

California's Experiment With Drug Treatment Generates Sobering Findings

By James Austin

The past few years have witnessed a growing interest in the application of drug treatment to curb the growth in America's prison population. It begins with the well-recognized statistics that large proportions (60 percent to 85 percent) of the incarcerated prison and jail populations have been found to either have been under the influence of illegal drugs at the time they committed the crime or were recent users of such drugs. The major drugs of concern are marijuana, cocaine, crack cocaine and, to a lesser extent, methamphetamine. It is noteworthy that heroin and hallucinogens are much less of a problem than they were some 20 years ago.

These correlation studies (rather than causation) associating criminal behavior with drug use have encouraged many to advocate increases in treatment as a means of reducing crime and criminal justice costs. Treatment advocates have argued that if effective treatment could be delivered to this large drug-using, drug-abusing and mostly younger male offender population, recidivism rates that have remained steady for 30 years, would decline. And with a declining recidivism rate, offenders placed on probation and/or released from prison and jail would be far more likely to successfully complete the requirements of supervision, especially the common condition of mandatory drug testing.

Further, it is argued that mandatory, as opposed to voluntary treatment, is more effective as it requires the more hardcore drug abusers to get treatment even when they refuse to enter such programs. In addition, mandatory treatment programs are advertised as being far less expensive than incarceration.

The dual promises that drug treatment can reduce crime and will save

Table 1. Key Criminal Justice Trends 1995-2003

	1995	2000	2003
Persons Arrested	1,578,277	1,423,463	1,457,151
Drug Violations	257,605	251,448	273,226
Prison Admissions			
Total	63,193	55,725	59,116
Violence	14,393	14,108	15,843
Property	20,097	14,502	19,213
Drug	22,532	21,707	17,410
Other/Missing	6,171	5,408	6,650
Inmate Population			
Total	Not Available	160,124	157,829
Drugs	Not Available	44,191	33,034
Marijuana	Not Available	1,646	1,211

a substantial amount of public funds have led many states to pass legislation that allows convicted felons to enter drug treatment in lieu of incarceration. Commonly referred to as "mandatory treatment," these legislative reforms either allow incarcerated inmates to be released sooner after completing an in-prison treatment program or avoid prison altogether by completing drug treatment as a condition of probation. What is striking about some of these reforms is that the inmate does not avoid the stigma and legal ramifications of the felony conviction. Indeed, if the offender fails treatment or is rearrested, the legal consequences may actually worsen since the system has offered a "second chance." Here one can see that the success of such a reform lies on the ability of a program to provide effective treatment.

Perhaps the largest and most documented experiment to date has been California's Proposition 36. Passed by the voters in November 2000 via the voter initiative process and implemented on July 1, 2001, the key ingredients of the bill were that it:

- Mandates probation with treatment for nonviolent drug

offenders (possession or transportation for personal use only) until their third conviction and then limits incarceration to a maximum of 30 days;

- Sets aside \$600 million from the general fund for five years, primarily to fund the treatment programs; and
- Requires an annual evaluation of Proposition 36 to assess reduced incarceration costs, crime, and welfare and prison construction costs.

After three years of implementation, the first series of reports has been released. One was published by David Farabee in the November 2004 issue of *Criminology and Public Policy*.¹ Two others have been produced by investigators from the University of California Los Angeles Integrated Substance Abuse Program (UCLA-ISAP) who are conducting the statewide evaluation of Proposition 36.² The following is what is now known about the law's effect thus far.

Research Results

There has been a significant number of offenders sentenced under the new law. According to the UCLA 2004

Research Notes

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report to the Legislature, more than 60,000 people have received drug treatment during the first two years of implementation. It should be noted that these sentences requiring drug treatment are not necessarily in lieu of imprisonment. Further, there has been an annual reduction of about 4,300 in the number of individuals sentenced to California's prisons for drug crimes.

But as shown in Table 1 (see page 110), there have been some interesting and counterproductive system-level trends.³ First, the number of individuals being arrested for drug crimes has increased at a rate that exceeds the rather modest overall arrest rate. So it would appear then that Proposition 36, in the aggregate, is not having much effect on drug violations.

Second, while prison admissions for drug violations have declined, the overall number of prison admissions

has increased. More significantly, the drop in prison admissions for drug crimes is curiously negated by a similar increase in admissions for property crimes. The bottom line is that prison admissions and the prison population have continued to rise.

On a more detailed level, the reports also show high levels of program dropouts. About 70 percent of eligible offenders entered treatment, but only 35 percent completed the treatment programs that lasted less than four months. A significant number of offenders referred to drug treatment require residential treatment, but they are being placed in out-patient programs. This so-called "discordant" relationship between drug treatment needs and placement may well have long-term negative consequences for Proposition 36 meeting its objectives. Certainly these preliminary results should give pause to those who believe that treatment, by itself, will serve to reduce criminal justice costs and prison populations.

ENDNOTES

¹ Farabee, D., Y. Hser, M.D. Anglin and D. Huang. 2004. Recidivism among an early cohort of California's Proposition 36 offenders. *Criminology and Public Policy*, 3(4):563-584.

² Longshore, D., D. Urada, E. Evans, Y. Hser, M. Pendergast, T. Bunch and S. Ettner. 2004. *Evaluation of the Substance Abuse and Crime Prevention Act 2003*. Los Angeles: UCLA Integrated Substance Abuse Program.

³ The figures in Table 1 were not part of the UCLA reports or publications.

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