

POLICY PRIMER



UF College of Medicine Division of Addiction Medicine Drug Policy Institute

Smarter Not Softer: Managing Drug-Related Offenders

INTRODUCTION

In 2007, America reached a new milestone. For the first time in history, one in every 100 people spent time in jail or prison; driving up state correctional costs to approximately \$52 billion, more than four times what was spent in 1987 (\$12 billion). That type of growth could not be sustained in the best of times, let alone in today's dubious economic climate.

Probation officers often find themselves with large, unmanageable caseloads while judges are forced to choose between incarcerating offenders for long periods of time or doing nothing – compromising both public safety and public health. But experiments in “Smart Justice” now tell us that there is another way.

Smart Justice, a term often used to describe an evidence-based, outcome-oriented, medical-legal approach that addresses crime, punishment, and rehabilitation in a holistic manner, holds much promise for Florida.ⁱ

WHY SMART JUSTICE?

The vast majority of offenders who are incarcerated are released into their communities unsupervised. While many offenders need to be incarcerated, incarceration *alone* does little to reduce the recidivism rates of offenders with substance misuse problems. It is time to get smart about addressing these offenders' needs.

PROGRAMS SHOULD GET SMART – HERE ARE FOURS WAYS TO DO THAT:

1. Smart Intake/Differentiation of Offenders

While we must ensure that all offenders are held responsible for their crimes, we must do a better job distinguishing between those who can be rehabilitated and those who need to be sanctioned more severely. Low-risk offenders with insignificant criminal histories should be diverted from the system when possible. Jail and prison space is a precious resource purchased at public expense that must be wisely allocated. Drug courts, well established in Florida, offer an attractive, evidence-based alternative to traditional prison time for drug offenders.ⁱⁱ

University of Florida Drug Policy Institute (Division of Addiction Medicine)

The UF Institute for Drug Policy (DPI) serves the state of Florida, the Nation, and the global community in delivering evidence-based, policy-relevant, information to policymakers, practitioners, scholars, and the community to make educated decisions about issues of policy significance in the field of substance use, abuse, and addiction.

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2. Smart Identification of Criminogenic Needs

Offenders' criminogenic needs (the underlying or root causes of much criminal behavior) must be identified, considered, and addressed. There is a great deal of research demonstrating that identifying and remediating offenders' alcohol, drug, and mental health issues, educational deficiencies, and/or lack of employment skills, is a far more effective strategy to reduce recidivism than punishment alone.

3. Smart Use of Incarcerated Time

Because the vast majority of state prisoners and all jail inmates are released back into the community at some point, public safety demands that the time spent behind bars be truly "corrective." Research shows that by addressing inmates' addictions and/or mental illness, providing them with vocational training, and teaching them basic life skills, we can significantly improve their chances of success upon reintegration into society.

4. Smart Use of Community Corrections

The majority of offenders are placed on some type of community release program like probation or parole. According to the Bureau of Justice Statistics, more than 4.8 million offenders were under community supervision at the end of the year in 2011. Research proves that community corrections can be far more effective than incarceration for most offenders, particularly if it involves measures that address individual offender needs as discussed above. The success of specialized drug, DUI, mental health, and veteran courts is well known. However, other community corrections based programs have also shown great promise:

- In 2004, Judge Steve Alm pioneered Hawaii's Opportunity Probation with Enforcement (HOPE) program. The program requires all participants to refrain from drug use and monitors them through regular, frequent, and random urine testing. Research suggests that many probationers with drug histories can be induced to stop using drugs. As proof of this, research showed that the rate of positive drug tests among almost 1,000 HOPE probationers fell 83%, and only about 10% of the group did not respond to testing and sanctions.ⁱⁱⁱ
- In 2005, South Dakota Attorney General Larry Long pioneered the 24/7 Sobriety Project. The award-winning program has since been implemented in almost every county in the state. The main focus is to ensure that people arrested for or convicted of alcohol related offenses to abstain from alcohol (and to a lesser extent, drug use) in an effort to prevent future offending. The project utilizes twice-daily breath testing, transdermal alcohol monitoring ankle bracelets, urinalysis, and drug test patches to ensure compliance in a similar way to HOPE. RAND researchers found a 12% reduction in repeat driving while intoxicated arrests on the county level, a 9% reduction of domestic violence arrests on the county level, and evidence suggested modest reductions in traffic crashes among male drivers 18-40, the population most likely to participate in the program. RAND is in the process of undertaking a cost-benefit analysis of the program, but these initial results are encouraging.^{iv}

Being tough on crime isn't enough; we've got to be smart about it as well. Justice and treatment professionals have developed several promising programs for non-violent offenders with alcohol, drug, and mental health issues to replace or supplement incarceration. These programs rely on modern behavioral interventions, treatment regimens, medication, and technologies to address the core underlying causes of crime such as substance abuse/dependence. By implementing them nationally, we can reduce recidivism, better rehabilitate offenders, and, ultimately, save tax dollars. That is Smart Justice.

ⁱ Many policymakers have used the term "smart justice" to describe these programs. See Blumstein, Alfred. "Making Rationality Relevant -The American Society of Criminology Presidential Address" 1993), *Criminology*, Vol. 31, No. 1, pp. 1-16.; also *National Drug Control Strategy*, 2010.

ⁱⁱ See, for example, Rossman, S.M. et al., *The Multi-Site Adult Drug Court Evaluation*, Urban Institute and the NIJ, 2011. Also see www.allrise.org.

ⁱⁱⁱ See Hawken, Angela. *Evaluation of the Hawaii Opportunity Probation with Enforcement (HOPE) Community Supervision Strategy, 2007-2009*. National Institute of Justice, and www.hopeprobation.org for more information.

^{iv} See Kilmer, B. et al, "Efficacy of Frequent Monitoring with Swift, Certain, and Modest Sanctions for Violations: Insights from South Dakota's 24/7 Sobriety Project," *American Journal of Public Health*, 1, 2013. And <http://apps.sd.gov/atg/dui247/index.htm>