bajo Supervisión Judicial,* PTDJ) in Costa Rica, which is part of the Restorative Justice Program of the judiciary, is another interesting example. It began as part of CICAD's drug courts program, adapting it to the Costa Rican legal context, where drug use is decriminalized. This program seeks to provide specialized attention to persons who commit a minor offense as a result of drug use for the first time. Instead of a prison sentence, they are offered the possibility of voluntarily undergoing outpatient or residential treatment, depending on each particular case. This process is carried out by an interdisciplinary team of professionals from the Restorative Justice Program and the Institute of Alcoholism and Drug Addiction (*Instituto de Alcoholismo y Farmacodependencia,* IAFA) made up of physicians, psychologists, social workers, and guidance counselors, among others. One of the limitations of the PTDJ is its exclusive use for minor offenses such as theft, assault, injuries, or reckless driving, excluding offenses associated with drug trafficking, for no matter the type or quantity of drugs related to the offense, all are considered grave (except for attempting to bring drugs into prison).

3. Micro-trafficking of drugs or human couriers

Most women incarcerated in Latin America are accused or convicted of transporting drugs as human couriers or micro-traffickers. These are women involved at the lowest levels of the illicit market and their incarceration does not have a significant impact reducing the illicit market (as they can be easily replaced by other persons in the same social conditions), yet it does have devastating consequences for them and their dependents, perpetuating a vicious circle of poverty, marginality, desperation, and recidivism. For this reason it is essential to promote alternatives to criminal proceedings and incarceration for this group in particular, as well as a wide array of restorative justice programs.[5]

Restorative justice recognizes that the offense causes harm to persons and communities, and seeks to have the justice system make reparation for such harm while allowing the parties to participate in the process. In this way the victims become empowered in relation to their conflicts, victim and perpetrator reach agreements, genuine reparation is established for the victim and society, and the offender is afforded the possibility of genuine rehabilitation.

This type of justice is an attitude, a way of thinking and addressing the offense from the perspective of the victim, the offender, and the community. Yet it not only undertakes to make reparation to the victim, but also allows the victimizer to assume his or her responsibility and to directly amend his or her conduct vis-à-vis the victim and the community. Mindful of these considerations, it is recommended:

- Reform criminal procedures so as to be able to apply the principle of prosecutorial discretion—which refers to refraining from commencing a criminal proceeding or ending a criminal proceeding if it already began—for female micro-traffickers who live in conditions of vulnerability. Clear and structured criteria should be established for carrying out this measure to as to avoid its arbitrary use and abuse of the principle of discretion.

Box 4. Application of the principle of prosecutorial discretion in Puerto Rico and Ecuador

In Puerto Rico, the Office of the Attorney General maintains discretion to determine whether an incident should activate the criminal justice system. It is also authorized to archive the case in the office of the clerk of the corresponding court if it considers, for just cause, that no indictment should be handed down, even though the court has issued a determination of probable cause to indict. The prosecutor is acknowledged to have the power to refrain from a criminal prosecution that has already begun, asking the court to dismiss charges (with or without prejudice) with respect to some or all of the accused. The Supreme Court of Puerto Rico has ruled that "a court only has authority to rule favorably on a petition from the Office of the Attorney General to archive an indictment without prejudice (that it may be reactivated) when the particular circumstances of the case reflect that decreeing the archival with an impediment to bringing a new case would result in a grave injustice."[6] Ordinarily, the attorney general issues communiqués to ensure uniformity in the criteria that a prosecutor should consider exercising discretion in cases of public interest or that are highly dangerous (for example, the possession and sale of controlled substances near schools, recreational parks, and other protected places due to the potential risk to minors) or to avoid an arbitrary application or a lax approach. In addition, the judge is recognized to have broad discretion, which has been defined as a "type of reasoning applied to judicial discernment to reach a just conclusion."[7] The court has the power to decree the dismissal of an indictment or charge when advisable for the ends of justice, and after holding a hearing in which the prosecutor participates. The judge must state the causes of dismissal in the respective order.

Ecuador set forth the principle of prosecutorial discretion in Article 412 of its Organic Comprehensive Criminal Code, granting discretion to the prosecutor to refrain from initiating a criminal investigation or to dismiss one already begun in certain cases and with respect to certain infractions. The principle may not be applied on a second occasion if it was not granted in the first procedure. In such an situation, the case would be passed on to another prosecutor to initiate or begin its processing, as the case may be. On the other hand, when the decision is ratified the case will be remanded to the judge to declare the extinction of the

criminal action. Nonetheless, excluded, among others, are all cases of offenses involving controlled substances. The categorical exclusion from prosecutorial discretion established by statute for all cases of controlled substances, without considering the dangerousness of the unlawful conduct in question, is mistaken. It establishes an equivalency in the legal treatment accorded to different forms of conduct that clearly pose different levels of dangerousness. Examples of this include the acts of possession, growing for one's own use, and micro-trafficking of drugs whose threat to public security is minimal and in some cases non-existent, in contrast to large scale sale, or narco-trafficking, which may be associated with violence, corruption and other more widespread social harms.

Recognizing both prosecutorial discretion and discretion of the judge is promoted as a good practice so that, considering the totality of circumstances and the facts of the case, they may determine whether there is merit in activating a criminal proceeding or continuing it if it has already begun. They should also have discretion to suspend the effects of a criminal proceeding, whether to have it archived or referred to a diversion procedure (means of referral) that is an alternative to the prison sentence that results from a criminal conviction. It requires that certain criteria be established by statute, which, examined as a whole, enable the judge and the prosecutorial authorities to exercise structured discretion, avoiding the arbitrary, discriminatory, or excessive use of this power.

As an example to illustrate criteria that regulate the exercise of discretion, one notes the case of Puerto Rico, where in 2014 several alternative penalties to being locked up (including therapeutic confinement and house arrest) were restored, along with judicial discretion for selecting among various penalties, and even combining them, subject to certain conditions. Among these conditions, which vary depending on the type of alternative penalty to be granted, one should note the following: that the penalty set for the offense is not more than eight years; whether it is an offense committed with negligence or criminal intent; that the duration of the combination of penalties not exceed the statutory term for the type of offense of which the person was convicted; whether the person suffers from a terminal illness or incapacitating degenerative condition or cannot fend for himself or herself; the possibility of rehabilitation and the benefit for the community; availability of resources and stability of the family group; the willingness of the person to undergo treatment; and the need for treatment and supervision, among others. When alternative penalties are granted conditionally (for example, conditioned on receiving treatment) and the conditions are met satisfactorily, the court should have discretion to decree the dismissal of the case and the exoneration of the person convicted, wiping out his or her criminal record.

In the case of persons in vulnerable conditions, such as minors and women accused of minor drug charges, one should take into account their particular characteristics when determining how to dispose of the case. The factors to be considered in the case of women include: whether a woman is a head of family with dependents, whether she is pregnant or gave birth on a date close to the imposition of the sentence, whether she is from a family of low socioeconomic standing, whether she is a first-time offender, and whether she was accused of a low- or medium-scale sale of controlled substances without playing an essential role in this market.

- Explore models that consider a multidisciplinary administrative agency that evaluates women detained for drug offenses and can discern and identify who should be prosecuted by the criminal justice system and those that could be referred to community and social services aimed at ensuring that the person does not re-engage in the criminal conduct.

Box 5. Drug Market Interventions

"Drug market interventions," developed in the United States, constitute a successful model in which, after police operations to dismantle trafficking networks, an administrative evaluation is done of each arrest made to determine whether the person is a "weak link" (in which case he or she is referred to the administrative procedure) or a "strong link" in the illegal drug market. Experiences with this model have succeeded in reducing the violence associated with drug markets, closing down drug markets, and reducing arrests and incarceration.

- Explore implementing conciliation and/or mediation in the criminal justice system for micro-trafficking offenses. These mechanisms are procedures that are carried out when there is a will on the part of both parties to end a dispute. For micro-trafficking offenses one of the parties involved is the state, since it takes charge of developing and implementing drug policies. In that case, the state could evaluate the situation of female micro-traffickers on a case-by-case basis to grant measures that are alternatives to criminal prosecution or incarceration. Nonetheless, in several countries of the region drug offenses, or "offenses against health," are considered "serious offenses" ("*delitos graves*") that mandate pretrial detention, so neither mediation nor conciliation would apply.

- Those measures should be accompanied by the development of a social and community support network including programs for education, employment, housing, health services, etc., so as to intervene in the socioeconomic factors that led the women to become involved in the drug markets.

- In cases in which women are tried in criminal court one should consider a conditional suspension of the penalty for female first-time offenders to identify their needs, conditions of vulnerability, and the obstacles they face that have not been addressed by the state.

- It is reiterated that prison should be a last resort for women involved in micro-trafficking offenses. In the event that it is considered that they should be imprisoned, progressive systems can be considered an option (including social rehabilitation regimes, closed programs, semi-institutional programs, and conditional release, in particular for mothers and pregnant women), always mindful of the principle of proportionality of penalties. Early release can also be considered.

Box 6. Progressive system and rehabilitation: Argentina and Ecuador

Prison overcrowding in Latin America is one of the greatest violations of human dignity. Unfortunately, a genuine system of social rehabilitation for persons sent to prison that understands and respects their needs has yet to be designed in the region. The progressive system is the prison regime, which in most countries of the world has been embraced to regulate the lives of persons deprived of liberty and to contribute to their rehabilitation, including with the approval of the United Nations. It involves dividing the enforcement of the sentence entailing deprivation of liberty into stages, and granting more benefits and

privileges at each one until the person finally regains his or her freedom.

In Argentina, the stages of the progressive system are:

- Observation period
- Treatment period
- Test period
- Temporary leave—semi-open regime and conditional release.

In Ecuador, the progressive system is organized in three stages:

- Closed regime: understood as the first stage from the time the person sentenced enters the rehabilitation center, at which point an individual plan is drawn up for enforcement of the penalty, and its implementation,
- Semi-open regime: the person sentenced may engage in activities involving insertion in the family, workplace, society, and community outside of the center where the sentence is being served so long as he or she has completed at least 60 percent of the sentence imposed; the judge will order the use of the electronic surveillance device, and
- Open regime: rehabilitation period aimed at inclusion and social reinsertion, in which the person lives in his or her social setting so long as he or she has served at least 80 percent of the sentence and with monitoring by the use of an electronic device.

The Constitution of Ecuador prescribes preferential and specialized treatment in the case of pregnant and breastfeeding women who are incarcerated (Article 51(6)); that provision is ratified at Article 537 of the Organic Comprehensive Criminal Code: "Without prejudice to the penalty with which the infraction is sanctioned, pretrial detention could be replaced with house arrest and the use of the electronic device … when the defendant is a pregnant woman and up to 90 days after childbirth. In those cases in which the child is born with a disease that requires special care of the mother, it may be extended up to a maximum of 90 days."

Mindful of the paramount interest of the child, which establishes that the rights of the child shall prevail over the rights of all other persons—a principle provided for in international treaties and conventions, constitutions, and domestic provisions of each country—mothers who are sentenced to a prison term may directly avail themselves of the semi-open or open regime for serving the sentence, and in this way prevent the violation of the rights of children and adolescents to (1) know their biological parents and to maintain relations with them, and (2) have a family and a family life, considering that most women involved in micro-trafficking are heads of the household, which would mean, if they have to serve a prison term, separation from their children and the violation of their rights.

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[2] See: http://idpc.net/es/publications/2012/05/informe-del-idpc-dejusticia-las-cortes-de-drogas-los-alcances-y-retos-de-una-alternativa-a-la-prision; http://idpc.net/es/publications/2015/03/cortes-de-drogas-evidencias-ambiguas-de-una-intervencion-popular http://idpc.net/es/publications/2015/03/cortes-de-drogas-evidencias-ambiguas-de-una-intervencion-popular

[3] http://idpc.net/es/publications/2014/06/propuestas-de-alternativas-a-la-persecucion-penal-y-al-encarcelamiento-por-delitos-de-drogas-en-america-latina

[4] http://www.drugpolicy.org/news/2015/04/report-seattles-new-approach-low-level-drug-offenses-produces-nearly-60-reduction-recid

[5] Those practices and programs that reflect restorative purposes:

- Will identify and take steps to repair the harm caused.
- Will involve all the interested parties.
- Will transform the traditional relationship between the communities and their governments.

[6] See Pueblo v. Gómez**,** 2005 T.S.P.R. 185

[7] See Pueblo v. Ortega Santiago, 125 D.P.R. 203, 211 (1990)