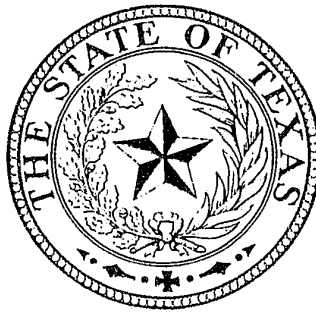


Drug Use and Recidivism: Analysis of Drug Offenders Admitted to Texas Prisons



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Texas Criminal Justice Policy Council

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Texas Criminal Justice Policy Council
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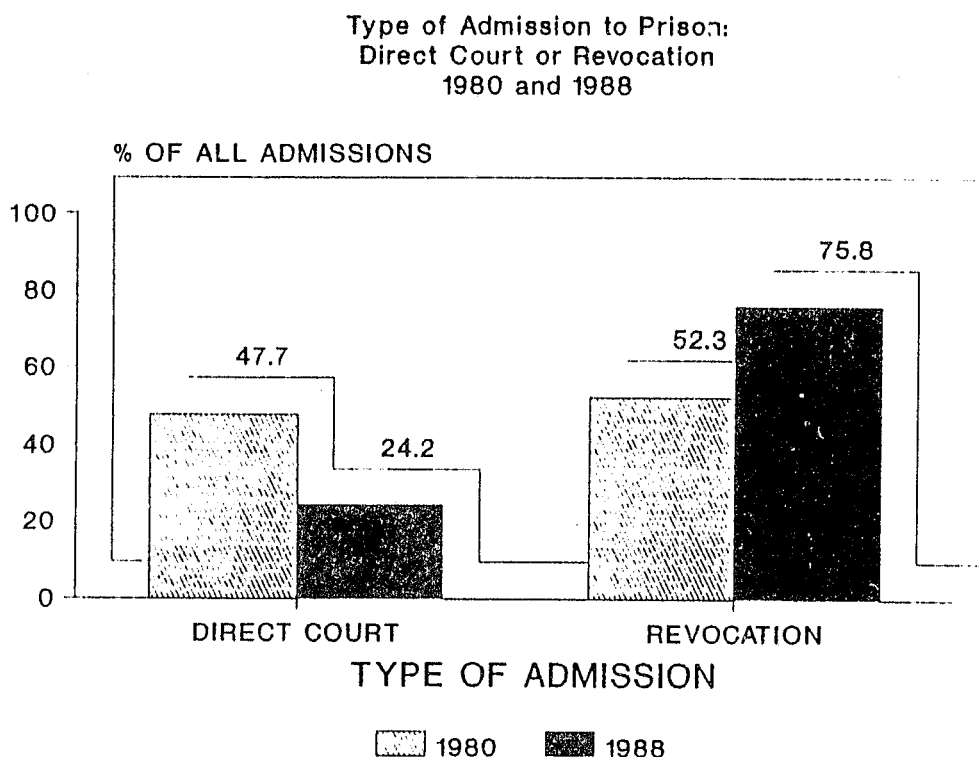
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EXECUTIVE SUMMARY

The evidence of the close relationship between drugs and crime continues to mount nationwide and in Texas. The far greater use of drugs among criminal offenders in prison than in the general population makes the identification of intervention strategies to deal with drug offenders and their drug dependent criminal behavior essential. This is particularly important in light of increasing drug activity, drug related crime, and drug law enforcement efforts that have impacted a 177% increase in the number of drug offenders admitted to Texas prisons between 1984 and 1988. This report examines the criminal history characteristics and drug use of felony drug offenders admitted to Texas prisons in an effort to understand how an increase in this population may affect the management of these offenders in prison. The analysis is based on interviews with a random sample of 972 inmates admitted to the Texas Department of Corrections (TDC) during the first three weeks of November and the first week of December 1988. The data was collected in cooperation with the Texas Adult Probation Commission (TAPC). Whenever possible, trends in admissions characteristics were analyzed using data collected by the TAPC on a sample of 1,269 inmates admitted to prison in 1986.

The major findings of the study are the following:

- The number of drug offenders admitted to prison has increased by 177% since 1984, from 2,323 to 6,430 in 1988. Drug offenders are felony offenders with an offense of record involving a violation of the Controlled Substances Act. The number of drug offenders admitted to prison is not only higher, but these offenders represent a higher proportion of all prison admissions, 19% of all admissions in 1988 compared to 10.6% in 1984.
- More of the offenders admitted to prison for a drug violation are also admitted for a probation, parole, or mandatory supervision revocation.



- A higher percentage of drug offenders who were recidivists (under some form of supervision upon admission to TDC) were admitted for a supervision violation in which a new offense was involved.

Percentage of Drug Offenders Admitted to TDC for a Probation or Parole/MS
Revocation with a New Offense

<u>Sample</u>	<u>Probation Revocation Admissions</u>	<u>Parole/MS* Revocation Admissions</u>
1986	25.6%	75.9%
1988	62.8%	87.0%

* MS = Mandatory Supervision

- Indicators that show a hardening of the offenders admitted to prison in general also show a hardening of the offenders admitted to prison for a drug violation. Since offenders admitted to prison for a drug violation use more drugs than offenders admitted for other violations (62% reported current use of drugs compared to 44.5% of property offenders, the next highest category), the fact that they are receiving longer sentences underscores the possibility of instituting long-term drug rehabilitation program in prison to reduce the recidivism potential of this population.

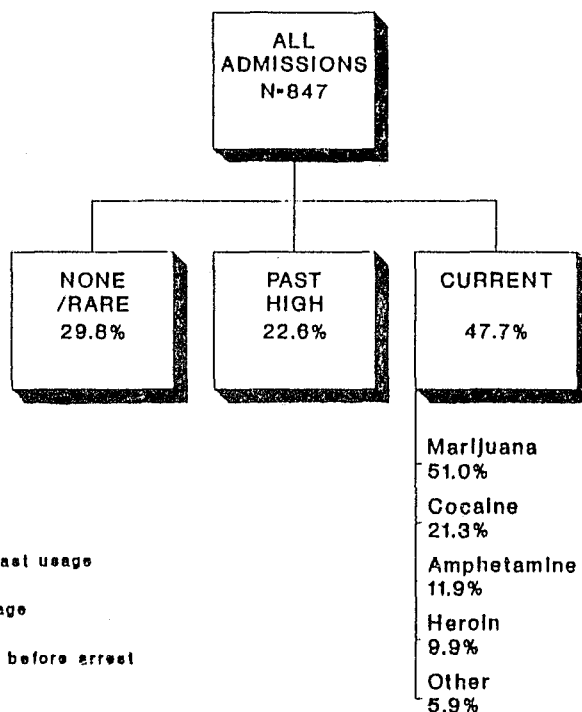
Percentage of Drug Offenders Admitted to TDC with Prior TDC Incarcerations and
with a Sentence of more than Five Years

<u>Sample</u>	<u>Drug Admissions Prior TDC</u>	<u>Drug Admissions Sentence > 5 Yrs</u>
1986	34.8%	38.1%
1988	44.6%	58.9%

- Aggravated drug offenders represented 11.4% of all drug admissions and 3.2% of all admissions to prison in the sample. These offenders have longer sentences than other drug offenders, and 25% of them had a prior TDC incarceration. Aggravated drug offenses are more severe, due to the large amount of drugs involved in the violation.

Drug use is more prevalent in the prison population than in the general population with 47.7% of the offenders admitted to prison reporting current drug use of one or more drugs, compared to 5.8% of the general population. Additionally, 22.4% of all offenders admitted to prison reported that a "cause" of their crime (as perceived by the offender) was the need for drugs, and 34.4% of the offenders admitted to prison reported that they have sold drugs.

REPORTED DRUG USE OF OFFENDERS ADMITTED TO TDC: 1988 SAMPLE



The analysis shows a linkage between drug use and revocations, and a higher percentage of drug use among drug offenders compared to offenders in other offense categories. It also shows a higher percentage of drug offenders (compared to offenders in other offense categories) who admit to selling drugs and who perceive the need for drugs as a "cause" of their crime. This linkage between drug use and revocations reinforce the need for intensive supervision in the community focusing on drug treatment enforced through random drug testing. This enhanced supervision will provide a more comprehensive approach than regular probation or parole supervision. Moreover, with drug offenders receiving longer sentences than before there exists the possibility of instituting longer term drug rehabilitation programs in prison to reduce the recidivism potential of this population.

Mandatory drug testing, in combination with drug treatment, may serve as an effective tool to encourage offenders to endure the rigors of drug treatment programs. Otherwise, increasing numbers of drug offenders with drug problems on regular probation or parole supervision will be revoked to TDC further "hardening" an already overburdened system. Recent studies by the Texas Commission on Alcohol and Drug Abuse (TCADA) underscore the urgency of this issue. According to a survey of prison inmates conducted by TCADA in late 1988, 36% of inmates have used needles to inject drugs, 20% within their last thirty days on the street. The risks associated with needle use such as AIDS, hepatitis and other infectious diseases are high, and pose major problems to the safety of other inmates and correctional workers. Additionally, caring for large numbers of inmates with these diseases would place a severe burden on TDC operations and medical services.

The increase in the number of drug offenders in prison calls for intervention strategies directed at this offender population. Some possible intervention strategies include drug rehabilitation and treatment; increased use of drug testing; and policies directed at removing the profitability from drug trafficking, such as asset forfeiture. The 71st Legislature has addressed some of these issues in House Bill 2335, by authorizing drug testing, residential treatment, and substance abuse treatment programs as part of an overall community corrections plan. In addition, S.B. 29 (First Called Special Session, 71st Texas Legislature) mandates drug testing as a condition of probation or parole for offenders suspected of using drugs.

I. Introduction

A) Overview

The use and sale of illicit drugs has become one of the most salient issues on the nation's agenda. New law enforcement efforts are taking place to diminish the trade, possession, and usage of these drugs. While the trade, use or possession of illicit drugs is a crime in itself, there is also a relationship between drug use, (as well as alcohol), and crime. The strength of this relationship and how this relationship operates is not clear (see: Walters, Reinerman and Fagan, 1985). What is clear is that the evidence of the close relationship between drugs and crimes continues to mount. Nationwide:

- Diagnostic urine tests done nationwide through the Drug Use Forecasting (DUF) program funded by the National Institute of Justice and the Bureau of Justice Assistance shows that an average of 70% of all people arrested for serious crimes are using at least one illegal drug.

- In 1986, 35% of a national sample of inmates surveyed by the Bureau of Justice Statistics reported that they had been under the influence of drugs at the time of their offense (Innes, 1988).

- Studies by the National Institute of Justice of career criminals by researchers at the RAND Institute found that a majority of the most serious offenders in prisons and jails of three states (California, Michigan and Texas) had histories of heroin use, frequently in combination with alcohol and other drugs. Such a history of drug use proved to be one of the best "predictors" of serious career criminality (Chaiken and Chaiken, 1982).

- A nationally representative sample of households surveyed by the National Crime Survey reported that in approximately 36% of violent crime incidents (rapes, robberies, and assaults) the victims believed that their assailants were under the influence of drugs or alcohol (BJS, 1989).

The relationship between drugs and crime found in nationwide studies is also seen in Texas. For example:

- Diagnostic urine tests done through the DUF program in Houston between January and March 1988 found that 62% of male arrestees tested positive for at least one type of drug, 43% for cocaine only, and 24% for two or more drugs. In June of 1988, 69% of male arrestees tested positive for at least one type of drug, 54% for cocaine only. In Dallas, diagnostic urine testing begun in early 1988 showed that 72% of the arrestees tested positive for at least one type of drug, 53% for cocaine only.

- A study of parolees under intensive supervision conducted by the Texas Board of Pardons and Paroles showed that 57% of this population tested positive for one or more drugs during the test period (Eisenberg, 1988).

- A survey of the state population and of prison admissions conducted by the Texas Commission on Alcohol and Drug Abuse (TCADA) in 1988 found that 47.3% of the prison admissions reported currently using one or more illicit drugs compared to 5.8% of the general population. The differences in drug usage between the offender population and the general population is even greater in younger age cohorts and by the type of drug being used.

Due to the relationship between drugs and crime and the far greater use of drugs among prisoners than in the general population, it is essential for state policy makers to identify intervention strategies to deal with drug offenders and their drug-dependent criminal behavior. This is particularly important in light of increasing drug activity, drug related crimes, and law enforcement efforts in this area that have impacted an increase in the number of felony drug offenders in prison. Arrests of drug offenders in Texas have increased by 11.8% between 1984 and 1987, from 52,155 arrests to 58,326. This figure will continue to grow due to the impact of new law enforcement efforts in the state funded by federal and state funds (\$6.7 million for multi-agency and multi-jurisdictional law enforcement task forces funded through the Texas Narcotics Control Program).

The increased number of drug offenders and arrests of drug offenders has impacted Texas prisons since the court system has become more efficient with convictions and incarcerations. In 1987, convictions for drug violations represented 25.9% of drug arrests compared to 14.7% in 1984. Moreover, more of the convictions have led to an incarceration, which has had a tremendous impact on the number of drug offenders admitted to prison. In 1987, prison admissions for offenders with a drug violation represented 39% of the drug convictions compared to 30% of the drug convictions in 1984. This number increased by 177% between 1984 and 1988, from 2,320 drug offenders admitted to prison in 1984 to 6,430 admitted in 1988.

The number of drug offenders admitted to prison may also increase as a response to the public's demand for tougher penalties for drug offenders. The statewide survey conducted by TCADA in 1988 found that over 75% of the public believe that legal penalties for drug use and drug sale are not severe enough to keep people from using or selling drugs. Given the increase of prison admissions for drug offenders, and the likelihood that this number will

increase, it is imperative to understand the characteristics of this population, and how these characteristics may affect the management of these offenders in prison. For what drug violations are these offenders admitted to prison? Are drug offenders more likely to be admitted to prison for a probation or parole violation, or as a direct court commitment? If so, are better supervision strategies for these offenders necessary? What is the criminal history of these offenders and their pattern of drug use? Is it possible to divert to community programs a number of technical probation and parole offenders before they are revoked to prison?

B) Purpose of Report

The purpose of this report is to address some of the above questions by an in-depth analysis of the characteristics of drug offenders admitted to the Texas Department of Corrections (TDC). The Criminal Justice Policy Council (CJPC), in cooperation with the Texas Adult Probation Commission (TAPC), conducted interviews of a random sample of 972 inmates admitted to TDC during the first three weeks of November and the first week of December 1988. The sample represented 41% of the inmates admitted during that month. Information was obtained from the inmates' records as well as structured interviews. Interviews were completed for 89% of the inmates, with 6% of the inmates refusing the interview and 5% unavailable. The sample consisted of 893 male inmates (91.9% of the sample) and 79 females inmates (8.1% of the sample). The sample compared favorably with demographic and sentence characteristics of the population under study. Whenever possible, trends in admissions characteristics were analyzed using similar data collected by the TAPC on a sample of 1,269 inmates admitted to prison in 1986.

The interviews of inmates for the study were conducted by probation officers trained in interviewing techniques used to assess the risk and needs for services of offenders. The interviews lasted for approximately thirty minutes. Prior to the interviews as much information as possible was collected from the official records of the offender. Information concerning drug use and juvenile criminal activity is based on self-reports since there is rarely an objective source for this type of information. Self-reported information is widely used in criminal justice

research, and is not considered systematically biased toward either over- or under-reporting (Greenwood, 1982; Marquis and Ebener, 1981). However, a qualification about self-report information is that when offenders are initially arrested and detained many will conceal drug use, even to researchers who have assured them confidentiality (Wish, 1988). The "deception" factor has not been tested for offenders that are interviewed while incarcerated to determine if their self-reported use then varies from more objective data collected during arrest. Regardless, if there is a bias in the information collected in this study, it will most likely be towards an underestimation of drug usage of offenders admitted to TDC.

II. Characteristics of Drug Offenders Admitted to Prison

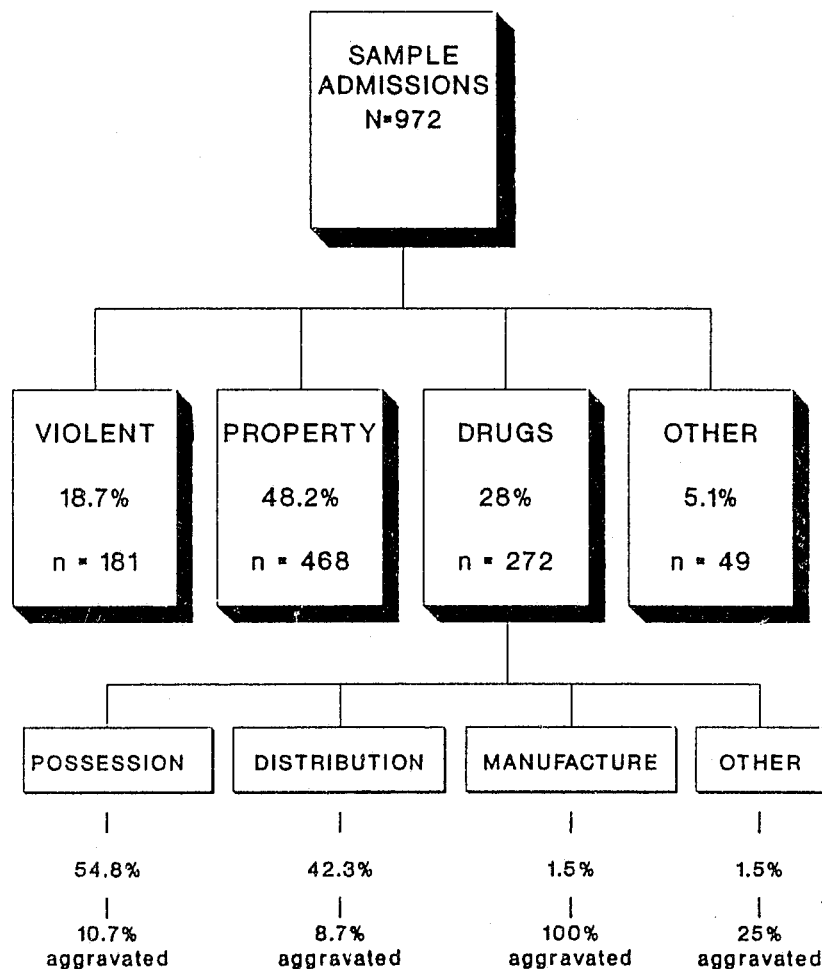
A) Admissions Offense

The number of drug offenders admitted to prison increased from 2,320 offenders in fiscal 1984 to 6,430 offenders in fiscal 1988, a 177% increase. Drug offenders are felony offenders with an offense of record involving a violation of the Controlled Substances Act. The number of drug offenders admitted to prison not only has increased, but also represents a higher proportion of all admissions. In 1988 drug offenders represented 19% of all prison admissions compared to 10.6% in 1984. Exhibit 1 shows the percentage of offenders admitted to prison in different offense categories. It also shows the specific categories of drug violations for drug offenders (possession, distribution, manufacturing, and other), and the percentage of these violations that were considered aggravated. The Texas Controlled Substances Act, Article 4476-15, V.T.C.S., sets punishments for drug violations based on specific penalty groups that are divided according to the type of violation (distribution, manufacturing, or possession) and the amount and type of drug involved. Enhancement of sentence is also permissible for repeat offenders. Aggravated drug offenses are considered the most severe because of the large amounts of drugs involved in the violation. The amount of drugs that are considered aggravated varies with each specific type of drug. For example, distribution, manufacturing, or possession of more than 28 grams of cocaine, heroin, or amphetamine is considered an aggravated violation while for marijuana, it has to be 50 pounds or more.

As shown in Exhibit 1, offenders admitted to prison for a drug violation represented 28% of all prison admissions and were the second largest group of offenders admitted after property offenders. (For fiscal year 1989 the percentage of offenders admitted to prison for a drug violation out of all admissions should be lower than 28% due to the diversionary impact on these offenders of the Parole-in-Absentia (PIA) program. The PIA program authorizes the release of eligible state offenders on parole directly from county jails.) A majority of drug offenders were admitted to prison for possession or distribution of illicit drugs, 54.8% and 42.3% respectively. All of those admitted for a manufacturing violation were for aggravated

offenses. Of the offenders admitted for a possessions violation and a distribution violation, 10.7% and 8.7% respectively were for aggravated offenses. Over 60% of the offenders admitted for aggravated possession and distribution were admitted directly from court.

EXHIBIT 1. TYPE OF PRISON ADMISSION BY
OFFENSE CATEGORY: 1988 SAMPLE DATA

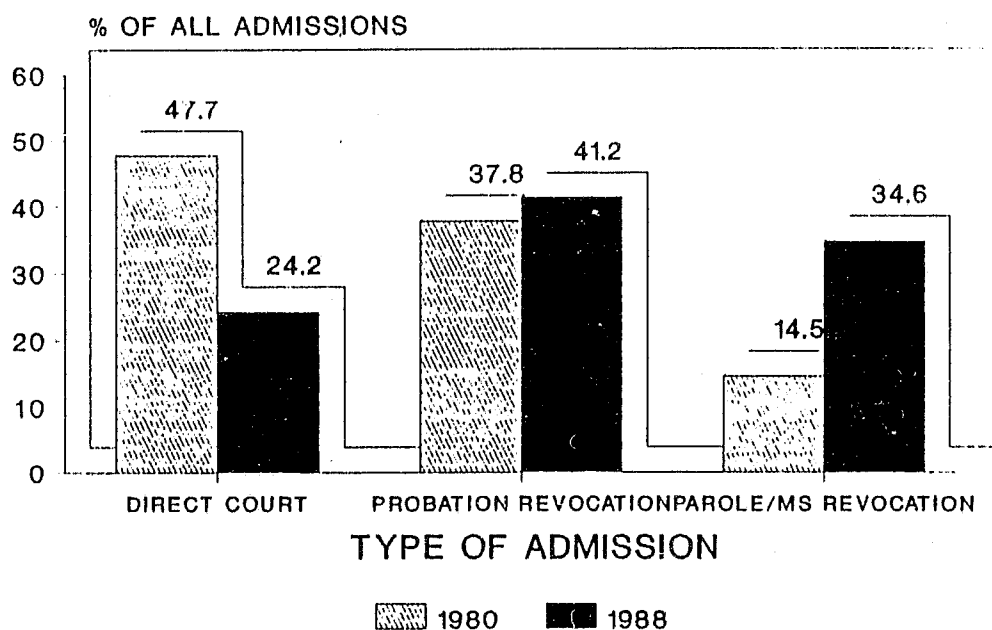


Overall, aggravated drug offenders represented 11.4% of all drug admissions to prison and 3.2% of all admissions to prison in the sample. Extrapolating this percentage to monthly admissions, we can expect between 65 to 90 admissions a month to be aggravated drug offenders. These offenders receive higher sentences than other drug offenders, and one-fourth of them can be expected to have a prior TDC incarceration.

B) Admissions Type

Offenders are sent to TDC directly from the sentencing court (for new convictions), and for a probation, parole or mandatory supervision revocation. Probation, parole or mandatory supervision revocations can be for a technical violation (violation of the conditions of supervision) or for a new offense. Overall, admissions to prison directly from court have declined and revocation admissions have become a higher proportion of all admissions, as reflected by Exhibit 2. Admissions directly from the sentencing court represented 47.7% of all admissions in fiscal 1980 but had declined to 24.1% in fiscal 1988. On the other hand, the proportion of all admissions that are revoked as a sanction has increased. Probation revocations represented 41.2% of all admissions in 1988 compared to 37.8% in 1980, and parole and mandatory supervision revocations increased to 34.6% of admissions in 1988 from 14.3% in 1980. In other words, in fiscal 1988 only admissions to prison for revocation represented 75.8% of the total admissions compared to 52.3% in 1980. More of the prison admissions, therefore, are for recidivists. Recidivists are defined here as those offenders admitted to prison that have already been under some form of supervision for a criminal violation.

EXHIBIT 2. TYPE OF ADMISSION TO PRISON:
DIRECT COURT; PROBATION REVOCATION; OR
PAROLE/MS REVOCATION--1980 AND 1988



The trend towards an increased number of revocations is also apparent for offenders admitted for a drug violation. Exhibit 3 compares the type of admissions to prison for drug offenders in the 1986 and 1988 samples. Admissions for drug offenders who had their supervision status revoked represented 57.3% of all drug admissions in the 1988 sample compared to 46.8% in the 1986 sample. Most of the increase in revocation admissions for drug offenders occurred in those admitted for parole or mandatory supervision revocation (25.7% of drug admissions in 1988 compared to 13% in 1986) while those admitted for a probation revocation decreased slightly (from 33.8% of drug admissions in 1986 to 31.6% in 1988).

Exhibit 3. Type of Admissions for Drug Offenders Admitted to TDC: Comparison of 1986 and 1988 Sample of Admissions

Sample	Direct Court	Admission Type		
		Revocation		Total
		Probation	Parole/MS*	
1986	53.2%	33.8%	13.0%	46.8%
1988	42.7%	31.6%	25.7%	57.3%

* MS = Mandatory Supervision

Revocation admissions to prison due to an accompanying conviction for a new offense also increased significantly. Exhibit 4 details the percentage of drug offenders admitted to prison for a probation, parole or mandatory supervision revocation that also involved a new offense. Of the drug offenders admitted with a probation revocation, 62.8% were revoked for a new offense in 1988 compared to 25.6% in 1986. Of the drug offenders admitted for a parole or mandatory supervision revocation, 87% were revoked with a new offense in 1988 compared to 75.9% in 1986. Of the offenders admitted for a revocation involving the commission of a drug offense, 56.1% were on probation or parole for a drug offense. Therefore, not only has a higher percentage of drug offenders been under some form of prior supervision, but also more of these offenders have been admitted for committing a new offense while under supervision. A

higher proportion of drug offenders admitted to prison are recidivists, and more of the recidivists are committing new offenses while under probation, parole or mandatory supervision.

Exhibit 4. Percentage of Drug Offenders Admitted to TDC for a Probation or Parole/MS Revocation that had a New Offense as Their Revocation Reason: Comparison of 1986 and 1988 Sample of Admissions

<u>Sample</u>	<u>Probation Revocation Admissions</u>	<u>Parole/MS* Revocation Admissions</u>
1986	25.6%	75.9%
1988	62.8%	87.0%

* MS = Mandatory Supervision

C) Criminal History and Sentence Characteristics

The hardening of admissions is reflected in the increasing number of offenders admitted to prison that have previously been under some form of supervision for a criminal violation (as discussed above). Other indicators are the percentage of offenders admitted that have had a prior TDC incarceration and the percentage admitted with a sentence of more than five years (since over half of the admissions to prison are admitted with a sentence of five years or less, those admitted with sentence over five years are those offenders with a relatively worse criminal violation or criminal history). Exhibit 5 documents the percentage of prison admissions in the 1986 and 1988 sample that have a prior TDC incarceration and the percentage that were admitted with a sentence of more than five years. As the table demonstrates, the factors indicating a hardening of the admissions have increased. In the 1986 sample 41.6% of those admitted to prison had a prior TDC incarceration, while 37.6% were admitted with a sentence of more than five years as compared to 53.8% with priors and 57.3% with over a five year sentence in the 1988 sample.

The same indicators show a hardening of the offenders admitted for a drug violation. Exhibit 6 presents the percentage of drug offenders admitted to prison in the 1986 and 1988

samples that have a prior TDC incarceration and the percentage that were admitted with a sentence of more than five years. In the 1986 sample, 34.8% of the offenders admitted to prison for a drug violation had a prior TDC incarceration compared to 44.6% in the 1988 sample. In the 1986 sample, 38.1% were admitted to prison with a sentence of more than five years compared to 58.9% in the 1988 sample.

Exhibit 5. Percentage of All Admissions to TDC with Prior TDC Incarceration and Percentage with a Sentence of more than Five Years: Comparison of 1986 and 1988 Sample of Admissions

<u>Sample</u>	<u>All Admissions Prior TDC</u>	<u>All Admissions Sentence > 5 Yrs</u>
1986	41.6%	37.6%
1988	53.8%	57.3%

Exhibit 6. Percentage of Drug Offenders Admitted to TDC with Prior TDC Incarceration and Percentage with a Sentence of more than Five Years: Comparison of 1986 and 1988 Sample of Admissions

<u>Sample</u>	<u>Drug Admissions Prior TDC</u>	<u>Drug Admissions Sentence > 5 Yrs</u>
1986	34.8%	38.1%
1988	44.6%	58.9%

D) Summary

The number of drug offenders admitted to prison has increased by 117% since 1984, from 2,323 to 6,430 in 1988. This number is projected to increase due to increasing drug activity, drug related crime, and emphasis on drug enforcement and tougher penalties for these offenders demanded by the public. The number of drug offenders admitted to prison is not only higher but these offenders represent a higher proportion of all prison admissions (19% of all admissions in 1988 compared to 10.6% in 1984).

An analysis of the characteristics of offenders admitted to prison for a drug violation shows that 54.8% of the drug offenders were admitted to prison for a possession violation and 42.3% for a distribution violation. Aggravated offenses comprised 10.7% of those admitted for possession, 8.6% of those admitted for distribution and all admitted for manufacturing of drugs. Aggravated drug offenders represented 11.4% of drug admissions and 3.2% of all admissions in the sample. These offenders had longer sentences than other drug offenders, and in fact, 25% of them had at least one prior TDC incarceration.

More of the offenders admitted to prison for a drug violation are also admitted for a probation, parole or mandatory supervision revocation. Admissions to prison of drug offenders that had their supervision status revoked represented 57.3% in the 1988 sample compared to 46.8% of all drug admissions in the 1986 sample. Of the drug offenders in 1988 that were admitted for a revocation, 56.1% had an original offense which was a drug offense. Not only were a higher proportion of drug offenders admitted to prison recidivists, but also a higher percentage of these recidivists were admitted for a supervision violation in which a new offense was involved. Of those drug offenders admitted for a probation revocation, 62.8% in the 1988 sample were admitted for a new offense, up drastically from 25.6 in 1986. Of the drug offenders admitted for a parole or mandatory supervision revocation, 87% were admitted for a new offense in the 1988 sample compared to 75.9% in 1986. Therefore, a higher proportion of drug offenders admitted to prison are recidivists, and the recidivists are committing more new offenses while under probation, parole or mandatory supervision. This information points to

the possibility that current supervision practices for probationers and parolees that are drug offenders are not adequate.

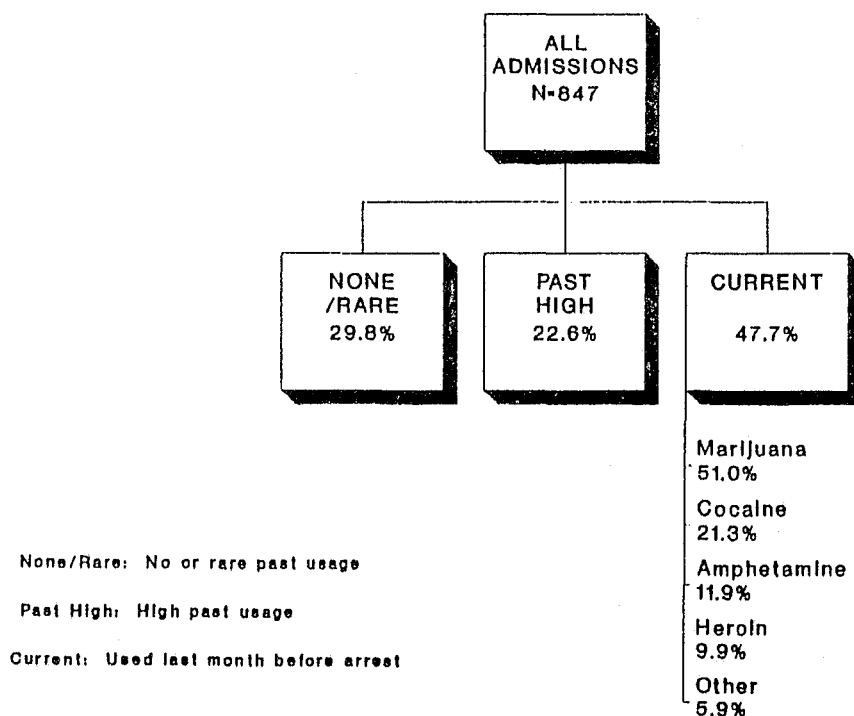
Finally, indicators that show a hardening of the offenders admitted to prison in general also show a hardening of the offenders admitted to prison for a drug violation. The percentage of drug offenders admitted to prison that have a prior TDC incarceration increased from 34.8% in 1986 to 44.6% in the 1988 sample, and the percentage of drug offenders that were admitted with a sentence of more than five years increased from 38% in 1986 to 58.9% in the 1988 sample.

III. Drug Usage of Prison Admissions

A) Overview of Drug Use of Prison Admissions

A survey of the state population and of prison admissions conducted by the Texas Commission on Alcohol and Drug Abuse (TCADA) in 1988 found that 47.3% of the prison admissions currently use one or more illicit drugs as compared to 5.8% of the general population. The findings of current drug use of offenders admitted to prison conducted by TCADA are further corroborated by the analysis of similar information for our sample. Exhibit 7 shows the patterns of drug use for all offenders admitted to prison. Approximating TCADA's findings, 47.7% of the offenders admitted to prison reported current drug use of one or more drugs. Current use was defined as the use of drugs within one month of the offender's arrest. Only 29.8% of the offenders admitted to prison reported no use or low use of drugs (defined here as not ever using drugs or using it sometime in the past, less than once per week) and 22.6% reported some past use at least once per week but not in the past month before their arrest (past high use category).

EXHIBIT 7. REPORTED DRUG USE OF
OFFENDERS ADMITTED TO TDC: 1988 SAMPLE

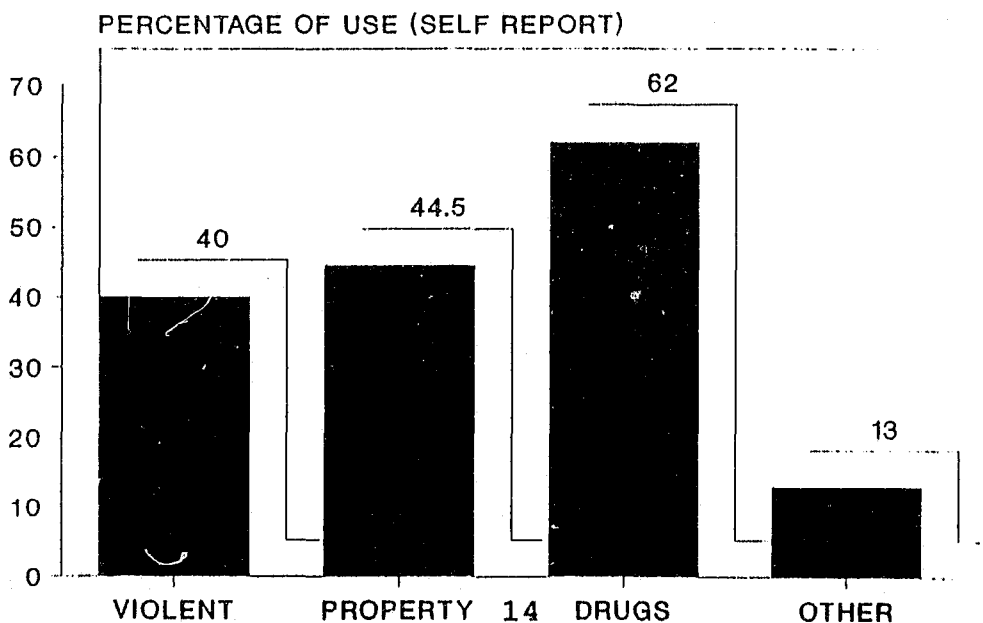


When offenders currently using drugs were asked which drugs they used most frequently, 51% responded using marijuana, 21.3% cocaine, 11.9% amphetamines, 9.9% heroin, and 5.9% other drugs. Most offenders, however, also use a combination of the above drugs. Although it is hard to establish an empirical relation between drug use and crime, 22.4% of all offenders admitted to prison reported that drugs were a "cause" (as perceived by the offender) of their crime. Moreover, 34.3% of all offenders admitted to prison reported that they have sold drugs, a crime in itself.

B) Drug Use of Drug Offenders

Drug use is more prevalent in the prison population than in the general population as we have discussed above. However, offenders admitted to prison for a drug violation use more drugs than offenders admitted for other type of violations. Exhibit 8 shows the percentage of offenders admitted in different offense categories that reported current drug use. Offense categories are based on the offense of record as found in the court commitment papers. Offenders admitted to prison for a drug offense reported the highest drug use pattern. Of these offenders, 62% reported current use of drugs compared to 44.5% of property offenders (the second highest user group), 40% of violent offenders and 13% of offenders with other offenses.

EXHIBIT 8. CURRENT DRUG USE OF OFFENDERS
ADMITTED TO TDC BY OFFENSE TYPE:
1988 SAMPLE OF ADMISSIONS



Therefore, drug offenders are more likely to be current drug users. In turn, a higher percentage of drug offenders than offenders in the other offense categories reported that the need for drugs was a cause of their crime, and a higher percentage also reported selling drugs. Exhibit 9 shows the percentage of current drug users in different offense categories that reported that the need for drugs was a cause of their crime and the percentage that reported selling drugs. Of the current drug users that were offenders admitted to prison for a drug offense, 52.7% identify drugs as a cause of their crime compared to 40% of violent offenders, 33.9% of the property offenders and 16.7% of offenders admitted to prison for other offenses. Of the current drug users that were admitted to prison for a drug offense, 69.3% have sold drugs compared to 50% of the offenders admitted to prison for other offenses, 32.3% of property offenders and 31.7% of violent offenders.

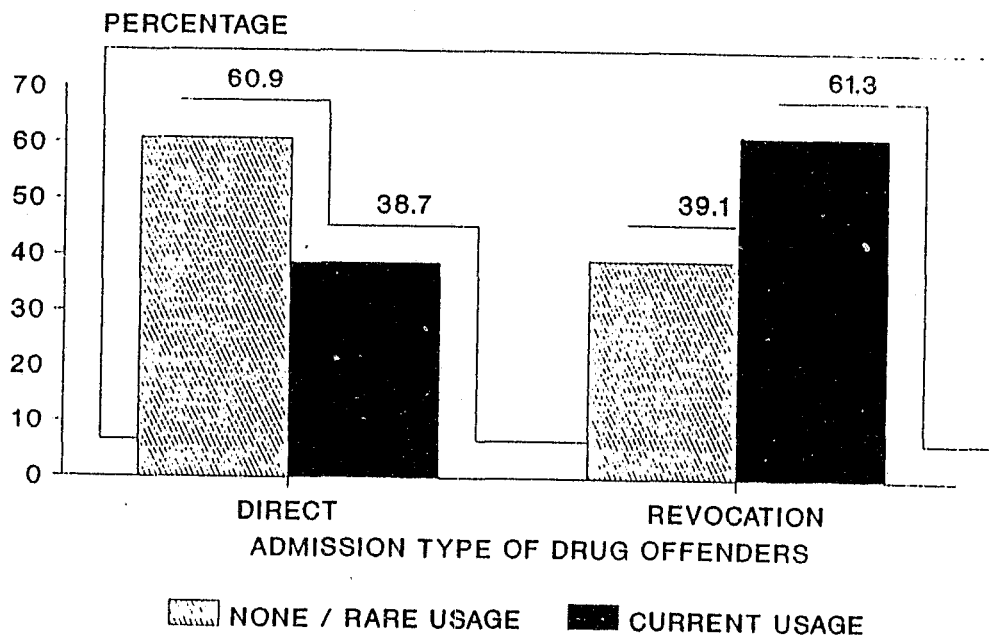
Exhibit 9. Percentage of Current Drug Users by Offense Category Who Indicated the Need for Drugs as the Cause of Their Crime and the Percentage Who Admitted Selling Drugs: 1988 Sample of Admissions

<u>Questions</u>	<u>Offense Category</u>			
	<u>Violent</u>	<u>Property</u>	<u>Drug</u>	<u>Other</u>
Was the need for drugs the cause of your crime? (% responding yes)	40.0%	33.9%	52.7%	16.7%
Have you ever sold drugs? (% responding yes)	31.7%	32.3%	69.3%	50.0%

Current drug use also seem to be a factor affecting the potential success of drug offenders under probation, parole or mandatory supervision. Exhibit 10 shows the type of admission to prison for drug offenders that claimed no drug use or a low past incidence of drug use and the type of admission for those that claimed current use. A majority of drug offenders that claimed no, or a low past incidence of, drug use were admitted to prison directly from the

courts (60.9%). Of these, 25% were for aggravated drug offenses, and 54% for distribution of drugs. On the other hand, a majority of drug offenders that claimed current use of drugs were admitted to prison for a revocation of their probation, parole or mandatory supervision (61.3%). Drug use, therefore, seems to be a factor leading to a revocation. This is further corroborated by the fact that 35.7% of drug offenders admitted to prison for a technical probation, parole, or mandatory supervision revocation tested positive for drugs in urine tests conducted while under supervision.

EXHIBIT 10. TYPE OF ADMISSION TO PRISON
OF DRUG OFFENDERS AND REPORTED DRUG USE:
1988 SAMPLE OF ADMISSIONS



C) Summary

Drug use is more prevalent in the prison population than in the general population, with 47.7% of the offenders admitted to prison reporting current drug use of one or more drugs. Additionally, 22.4% of all offenders admitted to prison reported that a "cause" of their crime (as perceived by the offender) was the need for drugs, and 34.3% of the offenders admitted to prison reported that they have sold drugs.

Offenders admitted to prison for a drug offense use more drugs than offenders admitted for other categories of offenses. Of the offenders admitted to prison for a drug offense, 62% reported current use of drugs compared to 44.5% of property offenders (the second highest user group). A higher percentage of drug offenders that are current drug users, compared to current drug users admitted to prison for other criminal violations, reported that drugs were a cause of their crime. Also a high percentage of drug offenders reported selling drugs compared to offenders admitted to prison for other crimes.

Current drug use may be a factor affecting the potential success of drug offenders under probation, parole or mandatory supervision. A majority of drug offenders that claimed no or rare past use of drugs were admitted to prison directly from the courts (60.9%). On the other hand, a majority of drug offenders that claimed current use of drugs were admitted to prison for a revocation of their probation, parole or mandatory supervision (61.3%). Drug use, therefore, seems to be a factor leading to a revocation. This is further corroborated by the fact that 35.7% of drug offenders admitted to prison for a technical probation, parole, or mandatory supervision revocation tested positive for drugs in urine tests conducted while under supervision.

IV. Conclusion

The purpose of this report was to determine the type of admissions, criminal history, and drug use of a sample of offenders admitted to prison for a felony drug offense in Texas in 1988. The number of drug offenders admitted to prison increased by 177% between 1984 and 1988, from 2,320 to 6,430. Additionally, drug offenders are becoming an increasingly larger percentage of overall prison admissions.

The findings in this report show that:

- Drug offenders report more current drug use (within the last month before their arrest) than offenders admitted in other offense categories.
- Over 60% of those drug offenders admitted to prison who are currently using drugs are admitted for a revocation of probation, parole or mandatory supervision.
- More of the drug offenders admitted to prison have a prior TDC incarceration and sentences longer than five years. This hardening of the prison population may accelerate if prison space is assigned to the worst offenders because of allocation formulas or as a consequence of the impact of diversion programs.
- The potential to divert first time drug offenders from prison seems low because most of the drug offenders being admitted to prison are not first time offenders. If we assume that direct court commitments to prison with no prior TDC incarceration and a sentence of five years or less is an indicator of this potential population for diversion, then only 14% of the drug offenders admitted to TDC will fall in this category.

The analysis shows a linkage between drug use and revocations, and a higher percentage of drug use among drug offenders compared to offenders in other offense categories. It also shows a higher percentage of drug offenders (compared to offenders in other offense categories) who admit to selling drugs and who perceive the need for drugs as a "cause" of their crime. This linkage between drug use and revocations reinforces the need for intensive supervision in the community focusing on drug treatment enforced through random drug testing. This enhanced supervision will provide a more comprehensive approach than regular probation or parole supervision. Moreover, with drug offenders receiving longer sentences than before, there exists the possibility of instituting longer term drug rehabilitation programs in prison to reduce the recidivism potential of this population.

Mandatory drug testing, in combination with drug treatment, may serve as an effective tool to encourage offenders to endure the rigors of drug treatment programs. Otherwise, increasing numbers of drug offenders with drug problems on regular probation or parole supervision will be revoked to TDC, further "hardening" an already overburdened system. Recent studies by the Texas Commission on Alcohol and Drug Abuse (TCADA) underscore the urgency of this issue. According to a survey of prison inmates conducted by TCADA in late 1988, 36% of inmates have used needles to inject drugs, 20% within their last thirty days on the street. The risks associated with needle use such as AIDS, hepatitis and other infectious diseases are high, and pose major problems to the safety of other inmates and correctional workers. Additionally, caring for large numbers of inmates with these diseases would place a severe burden on TDC operations and medical services.

The increase in the number of drug offenders in prison calls for intervention strategies directed at this offender population. Some possible intervention strategies include drug rehabilitation and treatment; increased use of drug testing; and policies directed at removing the profitability from drug trafficking, such as asset forfeiture. The 71st Legislature has addressed some of these issues in House Bill 2335, by authorizing drug testing, residential treatment, and substance abuse treatment programs as part of an overall community corrections plan. In addition, S.B. 29 (First Called Special Session, 71st Texas Legislature) mandates drug testing as a condition of probation or parole for offenders suspected of using drugs.

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