

COMMENTARY

## **Levin: Prisons don't hold solution to drug problems**

**Marc A. Levin, TEXAS PUBLIC POLICY FOUNDATION**

Wednesday, April 04, 2007

No Texan should be fooled into thinking that we need more prisons to keep up with population growth or lock up sex offenders. The real question is whether we need more prisons to lock up more nonviolent drug offenders.

Texas incarcerates 20,000 people convicted of possessing illegal drugs, not dealing them. Though our state's population grew 35 percent from 1978 to 2004, our prison system grew 278 percent. Worse, though most Texas prisoners have a substance abuse problem, only 15 percent receive treatment.

Texas taxpayers could be asked to spend \$420 million to construct three prisons, which would cost another \$600 million to operate over 10 years.

However, California found a better way. In 2000, that state's voters passed Proposition 36 to sentence nonviolent drug addicts to community-based treatment instead of prison. The result, according to a UCLA study, has been \$1.4 billion in savings to taxpayers and 60,000 former addicts successfully completing treatment.

On Tuesday, the Senate Criminal Justice Committee heard Senate Bill 1909 by Sens. Rodney Ellis, D-Houston, John Carona, R-Dallas, and Robert Deuell, R-Greenville, which would model the California approach. Provisions in the appropriations bill would create thousands of residential and outpatient community-based drug treatment slots.

Community-based treatment is less costly and more humane than prison. Outpatient drug treatment in Texas costs an average of \$1,640 per episode. Even placement in a 90-day residential drug treatment program is several times cheaper than a prison sentence. SB 1909 alone would divert more than 10,000 drug possession offenders from state jails and prisons, saving more than \$1 billion that it would cost to build and operate the proposed prisons. That takes into account those offenders who do not comply with treatment or pose a danger to public safety, who would still be sent to prison under SB 1909.

By routing most nonviolent minor drug offenders from state lockups to community-based treatment programs — many of which are operated by nonprofit and faith-based organizations — SB 1909 will harness the innovation of the private sector, such as advances in chemical interventions and cognitive therapeutic techniques that change an offender's outlook on life. Many community-based programs also utilize family members, churches and employers as resources to aid recovery, which is not possible in prison.

In addition to SB 1909, House Correction Chairman Jerry Madden's House Bill 530 would create more drug courts, which allow minor offenders to take responsibility for their actions, using prison only as leverage to ensure compliance. Texas offenders completing drug court programs have a 28.5 percent re-arrest rate compared with the norm of 58.5 percent.

There are many victims of substance abuse, but incarceration only exacts a heavier toll on the addict's family and society. In 2002, the Texas Council on Alcohol and Drug Abuse estimated that that drug abuse costs the state \$9.5 billion, and it is surely more today. Some 70 percent of Texas prison inmates have children — these parents owe more than \$2.5 billion in child support, which they cannot pay while in prison. The bonds between parents behind bars for drug possession and their children are frayed; after two years, Texas law terminates their parental rights. The children of incarcerated nonviolent drug offenders are often bounced from one foster home to the next.

The challenge for government is to recreate the response of a tight-knit family if a loved one succumbed to substance abuse. To be sure, no government program can ever replicate the family, but few families would view prison as the best solution for an addicted loved one. We must not victimize other families, their children and taxpayers by spending billions more on building walls that only obstruct the path to recovery and redemption.

Levin is director of the Center for Effective Justice at the Texas Public Policy Foundation, a nonprofit research institute based in Austin.

[http://www.statesman.com/opinion/content/editorial/stories/04/4/4levin\\_edit.html](http://www.statesman.com/opinion/content/editorial/stories/04/4/4levin_edit.html)