

## Treatment for Nonviolent Drug Offenders Makes Sense for Latinos<sup>1</sup>, and All Texans

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- **Incarceration of most nonviolent drug offenders doesn't make sense.**

Imposing excessive sentences on drug offenders may sound "tough," but it isn't "smart." The vast majority of those incarcerated are low-level, nonviolent offenders. Racial and ethnic minorities are disproportionately affected, even though research shows that they are no more likely than Whites to use drugs. While in prison, most do not have access to treatment and rehabilitation, resulting in a high recidivism rate. Alternatives to incarceration, such as mandatory treatment and rehabilitation, will reduce recidivism and can be paid for through lower prison costs. Such a policy is tough – it holds offenders fully accountable for their crimes – but is also "smart," because it both reduces crime and saves money.

- **Alternatives to incarceration are needed.**

- **Hispanics make up more than a quarter of the total number of offenders in the Texas Criminal Justice System in 2002.** According to the Texas Department of Criminal Justice, there were approximately 145,237 offenders confined in 2002, and Latinos compose 27.4% of the offenders. Although, Hispanics are 32% of the Texas population, Latinos are twice as likely as Whites to be incarcerated.<sup>2</sup>

- **A large proportion of the Texas prison population is composed of drug offenders.** In 2001, one in eight offenders served time for a drug offense. Drug offenders composed 18.8% of the total prison population, and Latinos accounted for 23.7% of these drug offenders.<sup>3</sup>

- **Many Latino drug offenders in the Texas Criminal Justice System do not have access to effective treatment and rehabilitation.** For example, Hispanic females make up the smallest percentage of the population receiving substance abuse treatment as an alternative to incarceration – only 4% compared with 11.8% for White females and 5.4% for Black females.<sup>4</sup>

- **Incarceration is expensive.** Prison spending increased 268% between 1988 and 1998, faster than health care or education. Yet prisons are still overflowing. According to Dr. Tony Fabelo, director of the Texas Criminal Justice Policy Council, the main reason for increased prison costs, even as crime has dropped, is increased "length of stay" due to longer prison terms.<sup>5</sup>

- **Treatment and rehabilitation are cost-effective alternatives to incarceration of nonviolent drug offenders.**

- **Substance abuse treatment works better than incarceration for nonviolent offenders.** The latest report on drug courts from the Office of Justice Programs at the U.S. Department of Justice shows that recidivism rates continue to be significantly reduced (2% to 20%) for graduates of substance abuse treatment programs as well as for individuals who do not complete the program. It is imperative to expand drug courts in Texas; relying on substance abuse programs in the community ensures that the cycle of recidivism stops once and for all.<sup>6</sup>

- **Community-level treatment and prevention programs reunite families.** Community-based organizations that provide treatment and prevention services including substance abuse, mental health and parental interaction programs guarantee faster recovery, family reunification,

and lower rates of recidivism. The family is a better support system for recovering drug offenders than the prison population.

- **Incarcerating nonviolent offenders destroys Texas families.** Over half of the men incarcerated in Texas (54.7%), and more than two-thirds of the women (65.3%), are parents of minor children. These children often end up in state foster care programs unable to be retrieved by their parents who, upon returning from prison, have trouble finding a job or a place to live because of their "felon" label. The impact on the children is, of course, severe; children who have an incarcerated parent are five times more likely than other children to serve time as adults.<sup>7</sup>
- **Harris County incarcerates a disproportionate share of low-level, nonviolent drug offenders.** Nearly half of Texas' 15,000 state jail prisoners are serving time for drug convictions involving "less than a gram," and half of those come from Harris County. About 77% of the 58,000 Harris County drug convictions over the past five years involved "less than a gram" of a drug.<sup>8</sup>
- **There are very few alternatives to incarceration for nonviolent offenders in Harris County.** While Texas logged 17,234 arrests for drug possession in 2000, current drug courts have the capacity to serve only 855 drug offenders. Although currently mandated by law, Harris County's drug court has yet to open.<sup>9</sup>
- **Treatment and prevention programs, combined with sentencing reform, is a cost-effective solution for addiction problems and is fiscally responsible.** Texas taxpayers could save millions of dollars in costs this coming biennium by reducing "less than a gram" offenses to a Class A misdemeanor. Treatment costs approximately 10% of what incarceration costs. Investing in treatment by reallocating a portion of the associated cost savings into community-based treatment alternatives is being "tough and smart on crime."<sup>10</sup>

## Endnotes

1. The terms "Hispanic" and "Latino" are used interchangeably throughout this brief and refer collectively to Mexicans, Puerto Ricans, Cubans, Central and South Americans, Dominicans, and others of Spanish and Latin American descent. Hispanics can be of any race.
2. *Statistical Report Fiscal Year 2002*. Texas Department of Criminal Justice, January 2003.
3. *Ibid.*
4. *Ibid.*
5. *Statistical Summary Fiscal Year 2002*. Texas Department of Criminal Justice, January 2003.
6. *Recidivism Rates for Drug Court Graduates: Nationally Based Estimates*. Office of Justice Programs, Washington, DC: U.S. Department of Justice, July 2003.
7. *Incarcerated Parents and Their Children*. Bureau of Justice Statistics, Washington, DC: U.S. Department of Justice, August 2002.
8. *Statistical Report Fiscal Year 2002*. *Op. cit.*
9. *Ibid.*
10. *Ibid.*