



FACT SHEET

Office of National Drug Control Policy

Executive Office of the President
www.WhiteHouseDrugPolicy.gov

ALTERNATIVES TO INCARCERATION

A Smart Approach to Breaking the Cycle of Drug Use and Crime

Nearly seven million American adults are under supervision of the state and Federal criminal justice systems. Approximately two million of these individuals are incarcerated for their crimes, while the remaining five million are supervised through probation or parole.^{1,2} For states and localities across the country, the costs of managing these populations have grown significantly. More important, these offenders can place a burden on the health, safety, and well-being of their families, their communities, and themselves. Despite the significant costs, too many offenders are unable to remain drug and crime free upon their reentry into society.³

Between 1988 and 2009, state corrections spending increased from \$12 billion to more than \$50 billion per year.^{4,5}

Federal, state, and local leaders are looking for innovative ways to improve public health and public safety outcomes while reducing the costs of criminal justice and corrections. The Administration's *National Drug Control Strategy* recognizes that addiction is a disease, and that the criminal justice system can play a vital role in reducing the costs and consequences of crimes committed by drug-involved offenders. With an increasing body of evidence suggesting the right combination of policies and strategies can break the cycle of arrest, incarceration, release, and re-arrest, the *Strategy* promotes several alternatives to incarceration that can save public funds and improve public health by keeping low-risk, non-violent, drug-involved offenders out of prison or jail, while still holding them accountable and ensuring the public safety of our communities.

In 2009, parole and other conditional-release violators accounted for 33.1 percent of all prison admissions, 35.2 percent of state admissions, and 8.2 percent of Federal admissions.⁶

SMART PROBATION STRATEGIES

Probation officers often find themselves with large, unmanageable caseloads, while judges are forced to choose between sending repeat offenders away for long periods of time or ignoring probation or parole violations altogether. "Smart" justice systems now offer better, cheaper, and more effective options. More states and localities are implementing strategies to improve outcomes and reduce the burden of drug-involved offenders on their criminal justice and corrections systems. These innovative new programs include Alaska's Probationer Accountability with Certain Enforcement (PACE), Delaware's "Decide Your Time," and Arizona's "Swift, Accountable, Fair Enforcement" (SAFE) program.

Smart Probation—Project HOPE: Hawaii's Opportunity Probation with Enforcement (HOPE) program has shown promising results in reducing drug use and recidivism. Started in 2004, the HOPE program uses drug testing and swift, certain sanctions to change a probationer's drug using and criminal behavior, all under the supervision of a single judge. Researchers compared HOPE participants to probationers in a control group and after one year, the HOPE probationers were:⁷

- ◆ 55 percent less likely to be arrested for a new crime
- ◆ 61 percent less likely to skip appointments with their supervisory officer.
- ◆ 72 percent less likely to use drugs
- ◆ 53 percent less likely to have their probation revoked.

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HOPE costs approximately \$2,500 per probationer. This is a minor increase over traditional probation, but it can realize considerable savings in incarceration, treatment, and other criminal justice costs.⁸ Based upon these documented successes, several other states and localities have started their own programs modeled on Project HOPE, including Alaska, Nevada, Oregon, and Arizona.

Smart Probation—The 24/7 Sobriety Project: The 24/7 Sobriety Project is a court-based program designed to reduce the re-offense rates of repeat Driving Under the Influence (DUI) offenders. Started as a pilot in South Dakota in 2005, the 24/7 Project requires participants to maintain full sobriety, meaning no use of alcohol or illegal drugs, in order to keep their driving privileges and stay out of jail. The South Dakota Attorney General's evaluation found offenders enrolled in 24/7 for at least 30 consecutive days are nearly 50 percent less likely to commit another DUI offense. Research also indicates these results are sustained over periods longer than those of more traditional interventions (i.e., ignition interlock devices).⁹ Based on South Dakota's success, the state governments of Montana and North Dakota have started their own 24/7 Sobriety programs.

DRUG COURTS

Operating in the U.S. for over 20 years, drug courts combine treatment with incentives and escalating sanctions, mandatory and random drug testing, and aftercare, to reduce substance use and prevent crime among participants. These courts provide an intensive intervention that is well-suited for high-risk/high-need offenders, effectively meeting the public health and public safety needs of both the community and the drug-involved offender. In times of serious budget cuts for state and local governments, drug courts are another cost-effective investment that helps offenders on the road to recovery and reduce costs associated with incarceration and recidivism. With more than 2,600 drug courts in operation today, approximately 120,000 Americans annually receive the help they need to break the cycle of addiction and recidivism.¹⁰

Drug Court Outcomes: Drug courts are a proven solution for many drug-involved offenders. In a recent Department of Justice study, drug court participants reported 25 percent less criminal activity and had 16 percent fewer arrests than comparable offenders not enrolled in drug courts. In addition, 26 percent fewer drug court participants reported drug use and were 37 percent less likely to test positive for illicit substances.¹¹

Drug courts provide \$2.21 in direct benefits to the criminal justice system for every \$1 invested.¹² When targeting more serious, high-risk offenders, the average savings increased even more, benefiting the criminal justice system \$3.36 for every \$1 spent.¹³

¹ Bureau of Justice Statistics. *Prisoners in 2009*. U.S. Department of Justice. [2010]. Available: <http://bjs.ojp.usdoj.gov/content/pub/pdf/p09.pdf>

² Bureau of Justice Statistics. *Probation and Parole in the United States, 2009*. U.S. Department of Justice [2010]. Available: <http://bjs.ojp.usdoj.gov/content/pub/pdf/ppus09.pdf>

³ National Reentry Resource Center. *Reentry Facts*. The Council of State Governments. [2011]. Available: <http://www.nationalreentryresourcecenter.org/facts>

⁴ National Association of State Budget Officers, *Fiscal Year 1988 State Expenditure Report*, p. 71. [1989]. Available: www.nasbo.org/Publications/StateExpenditureReport/StateExpenditureReportArchives/tabid/107/Default.aspx;

⁵ National Association of State Budget Officers, *Fiscal Year 2008 State Expenditure Report*, p. 54. [2009]. Available: www.nasbo.org/Publications/StateExpenditureReport/tabid/79/Default.aspx.

⁶ Bureau of Justice Statistics. *Prisoners in 2009*.

⁷ National Institute of Justice. *In Brief: Hawaii Hope*. U.S. Department of Justice [2010]. Available: <http://www.ojp.usdoj.gov/nij/journals/266/hope.htm>

⁸ Hawken, Angela and Kleiman, Mark. "HOPE for Reform." Hawai'i State Judiciary's HOPE Probation Program [2007]. Available: <http://www.hopeprobation.org/article-hope-for-reform-by-angela-hawken>

⁹ Loudenburg, R., Drube, G., Leonardson, G. South Dakota 24/7 Sobriety Program Evaluation Findings Report. State of South Dakota [2011]. Available: <http://druggeddriving.org/pdfs/MtPlainsEvaluation247.pdf>

¹⁰ "Types of Drug Courts." National Association of Drug Court Professionals [2011]. Available: <http://www.nadcp.org/learn/what-are-drug-courts/models>

¹¹ National Institute of Justice. *NIJ's Multisite Adult Drug Court Evaluation: Executive Summary*. U.S. Department of Justice [2011]. Available: <http://www.urban.org/UploadedPDF/412353-multi-site-adult-drug-court.pdf>

¹² Bhati, Avinash Singh, Roman, John K., Chalfin, Aaron. "To Treat or Not to Treat: Evidence on the Prospects of Expanding Treatment to Drug-Involved Offenders." The Urban Institute [2008]. Available: <http://www.ncjrs.gov/pdffiles1/nij/grants/222908.pdf>

¹³ Bhati, Avinash Singh, Roman, John K., Chalfin, Aaron. "To Treat or Not to Treat: Evidence on the Prospects of Expanding Treatment to Drug-Involved Offenders." The Urban Institute [2008]. Available: <http://www.ncjrs.gov/pdffiles1/nij/grants/222908.pdf>

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