

PENNSYLVANIA DISTRICT ATTORNEYS ASSOCIATION

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September 26, 1996

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TREATMENT IN THE CRIMINAL JUSTICE SYSTEM

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General Policy Discussion. The hard facts in favor of expanding drug and alcohol treatment in the criminal juvenile justice systems are compelling:

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- **The prison population in Pennsylvania, as well as most other jurisdictions, has tripled over the past fifteen years.** This rate of increase, rather than leveling off, will increase with the plethora of "three strikes and you're out" and other tough mandatory sentencing statutes. State corrections budgets will continue to explode.

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- **Despite this enormous investment, our failure to bring down crime significantly is the public's number one complaint, and rightfully so.** Crime, both violent and nonviolent, persists at completely unacceptable levels. By any standard, criminal justice policy over the past fifteen years has - in spite of enormously escalating costs - failed to accomplish its mission: to reduce crime significantly. Moreover, there is no rational basis for believing that continuing with the same old policies will result in anything but more expense and more failure to bring down crime.

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- **We know why, and we know what must be done.** The overwhelming majority of criminal offenders (60-80% according to the Drug Use Forecasting data; the actual figure is much higher) are addicted to drugs &/or alcohol, and their criminal activity is directly related to their addiction. Addicts who

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commit crime, due to the nature of addiction, do not respond rationally to criminal justice deterrents (or to anything else, for that matter, except the need to feed their addiction). They are out of control and they will not stop committing crime until they get into recovery.

- **Prison without treatment does not get addicts into recovery.** Even if they were not able to procure drugs or alcohol in prison (and they are), the psychological dependence remains strong and virtually all will return to substance abuse in spite of their best intentions at the time of release. Without treatment, they will live their lives in the revolving door of the criminal justice system, at huge expense to the criminal justice system, the taxpayers, and most importantly, to their crime victims. Our criminal justice system is failing to accomplish its mission because it's failing to use treatment resources combined with the coercive leverage of the criminal justice system to get offenders into recovery.
- **Tough drug and alcohol treatment is the proven way to jam a wedge into the criminal justice system's revolving door, thereby putting a lid on exploding criminal justice costs.** Study after study confirms this.
 1. CALDATA Study: California as part of its initiative to expand drug and alcohol treatment, conducted one of the most expansive cost-benefit analysis of drug and alcohol treatment ever conducted. That study, released a year ago, found a two-thirds drop in criminal activity for those who received treatment. (Significantly, it also found that "the greater the length of time spent in treatment, the greater the percent reduction in criminal activity.")
 2. Rutgers Study: The 1993 Rutgers Study was commissioned by President Bush's Commission on Model State Drug Laws to review and provide a conclusive summary of all of the major treatment cost-benefit research. This review found a 73% post-treatment decrease in illegal income (income from robberies, burglaries, drug-trafficking and the like), which not surprisingly matched a 71% decrease in money spent on drugs.
 3. DARP¹ Study: The DARP Study found that arrest rates decreased 73% after drug and alcohol treatment.

¹ National Institute of Drug Abuse, "Drug Abuse Report Program" (DARP).

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- **Drug and alcohol treatment saves state government money.** Untreated addicts and alcoholics cost taxpayers around \$130 billion per year. They commit enormous amounts of crime (with all of crime's attendant costs), they show up in emergency rooms requiring expensive critical care (driving up health care costs), they cause a grossly disproportionate share of serious and tragic auto accidents (driving up insurance and transportation department costs), they abuse children and spouses (escalating criminal justice and human services costs), many can't hold a job (driving up welfare and unemployment costs), if they can hold a job they have excessively high levels of absenteeism, accidents, and theft (hurting productivity and thus the tax base, and driving up workmen's compensation payments), as parents, students, and teachers, they disrupt our schools (making our education system more costly and less effective), they give birth to addicted babies (again driving up health costs astronomically), and drive up costs in numerous other ways. There is only one way to stop the hemorrhage of wasted taxpayer dollars caused by untreated addicts (short of death): the addict or alcoholic must get into recovery. For serious addicts (the ones who are costing us the most), treatment is the only way to accomplish that objective. And the research shows, contrary to popular misconception, money spent on treatment yields extraordinary cost-benefits to state government.
- 1. CALDATA Study: The CALDATA Study referred to above, found that for every dollar spent on treatment, taxpayers saved seven dollars during the period of treatment and in the first year afterwards, mostly due to reductions in crime. It further found that taxpayers continue to accrue substantial savings in the second and subsequent years following treatment, so that even the 7:1 ration is significantly skewed on the conservative side.
- 2. Columbia University Report: This report shows that at least one in five Medicaid dollars is spent on sicknesses attributable to substance abuse. As noted in the Foreword of this report, these numbers "are almost certainly low."
- 3. Rutgers Study: The Rutgers Study reviewed the cost benefit literature and found an immediate 3:1 return to the taxpayers for their investment in treatment.
- **The costs savings to the taxpayer are immediate.** The CALDATA study found that: "Each day of treatment paid for itself (the benefits to taxpaying citizens equaled or exceeded the costs)

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on the day it was received, primarily through an avoidance of crime." (CALDATA, Executive Summary, p.3). Similarly, the Rutgers Study also concluded that the cost of treatment is more than recouped by the halting of criminal activity during the period of treatment, so that the formidable "post-treatment gains are virtually an economic bonus." (Rutgers Study, Chapter 6).

Necessary Components of Effective Criminal Justice Treatment. It is critical that we set programs up so that they work. In order to work, several elements must be present:

- The treatment provided must be matched to the individual's degree of addiction, as determined by a full assessment provided by a licensed program. Too often, the treatment provided is much shorter or less intensive than called for by the assessment. This works about as well as providing three days of antibiotics for your child's ear infection. To work, we have to do it right.
- The program must be licensed. For some reason, some states permit unlicensed treatment programs to operate. Some are sham operations run by profiteers. Many of these programs, with their high failure rates and other problems, give a bad name to the legitimate, licensed entities.
- These programs must be experienced in dealing with criminal offenders, and they must be at least partially staffed with ex-offenders who, in addition to having achieved recovery, are well trained. Program staffers who have been where the program clients are, have two advantages over the rest of us. First, they know all of the highly skilled deceptive games and tricks that an addict will play, and are less likely to be taken in. Second, they have more credibility, because only they know, from having been there, how hopeless life looks to the client.
- There must be harsh consequences for addicts who do not cooperate with the programs. Treatment programs treating criminal justice populations bitterly complain when judges refuse to lock up uncooperative probationers or parolees in their programs. This failure of the criminal justice system to back up the treatment facility seriously compromises their effectiveness and can virtually ruin a program.
- We must realize that relapse is part of recovery. A common belief is that even a single relapse by a treated addict means

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failure. The research shows, however, that a relapsed addict who goes back into treatment has excellent prospects for success. Moreover, even if the addict relapses, treatment still generally results in reduced usage and reduced criminal activity (for those involved in crime).

Summary. Over the past year, the General Assembly and the Ridge Administration have demonstrated their extraordinary commitment to aggressively bringing down crime rates by improving the criminal justice and juvenile justice systems. Drug and alcohol treatment for addicted criminal offenders has proven to be highly effective in reducing crime. Moreover, we cannot afford the cost of releasing addicted adult and juvenile offenders back to the street, still addicted. The research overwhelmingly confirms that every dollar spent for treatment will quickly save several dollars for Pennsylvania. The Pennsylvania District Attorneys Association respectfully requests that the General Assembly take the rational fiscally wise step of expanding drug and alcohol treatment in the criminal justice and juvenile justice systems, thereby creating a safer, healthier environment for the citizens of our Commonwealth.