

Alternatives to Incarceration for New Mexicans

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New Mexico's prison expenditures have increased tenfold since 1980. Experience in other states and scholarly research indicates that drug treatment is more cost-effective than incarceration, increases public safety and decreases drug use. Further, public opinion research indicates that the majority of people in New Mexico and nationally support a shift away from incarceration and towards treatment for non-violent drug offenders.

Fiscal Impact: Treatment Saves New Mexico Money

- According to a study conducted at the Brown University Center for Alcohol and Addiction Studies, the average cost for drug treatment per year is¹:
 - *\$1,800 for regular outpatient care
 - *\$2,500 for intensive outpatient care
 - *\$3,900 for opiate replacement therapy
 - *\$4,400 for short-term residential care
 - *\$6,800 for long-term residential care
- The average cost of incarceration in NM is \$30,000 per inmate per year.
- The average cost of probation and parole in NM is \$1,533 per person per year².
- For each person that receives treatment rather than being incarcerated, New Mexico could save between \$22,000 and \$27,000 per year (prison savings less probation/parole and treatment costs).

Impact on Crime: Treatment Reduces Crime

- According to the NM Corrections Department, heroin and crack/cocaine addictions are associated with the highest rates of recidivism³.
- In 2002, about 90% of NM inmates were assessed as needing substance abuse services, and 70% were assessed as substance abusing or dependent⁴.
- A study conducted by the Substance Abuse and Mental Health Service Administration found that appropriate substance abuse treatment reduces drug use by 40-60% and significantly reduces criminal activity during and after treatment⁵.
- Methadone maintenance therapy helps 90% of heroin addicts stop weekly or daily heroin use after just 3 months of treatment⁶ and has been shown to reduce both drug offenses and predatory crime among patients⁷.

Impact on Corrections: Treatment allows prisons to focus on violent offenders

- A 2003 status report from the Legislative Council Service, stresses the need to place inmates in the most cost efficient and effective custody to reduce recidivism. The department reports that the existing prison bed inventory should be used for violent and habitual offenders and alternative sanctions should be used for non-violent offenders⁸.
- In February of 2003, the NM prison system was exceeding capacity by 133 inmates. For FY 2004, both State and privately owned facilities are projecting shortages in capacity⁸.
- Actual expenditures for the New Mexico Corrections Department (NMCD) operations have grown from \$20 million in 1980 to \$223 million for FY 2004. NMCD predicts a \$5-\$6 million budget shortfall this fiscal year⁸.
- In February 2003, NM Corrections Department reported housing 109 inmates whose most serious offense was drug possession⁹.

Impact on Families: Treatment builds stronger families

- Having a parent behind bars is the factor that puts children at greatest risk of becoming a juvenile delinquent and adult criminal¹⁰.
- A study conducted by the NM Corrections Department found that 89% of the women in the study have at least one minor child³.
- This law would allow parents convicted of minor drug charges to remain in their children's lives and minimize the negative impact that the criminal justice system has on children.

What Can Be Done?

- Similar treatment programs are working in Arizona and California.

Arizona Law (Proposition 200)

In 1996, Arizona voters passed the Drug Medicalization, Prevention, and Control Act. The centerpiece of this Act is the diversion of certain drug offenders from prison. The Act requires the courts to sentence first and second time non-violent drug offenders to supervised probation and drug treatment.

- The AZ Supreme Court has issued two reports on the State's program. The most recent data include¹²:
 - * Treatment compliance/success rate of 61%.
 - * Net savings to the state of \$6.7 million (prison savings less treatment costs).

- According to the AZ Supreme Court, “This Act has allowed the judicial branch to build an effective probation model to treat and supervise substance abusing offenders...resulting in safer communities and more substance abusing probationers in recovery.”¹²

California Law (Proposition 36)

In 2000 the CA electorate passed the Substance Abuse and Crime Prevention Act (SACPA). This Act diverts non-violent drug offenders from prison or jail and redirects them to supervised probation accompanied by drug treatment.

- A report issued by UCLA found that after entry into SACPA, 50% of offenders on probation had no drug violations recorded and 27% had one drug violation¹³.
- According to this same report, in the first year of Prop. 36’s implementation, 30,469 people entered treatment. 35,947 people entered treatment in its second year¹³.
- The majority of Prop. 36 participants received at least 90 days of treatment, which is regarded by treatment experts to be adequate time to achieve positive results¹³.
- In 2003, the Northern CA Women’s Facility closed. Margot Bach, the CA Department of Corrections spokesperson was quoted as saying, “There are a lot of reasons the population is down...but we think the biggest factor with the women’s numbers is Proposition 36.”¹⁴.

How Do Drug Courts Fit In?

This new law would not replace drug courts. Instead it would provide for community-based treatment services for all first and second time non-violent drug offenders in the state. This would allow drug courts to work with offenders who need the heightened level of oversight, which that program provides, and allow other offenders, who don’t require high levels of supervision, to be diverted to less expensive drug treatment programs.

- Estimates combined with initial enrollment data show that SACPA saves, on average, \$4,595 per new participant in avoided jail and administrative costs compared to drug courts, which save an average of \$2,866 per new participant¹⁵.
- By enacting this law, NM will be able to use its valuable and more expensive drug court resources more efficiently.

Voters Support Treatment vs. Incarceration

- 65% of NM voters believe that too many tax dollars are spent keeping non-violent drug offenders in jail¹⁶.
- Only 15% of NM voters support putting drug offenders in prison¹⁶.

¹ Physician Leadership on National Drug Policy (PLNDP) National Project Office, Brown University Center for Alcohol and Addiction Studies, March 1998.

² Fiscal Impact Report, House Bill 3. Oct., 2003.

³ Brown, P., *Recidivism Among Females in the New Mexico State Correctional System*, Prepared for the New Mexico Corrections Department, Jan. 2002.

⁴ *Behavioral Health Needs and Gaps in New Mexico: Final Report* By the Technical Assistance Collaborative, pg. 64, July 2002.

⁵ Substance Abuse and Mental Health Service Administration, Office of Applied Studies, USDHHS, 1999, pg. 137. US Department of Health and Human Services, Substance Abuse and Mental Health Services Administration, Office of Applied Studies (1999).

⁶ Hubbard R.L., Rachal J.V., Craddock S.G., Cvanaugh E.R. *Treatment outcome Prospective Study (TOPS): Client Characteristics and Behaviors Before, during, and After Treatment*. In Tims F.M., Ludford J.P. eds. *Drug Abuse Treatment Evaluation: Strategies, Progress, and Prospects*. NIDA Research Monograph 51. Rockville, MD: US Department of Health and Human Services; 1984: 42-68

⁷ Ball J.C., Ross A. *The effectiveness of Methadone Maintenance Treatment*. New York: Springer-Verlag; 1991: 195-211.

⁸ Holmes, E., Knight, R. "NM Legislative Council Service: Information Bulletin #6" Prepared by Legislative Research, Policy, and Committee Services, Aug. 2003.

⁹ New Mexico Corrections Department. February, 2003.

¹⁰ Harper, C., McLanahan, S., *Father Absence and Youth Incarceration*, research presented at the American Sociological Association 1998 annual meeting in San Francisco

¹¹ "State of Arizona Supreme Court, Drug Treatment and Education Annual Report: Fiscal Years 1997-1998, 1999"

¹² Longshore, D., Urada, D., Evans, E., Hser, Y., Prendergast, M., Hawken, A., Bunch, T., Ettner, S., *Evaluation of the Substance Abuse and Crime Prevention Act: 2003 Report*. Integrated Substance Abuse Programs, UCLA. Prepared for the Department of Alcohol and Drug Programs California Health and Human Services Agency, Sept. 2004.

¹³ San Francisco Chronicle, April 21, 2002

¹⁴ Wolf, M., *Comparing Drug Court and the Substance Abuse and Crime Prevention Act (SACPA) in California*, 2004

¹⁵ Independent Poll of 504 registered NM voters conducted in March 2001 by the Albuquerque firm of Research and Polling Inc.