**1 - May - Intervention - Jail Time for Drug Users**

Crime and drug use are almost inexorably linked. In fact, about 80 percent of people who are arrested and placed in prison abuse either drugs or alcohol.[[1]](#footnote-1) Of those who are in prison, about half are clinically addicted to one substance or another.[[2]](#footnote-2) Placing someone in prison for addiction can seem, on the one hand, like an excellent way to stem the tide of crime. After all, people who are locked up can't steal from others, and they can't contribute to the decline of the community as a whole. They're removed from the situation, and in theory, that could help the community to heal in their absence. But research suggests that jail isn't always the best place for people who use drugs. In fact, it might be the worst place for some types of drug users.

**Incarceration History**

At one point, legislators believed that the only way to keep people away from drug use was to make the criminal penalties for an arrest due to drugs so severe that people would be motivated to keep clear of drugs for good. Mandatory sentencing laws came out of that thinking process, and when they were in place, people who were arrested for specific types of drug use crimes were placed in prison, regardless of their personal history or unique circumstances. Lawyers and judges couldn't break these rules.

These laws resulted in a huge influx of people in prison for offenses due to drugs. In fact, in one analysis of the current federal prison system, authors suggest that drug offenses account for more than half of all the charges levied against prisoners. By contrast, only one percent of prisoners face homicide charges.[[3]](#footnote-3)

Putting people in prison is remarkably expensive, and long sentences mean big bills that last and last. In 2008 alone, states spent $47 billion on corrections.[[4]](#footnote-4) That's money that could be spent on a number of other vital community needs, including:

* Education
* Infrastructure
* Libraries or museums
* Clean water
* Disaster preparedness
* Antiterrorism

At the same time, there seems to be no shortage of people who are sentenced to prison for drug-related crimes. If mandatory sentencing actually worked to deter crime, there wouldn't be so many new people coming into facilities each year. That doesn't seem to be the case.

**Change Is Coming**

By now, most people are aware of the fact that putting people in prison isn't the best use of community money. In a Pew Research Center study of the issue, 63 percent of respondents expressed support for the idea of reducing mandatory minimum sentences for drug offenses. In 2001, only about half of people expressed this kind of support. Research like this suggests that people are aware that putting people in the slammer for offenses that stem from a condition that's chemical in nature just doesn't make a lot of sense.[[5]](#footnote-5)

Attorney General Eric Holder shares this view, and the Department of Justice is considering reformations that would eliminate sentencing minimums. According to a departmental report on this issue, this would allow the agency to focus on a different set of priorities.

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"Reserving the most severe penalties for serious, high-level, or violent drug traffickers will better promote public safety, deterrence, and rehabilitation – while making our expenditures smarter and more productive."[[6]](#footnote-6)

But this kind of revolution requires a shift in political thinking. In the past, legislators were leery of seeming "soft on crime," so they wouldn't support any kind of legislation that would reduce the penalties associated with breaking the law. Changing that mindset could be time-consuming, and legislators will have to come up with alternate ideas that could help them to punish and/or help people who do have a problem with drugs. They might look to the states for good ideas.

**Statewide Renovations**

Texas is one state that's revolutionized its approach to drug use. Reforms that began in 2007 include a number of innovations, such as:[[7]](#footnote-7)

* Electronic monitoring of parolees which might allow for earlier releases
* Tailored treatment for nonviolent drug offenders
* Risk-assessment tools that provide reasonable release data
* Probation programs for low-level offenders

These treatment changes are remarkable, in part, because they came from Republican-dominated legislators. Typically, these are the lawmakers closely associated with a tough stance on crime, not an enlightened approach to early release. But these legislators also have a firm belief in cost-cutting measures, and they saw the value in placing drug offenders in treatment to lower the amount of money the state spent on prisons. These laws allow legislators to keep those costs low.

Kentucky has also enacted a number of reforms, and this state proves the cost-savings idea quite nicely. According to officials there, reformations that emphasize treatment over incarceration will result in a long-term savings of more than $40 million.[[8]](#footnote-8) That's a remarkable savings for a state that needs to save money to pay for other vital services.

In addition, studies suggest that sending prisoners to treatment programs tends to reduce the rate at which they commit more crimes and are asked to do more time. This study conducted in 1999 demonstrates this point well. [[9]](#footnote-9)

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Studies like this suggest that treatment, not incarceration, tends to break the cycle of addiction for some people, and that might really bring about the community healing people are looking for.

**How Some Programs Work**

Judges on their benches can't simply force people to enroll in treatment and expect them to stay engaged in care. Addiction is a powerful disease, and people who use are often sorely tempted to score drugs when they have even the slightest bit of freedom. Balancing the need for treatment with the need for supervision can seem difficult, but drug courts play a key role in making that balancing act a little easier to achieve.

In a drug court system, people arrested for drugs are required to check in with a judge on a regular basis, and in these meetings, they're required to demonstrate that they've been attending counseling sessions and that they can produce urine tests that don't contain traces of drugs. Participants might also be required to demonstrate that they are:

* Enhancing their education
* Looking for work
* Living in safe, drug-free environments
* Volunteering in the community

Close supervision is key to success, as 70 percent of participants drop out of treatment early if they're not forced to remain.[[10]](#footnote-10)

Successful programs also provide participants with the opportunity to participate in aftercare programs with the intensive portion of their treatment is complete. In programs like this, people might be asked to live in sober communities, attend support group meetings, and meet with a counselor periodically, even when they've been sober for a month or so. This kind of long-term help is more likely to allow people to really break free of a habit, even when it's chronic in nature.

**Treating in Prison**

While it might be ideal for drug offenders to stay out of prison altogether, there are some crimes that are too serious or too egregious to be handled in a drug court. Some people simply don't have the motivation to participate in these programs, and as a result, they need to spend time in prison. Thankfully, there is a movement to provide drug treatment in prison systems, and that might lead to shorter incarceration times.

In-prison treatment programs provide a significant level of supervision, as clients simply aren't allowed to leave the facility, and these clients might be motivated to participate if they know that their cooperation will lead to a quicker return to the communities they love. A study of programs like this found that participants were less likely to use drugs and get arrested in the six months immediately following their release from prison, which suggests that these programs are at least marginally effective in helping people to leave drugs behind.[[11]](#footnote-11)

Programs like this might also provide the same type of interventions seen in a for-profit addiction treatment program, including:

* Drug abuse education classes
* Cognitive Behavioral Therapy
* Skill building
* Support group meetings

Unfortunately, these programs do tend to come with long wait lists. In fact, more than 51,000 inmates of federal prisons were on waiting lists for these treatment programs in 2011.[[12]](#footnote-12) Much more money must be allocated to these programs if they are to reach their potential.

**A New Day**

As addiction treatment professionals, we applaud any move toward treatment rather than sentencing for addicted people. But as interventionists, we also believe that families can and should hold a discussion about addiction long before an arrest even comes to be. We can help to make that happen. Please call our admissions coordinators now to find an interventionist who can help you.

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2. Ibid. [↑](#footnote-ref-2)
3. Gaita, P. (March 14, 2014). "[Justice Department to Reduce Federal Drug Sentences](http://thefix.com/content/justice-department-reduce-federal-drug-sentences)." *The Fix.* Accessed April 29, 2014. [↑](#footnote-ref-3)
4. Vogel, C. (n.d.). "[Prison Brake](http://www.ssa.uchicago.edu/end-mass-incarceration)." *University of Chicago, School of Social Service Administration*. Accessed April 29, 2014. [↑](#footnote-ref-4)
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9. "[Inmate Drug Abuse Treatment Slows Prison's Revolving Door](http://www.apa.org/research/action/aftercare.aspx)." (n.d.). *American Psychological Association.* Accessed April 29, 2014. [↑](#footnote-ref-9)
10. "[Drug Courts Work](http://www.allrise.org/learn/facts-and-figures)." (n.d.). *National Association of Drug Court Professionals.* Accessed April 29, 2014. [↑](#footnote-ref-10)
11. Pelissier, B. et al. (n.d.). "[Federal Prison Residential Drug Treatment Reduces Substance Use and Arrests After Release](http://people.uncw.edu/imperialm/UNCW/PLS_506/Drug%20treatment%20in%20prisons.pdf)." *University of North Carolina Wilmington*. Accessed April 29, 2014. [↑](#footnote-ref-11)
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