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THE SENTENCING PROJECT

BRIEFING PAPER

WHAT'S WRONG WITH THE DRUG PLAN

On September 5th, national drug control policy director William Bennett will formally release his long-awaited "National Drug Control Strategy." The report is designed to present a comprehensive plan for responding to the nation's drug problem. Although final details of the plan were not to be made public until then, a 235-page draft submitted to the President for review was "leaked" and circulating in Washington in August 1989. The final report is expected to be similar to the draft proposal.

Following is a summary and analysis of the proposed drug strategy.

Highlights of the Drug Strategy

Although the drug strategy calls for funding and programming in several areas, its primary thrust is in the area of law enforcement, with less focus on prevention, treatment, and education. Greater emphasis is also to be placed on "demand reduction" by imposing new sanctions on "casual users." These sanctions will include such penalties as revoking drivers' licenses, sentences to "boot camps," and evictions from public housing.

Law Enforcement/Prisons - The Bennett plan proposes an increase in federal aid to state and local governments for drug-related law enforcement from the current level of \$150 million to \$350 million. In addition, funding levels for federal prison construction would be increased from \$580 million to \$1.2 billion.

Treatment - Funding for drug treatment programs through the Department of Health and Human Resources would increase from \$481 million to \$740 million.

Education - The Education Department would receive an increase from \$355 million to \$392 million for anti-drug programs.

International Enforcement - Between \$300-400 million would be made available in economic and military assistance to Latin American countries to combat the spread of cocaine.

Other Features - The drug strategy includes a variety of other proposals, including the use of civil commitment proceedings to force drug addicts into treatment, mandatory imposition of user sanctions by colleges in order to receive federal funds, and a crackdown on marijuana use.

Problems with the Drug Strategy

The establishment of the drug policy position created an opportunity to conduct a broad examination of the reasons why drug use pervades our society -- from inner-city "crack" houses to suburban homes to professional athletics. In contrast to previous "wars on drugs," the drug "czar" position carried no mandate to adopt an exclusively law-enforcement approach. Instead, there was the potential to explore the range of social, economic, moral, and psychological factors leading to drug use, and thereby creating the basis for proposing solutions to respond to the crisis. The Bennett plan, though, avoids asking these difficult questions, and instead proposes "more of the same."

1. Contrary to some initial publicity, the Bennett strategy continues a fifteen-year commitment to a law enforcement approach, and not to prevention, treatment, or education.

The proposed budget increase for federal prisons alone -- \$654 million -- is greater than the total recommended increase of \$565 million for treatment and prevention. Total law enforcement funding would outpace spending for treatment and prevention by more than two-to-one.

In doing so, the plan continues a pattern of funding priorities that began shifting in the mid-1970s. From 1970-75, two-thirds of anti-drug funding -- \$1.92 billion of \$3 billion -- was devoted to prevention, treatment, and education. Between 1976-81, 43 percent of the total \$5.2 billion budget went to these categories. Beginning in 1982, the first full year of funding under the Reagan administration, 80 percent of drug funding went to law enforcement, with this pattern continuing until passage of the 1988 Anti-Drug Abuse Act.

From 1981 through 1986, federal funding for law enforcement more than doubled -- from \$800 million in 1981 to \$1.9 billion in 1986. At the same time, federal funding for prevention, education, and treatment declined from \$404 million in 1981 to \$338 million in 1985. When adjusted for inflation, this amounted to a 40 percent decrease. The Bennett plan restores some of these funds that had been cut over the years, but still maintains a primary emphasis on a law enforcement approach.

2. The drug strategy represents a continuation of a failed approach.

Fighting the "war on drugs" primarily through law enforcement -- more arrests, more prisons, and more prisoners -- is hardly a new approach. The past decade has seen a doubling in our nation's prison population at tremendous financial cost, much of it due to drug-related offenses. By the end of 1989, there will be one million prisoners in our nation's prisons and jails. This massive

increase, though, has resulted in no appreciable drop in the crime rate or the prevalence of drugs. As the Bennett paper notes, "drugs are potent, drugs are cheap, and drugs are available to almost anyone who wants them" (Draft, National Drug Control Strategy, pp. 3-4).

As former Washington, D.C. Police Chief Maurice Turner has remarked, even though District police made over 40,000 drug arrests in the past year, drug use in the nation's capital remains rampant, along with the crime associated with it. As long as the conditions which breed drug use exist, there will be a constant source of potential new users.

3. "Boot camps" recommended in the Bennett plan will likely result in more prisoners, with no guarantee of any decline in crime or drug use.

Although sometimes referred to as "alternatives" to prison, boot camps in fact are essentially prisons, albeit short-term ones. States which currently operate boot camp programs generally use a model of a 3-6 month military-style regimen in an institution. In recommending the expansion of boot camps, the drug strategy flies in the face of government reports recommending caution in their development. A 1988 GAO report ("Prison Boot Camps: Too Early to Measure Effectiveness") concluded that it was "too early to measure [the] effectiveness" of boot camps, while a recent National Institute of Justice study ("Shock Incarceration: An Overview of Existing Programs") stated that, at present, "We don't know whether [boot camp] changes offenders' attitudes, or whether it deters or rehabilitates more or less effectively than other community-based sanctions" (p. 35).

4. Locking up more drug offenders will only exacerbate the problems in our prison system.

Prison populations are at an all-time high, and prison systems in forty states are under court order to improve conditions. Adding additional thousands of drug users will only add to this burden.

The serious shortage of treatment programs in prisons has insured that incarceration cannot "cure" most drug addicts. A recent Justice Department study of offenders released from state prisons found that 62 percent of persons imprisoned for drug possession were rearrested within three years of release. As former Watergate figure and prisoner Charles Colson has said recently, "Addicts leave prison just as likely to commit new crimes as when they went in." If we cannot help drug offenders who are already incarcerated, there is little hope of providing meaningful treatment to additional thousands of prisoners.

5. The Bennett plan advocates increased incarceration, but the major cost of this policy will be borne by state and local governments for decades to come.

The vast majority of drug arrests are made at the state level. Increased funding to state and local governments for law enforcement will lead to more arrests, convictions, and sentences to prison. Yet, the Bennett plan includes no funding for state prison construction or costs of incarceration. Each new prison cell built to accommodate Bennett's strategy will cost about \$50,000, plus approximately \$20,000 a year for housing of each new prisoner. All of these costs will be the responsibility of state and local taxpayers, diverting funds from schools, roads, housing, and treatment programs.

There is a Better Way

Addressing the drug problem needs to begin with the premise that drugs are a problem which society as a whole needs to deal with, and not just the criminal justice system. As with other issues, the criminal justice system may provide some measure of justice and safety, but it is not designed to resolve underlying social and economic issues. A constructive approach to the drug problem which the Bennett plan could have emphasized would have been the following:

Social and Economic Issues

Contrary to the contention of Bennett and others, addressing the problem of poverty and "quality of life" are both short-term and long-term issues. Funds that will be used to build and operate prisons could instead be devoted to programs of job training and placement, school dropout prevention, child care programs, and other needed services.

Treatment

As the Bennett plan notes, "treatment for drug addiction can -- and often does -- work." Yet, in 1987, the National Institute on Drug Abuse estimated that publicly funded drug treatment was available for only 4 percent of the estimated 6.5 million drug users and addicts who needed help. Substance abusers with financial resources have little trouble finding high-quality treatment programs. For poor people seeking help, though, a six-month waiting list for treatment is not unusual.

No single drug program or approach will work for all drug users. What is needed is a funding commitment to develop a variety of models to respond to the range of drugs and drug users.

Prevention and Education

From 1982 to 1985, only \$23 million a year, 1 percent of total drug abuse funding, was spent on prevention and education. Although the 1988 Anti-Drug Abuse Act increased funding in this area tenfold, more than three-quarters of all funding still remained in "supply reduction."

With the important exception of "crack," drug use has generally been declining over the past several years. Most experts believe this is primarily due to increased awareness about the hazards of drugs, and not through reduced availability or increased sanctions. Now is the time to build on this progress, and to design new methods of reaching young people.

[Much of the data in this briefing paper is taken from Mathea Falco, Winning the Drug War: A National Strategy, Priority Press Publications, New York, 1989]

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