

SUBSTANCE ABUSE TREATMENT FOR DRUG USERS IN THE CRIMINAL JUSTICE SYSTEM

About 80 percent of inmates in correctional facilities have substance abuse problems. Substance abuse treatment in correctional institutions can help them. Many facilities provide treatment and education interventions, but significant gaps remain.

Substance Abuse Treatment in Prisons and Jails is Needed

The number of inmates has surged in recent years, largely because of drug-related arrests and prosecutions.

Over the last 20-30 years, public concern about the availability and use of heroin, cocaine, and other drugs has led to what some call “the war on drugs.” This war consists of national, state, and local efforts to halt the inflow and distribution of drugs and to reduce their use by individuals through enforcing drug possession and sale laws.

The war on drugs and “get-tough” attitudes toward crime have contributed to a dramatic growth in the population of men and women in prison and jail in only one decade. Between 1990 and 1999, the number of adults in state and federal prisons and jails grew nearly 65 percent – from 1,148,702 to 1,890,837. Most of the growth is because of violent offenses, but arrests and convictions for drug law violations, even minor ones, were also up significantly (they accounted for 18 percent of the growth among men and 36 percent of the growth among women). A substantial majority of the nearly 1.9 million who are now in prison or jail have used illegal drugs. Many have problems with alcohol as well as multiple drugs:

- 83 percent of state and 73 percent of federal prison inmates, and 66 percent of

jail inmates reported they had used drugs in the past; about half said they had used drugs in the month before their offense.

- 33 percent of state and 22 percent of federal prison inmates, and 36 percent of jail inmates were under the influence of drugs at the time they committed their offense.

Substance abuse treatment can help prevent disease and reduce crime. This can help inmates, their families, and the community.

Preventing disease. Substance abuse treatment helps people stop or cut back on injecting heroin, cocaine, and other drugs. This can

lower their chances of becoming infected with HIV or hepatitis or of giving the infection to someone else. Stopping drug use can also help reduce high-risk sexual behavior that can transmit these diseases.

Reducing crime. For many drug users, crime and addiction are closely intertwined. Users are prosecuted for possessing, using, or distributing drugs and drug paraphernalia (including syringes). Some users commit crimes to obtain drugs or money to buy drugs. Many are under the influence of drugs when they commit crimes. Research has shown that criminal justice sanctions,

ADAM: A Nationwide Look at Drug Use

The U.S. Dept. of Justice’s Arrestee Drug Abuse Monitoring (ADAM) program tracks trends in the prevalence and types of drug use among booked arrestees in 35 urban areas. Urine samples from arrestees are tested for five core drugs – cocaine, marijuana, methamphetamines, opiates, and PCP—and up to six other drugs. In 1999:

- cocaine was found in more than 1/3 of the drug test results in 20 sites, indicating use within the previous 2-3 days (ranging from 19% in San Antonio to 65% in New York City for women and 14% in San Jose to 51% in Atlanta for men)

- rates of opiate-positive tests ranged from 0% in Omaha to 32% in Chicago for women and < 1% in Omaha to 20% in Chicago for men; 12 sites had rates of 10% or higher
- more than 3/4 of the adult males who tested positive for opiates also tested positive for another drug
- rates for methamphetamine use exceeded 10% in 12 sites for women and 9 sites for men; use was concentrated in the West

For more information, visit www.adam-nij.net

combined with substance abuse treatment, can reduce drug use and related crime. Studies have also shown, however, that treatment in prison is more effective when linked to treatment in the community after release.

Substance Abuse Treatment is Available in the Criminal Justice System

The criminal justice system offers a variety of interventions for drug users in prison or jail:

- **Detoxification.** This is not a treatment program per se but a first step to treatment. It is crucial in helping users safely deal with the immediate physical and emotional effects of stopping drugs.
- **Education and counseling.** This is also not a treatment program by itself, but is important in helping inmates understand the effects of their drug use and in building motivation to stop using.
- **Self-help groups.** Groups like Alcoholics Anonymous and Narcotics Anonymous provide a critical support network for those in recovery. As in education and counseling programs, recovering users can play leadership roles in self-help groups.
- **Therapeutic communities (TC).** These long-term, highly structured residential treatment programs are well-suited to the correctional setting. Some evaluations have shown they reduce recidivism.
- **Methadone maintenance.** This intervention has been shown to be effective and useful. However, its use, particularly in correctional facilities, is controversial and it is currently provided only at the Rikers Island correctional facility in New York City.

A recent study of male and female inmates in Texas jails showed that motivation to obtain treatment is strong: Of those inmates with substance abuse problems, half of the women and almost 40% of the men said they would be "willing to enter treatment as soon as possible."

Source: TCADA, 2001

Increasingly, the criminal justice system is trying community-based alternatives to incarceration for non-violent drug users. These programs focus on substance abuse treatment and include:

- **Diversion programs, including drug courts.** In these programs the criminal charges may be dropped or reduced if the convicted person successfully completes treatment; sometimes other social welfare services (housing assistance, child welfare, employment) are offered along with substance abuse treatment services.
- **Intermediate sanctions.** These sanctions, which are more strict than probation but short of incarceration, sometimes require participation in substance abuse treatment.
- **Coerced abstinence.** To keep probationers from using drugs, this approach uses the powerful incentives of frequent drug testing and the potential for criminal sanctions if drug tests are positive.

But Substance Abuse Treatment Faces Problems and Challenges

There's a huge gap between the need for and availability of high-quality programs.

It's clear that substance abuse treatment is critically important for inmates and that the need is great. The problem is that far fewer receive treatment than could benefit from it. The programs that do exist vary in quality and content:

- According to the National Center for Addiction and Substance Abuse at Columbia University (CASA), more than 800,000 people in the criminal justice system would benefit from substance abuse treatment, but fewer than 150,000 receive it.
- U.S. Bureau of Justice Statistics surveys conducted in 1997 and 1998 show that about only 12 percent of state and 10 percent of federal prisoners had participated in programs focusing on substance abuse (detox, counseling, residential program, maintenance drug program) since their incarceration. Only 25 percent of state and 20 percent of federal prisoners had taken part in "other" programs (self-help or drug/alcohol awareness and education programs) since their incarceration. Percentages for jail inmates are similar.

Reasons for this gap in coverage and quality include lack of funds, trained staff, and treatment slots. Frequent inmate transfers between facilities and a shortage of inmate volunteers for peer-led programs also contribute.

Different priorities can create barriers.

Security is the primary concern of all prisons or jails. Maintaining control over inmates and activities within the facility conflicts with some aspects of substance abuse treatment, such as counselor/inmate confidentiality or providing methadone. This is particularly true for treatment programs that require prisoners to be moved from one part of a facility to another to participate.

Few prison and jail systems focus adequately on life after prison.

Most inmates come from poor inner-city neighborhoods. If they haven't received treatment for their drug problem in prison, haven't received adequate discharge planning, and don't have community-based support services lined up, inmates can all too easily return to the situations and behaviors that got them into trouble. Essential support services include substance abuse treatment and employment, housing, education, primary health care, and mental health services.

"Fully 2/3 of all parolees are rearrested within 3 years....In 1980, they constituted 17% of all admissions, but they now make up 35%."

Source: Petersilia, 2000

Innovative Programs and Strategies are Addressing the Problem

Across the country, agencies, organizations, and providers are working to meet these challenges by establishing and maintaining innovative programs for drug users who are involved with criminal justice. Here are a few examples:

- **California's Proposition 36.** In the November 2000 elections, California voters approved a measure requiring substance abuse treatment, not jail, for drug possession or use. It also provides for treatment instead of a return to prison for nonviolent parolees who test positive for drug use. To fund the

program until 2006, the measure appropriates \$60 million in the first year and \$120 million per year after that. It is estimated that after several years, the measure could save the state between \$100-150 million per year and counties about \$40 million per year because of lower prison and jail populations. For more on Prop 36 and the challenges of implementing it, visit www.lao.ca.gov/initiatives/2000/36_11_2000.html and www.lao.ca.gov/2000_reports/prop36/121400_prop_36.html.

- **The National Compendium of Local and State Interventions for Substance-Abusing Persons Involved with the Justice System.** The U.S. Department of Justice (DOJ), the Substance Abuse and Mental Health Services Administration (SAMHSA), and the Office of National Drug Control Policy (ONDCP) are collaborating to develop a new website to widely disseminate information on the best and most promising public health and justice interventions for drug users in the criminal justice system. The agencies are now soliciting nominations of programs to include on the site; they expect the site to be on-line by fall 2001.
- **The Residential Substance Abuse Treatment for State Prisoners Formula Grant Program (RSAT).** This program, sponsored by DOJ's Corrections Program Office, provides funding for individual and group treatment for inmates in residential facilities operated by state and local correctional agencies. For more information, visit www.ojp.usdoj.gov/substanceabuse/whats_new.htm or read a recent article about the program published in the July 2000 issue of the National Institute of Justice Journal (<http://ncjrs.org/pdffiles1/jr000244e.pdf>).
- **Breaking the Cycle**, a joint demonstration project of ONDCP and DOJ's National Institute of Justice, is testing the idea that identifying and evaluating drug-using defendants early on and providing individualized treatment, intensive supervision, and strong judicial oversight can reduce drug use and crime. For more information about the program and its four demonstration sites, visit www.ojp.usdoj.gov/nij/brekprog.htm.
- **Treatment Accountability for Safer Communities (TASC)** is a model that integrates the criminal justice and substance

abuse treatment systems to more effectively help individuals as they move through criminal processing, correctional supervision, and aftercare. TASC programs and partnerships capitalize on the leverage of criminal justice sanctions to achieve the greatest benefits from substance abuse treatment for clients. For more information about TASC, visit www.nationaltasc.org

To Learn More About This Topic

Read the overview fact sheet in this series on drug users and the criminal justice system – Drug Users, HIV, and the Criminal Justice System. It provides basic background information, links to the other fact sheets in this series, and links to other useful information (both print and internet).

Check out these sources of information:

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