



Treatment for Drug Possession Arrestees

Frequently Asked Questions

What would this policy mean for New Mexico?

New Mexico can embrace a public health approach to substance abuse, instead of relying on the criminal justice system. Under this legislation, people charged with drug possession offenses or drug-related probation and parole violations would receive supervision and appropriate community-based treatment services. Instead of a system that sends people with addictions to jail or prison to learn how to commit more serious crimes, New Mexico would have a system that gets to the root of the our substance abuse problems.

How would this public health policy be implemented?

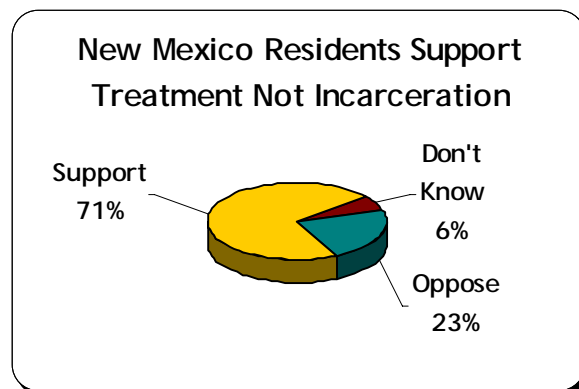
- This statutory change would give judges across the state another tool to get people struggling with drug addiction into effective treatment.
- The proposal requires that the offender complete the mandated treatment program and comply with any additional conditions authorized by the presiding judge.
- If an offender does not comply with treatment, the judge has full authority to reinstate criminal proceedings against the person for their offense.

Who supports this public health approach?

71% of New Mexicans support allowing a person to be offered drug treatment instead of being sentenced to jail or prison time when caught with small amounts of drugs.ⁱ

Local organizations support this proposal:

- ✓ New Mexico Nurses Association
- ✓ New Mexico NAACP
- ✓ Rio Grande Foundation
- ✓ New Mexico Public Health Association
- ✓ New Mexico Criminal Defense Lawyers Association
- ✓ New Mexico Center on Law and Poverty
- ✓ New Mexico American Civil Liberties Union
- ✓ New Mexico Chapter of the National Lawyers Guild
- ✓ New Mexico Women's Justice Project



Have other states passed similar measures?

At least eighteen states have passed measures that provide for treatment instead of incarceration for nonviolent drug offenders. For example, Arizona voters passed Proposition 200 in 1996, which diverts drug possession offenders into treatment. Arizona's state Supreme Court issues an annual report on the law's progress, recently finding that the law saved Arizona taxpayers more than \$11.7 million during fiscal year 2005, and that 56 percent of probationers successfully completed treatment.ⁱⁱ

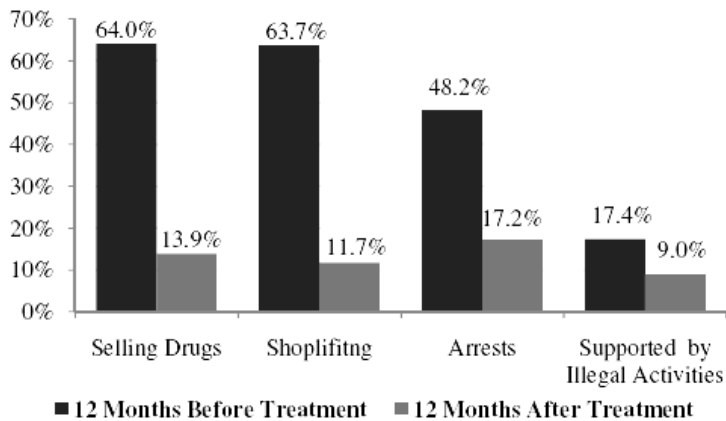
How do drug courts fit into this?

Drug courts are an important part of the spectrum of responses needed to address problems of drug addiction in New Mexico. **This proposal would not replace drug courts, but instead provide judges with another tool to address substance abusing offenders.** Judges can decide which offenders are appropriate for drug court programs, which provide increased oversight and sanction. Many people do not need this level of judicial oversight – they simply need access to an appropriate community-based treatment program. New Mexico would be able to use its valuable (and more expensive) drug court resources wisely.

Would this proposal make our communities safer?

Treatment instead of incarceration would enhance public safety by reducing drug-related crime and preserving jail and prison space for more serious offenders. This proposal also saves taxpayers money and allows law enforcement to spend their resources and time on more serious crimes.ⁱⁱⁱ

Treatment can reduce the chance that someone will be involved in criminal activity^{iv}



A study by the RAND Corporation found that every additional dollar invested in substance abuse treatment saves taxpayers \$7.46 in societal costs (crime, violence, loss of productivity, etc.).

The same study by the RAND Corporation also found that additional law enforcement efforts cost 15 times as much as treatment to achieve the same reduction in societal costs.

Do most drug offenders need treatment?

Of the approximately 5,600 people in New Mexico's state prison system in 2002, approximately 87% were assessed as needing substance abuse services and 70% as substance abusing or dependent.^v Appropriate substance abuse treatment reduces drug use by 40-60% and significantly reduces criminal activity during and after treatment.^{vi} An estimated 45,000 New Mexicans need treatment for illicit drug use, and another 124,000 need treatment for alcohol use.^{vii}

Still, while the majority of drug offenders need treatment services, our proposal would ensure that supervised treatment would only be required where it was needed. This would allow for mandatory treatment for those who need it without wasting valuable treatment services on those who do not.

ⁱ Survey of New Mexico Voter Attitudes, SJC Research, January 29 – February 1, 2007.

ⁱⁱ State of Arizona Supreme Court, Drug Treatment and Education Annual Report: Fiscal Years 2004-2005, 2006.

ⁱⁱⁱ Rydell, C.P. Everingham, S.S., *Controlling Cocaine*, Prepared for the Office of National Drug Control Policy and the United States Army, Santa Monica, Drug Policy Research Center, RAND Corporation, 1994, p. xvi.

^{iv} Sources: U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Association, Center for Substance Abuse Treatment. 1997. *The National Treatment Improvement Evaluation Study: NTIES Highlights*.

^v Behavioral Health Needs and Gaps in New Mexico, the Technical Assistance Collaborative, Inc., Final Report, July 2002, p. 64.

^{vi} Substance Abuse and Mental Health Service Administration, Office of Applied Studies, USDHHS, 1999, p. 137.

^{vii} SAMHSA, Office of Applied Studies, National Survey on Drug Use and Health, 2004 and 2005.