I. A persistent obstacle to reforming dysfunctional aspects of the American criminal justice system is the operation of what has been termed “hydraulic discretion.” That is, when one part of the system is changed so as to constrain or limit the discretion of government officials, a different part of the system is likely to respond by increasing the powers of its personnel.

For this essay, begin by defining “discretion” in the context of official decisionmaking. Next, choose ONE of the following examples of “hydraulic discretion” and explain what happened (or is likely to happen) to the administration of criminal justice when this change was (or is) made.

Analyze ONE of the following examples:

- Mandatory arrest policies in domestic violence incidents – police must arrest any person suspected of committing domestic violence in cases in which injuries are evident

- Every arrestee in all felony cases must submit to a drug test, and if opiates or cocaine are detected, judges must deny release on bail. The arrestee must remain in jail and attend a drug treatment program until his or her case is concluded in court.

- Abolish plea bargaining by forbidding prosecutors to drop charges in return for guilty pleas.

- Require judges to add a five-year prison term “mandatory enhancement” to the prison sentence of every felon who used a gun to commit the crime

- Abolish parole by requiring every person sentenced to a prison term to serve the entire term, although strictly-supervised release in the final 15% of the term would be permitted for managing re-entry. A comprehensive sentencing reform law would abolish the parole board and also set out new sentences for each crime, which would match the average sentence previously served under the parole system
II. Who won the War on Drugs? In the 1980s, both state and federal law enforcement worked vigorously to stop both the supply and the demand for illegal drugs. Thirty years later, what are the lessons learned, and what policies would best address the problem in the future?

Choose EITHER the demand side or the supply side in the argument about drug policy. Describe a program or policy that was intended to suppress either supply or demand for drugs and explain how well it worked. Finally, suggest a program or policy that might work better, and briefly explain why you think it would.