



Wisconsin Treatment Alternatives to Prison HIA Frequently Asked Questions

1. ***How will the state save by sending non-violent offenders to treatment programs and community supervision instead of prison?***

Treatment alternatives to incarceration save Wisconsin money by:

- **Reducing the cost of intervention.** The average cost of incarcerating one individual for one year in Wisconsin is approximately \$32,000. The average cost of more expensive treatment alternatives is significantly lower, totaling less than \$8,000.
- **Reducing costs associated with recidivism.** Non-violent offenders who participate in Treatment Alternatives and Diversion (TAD) Program in Wisconsin re-commit crimes at a lower rate than those released from prison (19% vs. 25%), therefore the state saves by averting criminal processing, re-incarceration, and victimization costs. A state study of TAD shows that for every \$1.00 invested in TAD, the Wisconsin criminal justice system received nearly \$2.00 in cost savings.ⁱ By that yardstick alone, an increased investment of \$75 million would yield an annual savings to the state of almost \$150 million.

2. ***Will increasing access to TAD programs let dangerous criminals back on the street?***

Judges and other respected professionals screen people for TAD programs and select only those who do not pose a danger or serious threat to the community. Those who qualify for TAD programs are low-risk offenders, and graduates of alternative programs are less likely to commit another crime than those who are incarcerated. Expanded TAD programs will not mean fewer violent criminals behind bars. On the contrary, increased funding will let the law enforcement system focus on **preventing** violent crime, as well as help low-risk offenders return to their communities healthy and productive.

3. ***Will mandating treatment and community supervision – rather than prison – send a message that Wisconsin is soft on crime?***

The goal of the criminal justice system is to fairly and effectively ensure public safety for citizens. While instituting severe penalties for non-violent offenses has been touted as “tough on crime”, the threat of lengthy prison sentences has not been shown to actually deter criminal activity.ⁱⁱ Incarceration for non-violent offenses punishes offenders, but does not address the source of the behavior, and offenders are most often released with the same substance abuse or mental health problems they had upon prison entry, making it likely they will commit similar offenses.

Problem solving courts **are** tough on crime – and even better, they are **smart** on crime. These systems hold non-violent offenders accountable while treating the underlying cause of criminal behavior, such as drug and alcohol abuse and mental health problems. This approach is effective in reducing recidivism and crime – essential for public safety – as well as the health and welfare of low-risk offenders and their families and communities.

4. ***If we know that problem solving courts reduce crime, as well as improve the chances that a person stays out of prison and achieves better physical and mental health – and we know it will cost \$75 million to serve all non-violent offenders who are eligible – why can't we just take the money out of the prison system budget to pay for these important treatment services and programs?***

While the state can expect to see savings from decreased incarceration due to problem solving courts, these savings are not realized immediately upon increasing funding for TAD programs. The state will need to fund current prison operations while new problem solving court systems are established. As Wisconsin prisons are overcrowded, the initial reductions in prison population will solve overcrowding, but not necessarily reduce the prison budget. However, as problem solving courts and diversion programs begin to operate at full capacity, the state will begin to realize savings. Wisconsin should start seeing a decrease in the Department of Corrections budget within two years of increasing TAD funding to \$75 million.

5. ***What are other states doing with regard to problem solving courts?***

All 50 states have established problem solving courts. Most are drug courts for non-violent offenders, but many states also have mental health courts, OWI (Operating a Motor Vehicle While Intoxicated) courts, family courts, and other specialized courts and diversion programs. Many state leaders recognize that problem solving courts offer solutions for state budgets in crisis as well as public safety and health issues; most states are increasing options for treating non-violent offenders outside of the prison system. In fact, 26 states increased funding for drug courts between 2007 and 2009, for a total of \$63 million in expanded appropriations – a 35% increase overall.ⁱⁱⁱ Examples of state work to expand problem solving courts:

- **Georgia** increased funding for drug and mental health courts from \$1 million to \$11 million for FY2013, as part of a strategy to address the projected 8% increase in the Georgia prison population (at an additional cost to the state of \$264 million by 2016).^{iv}
- **New Jersey** enacted legislation in 2012 to pilot a program to expand drug courts to all counties and give judges authority to mandate substance abuse treatment (most drug courts have voluntary entry).^v The budget was increased for drug court programs by \$2.3 million in FY2013, bringing New Jersey's budget for drug court programs to nearly \$46 million annually.^{vi}
- **New York** had a drug court in every county in the state but one, as of 2009. In that same year, these drug courts served an average of 7,253 low-risk offenders per month.^{vii}

6. ***Will prison workers lose their jobs if offenders are being diverted away from prisons?***

Many good men and women are employed by the Department of Corrections. Clearly, if the prison population is reduced, there will be fewer jobs available in the corrections system. Part of the challenge for policy makers will be to ensure that there is help available for people to transition to other employment.

However, job loss in Wisconsin will be much more profound if the state is in fiscal crisis. Reducing the Department of Corrections budget will help stabilize the Wisconsin state budget and limit cuts occurring in other state programs. A secure budget can mean actually mean increased employment opportunities throughout the state, for example, in the problem solving court system. TAD programs have also been shown to increase employment among graduates of the programs, therefore improving employment rates and tax revenues for the state as well.

7. ***I've heard that drug treatment really doesn't work, that many people relapse. So, why would we assume it would work here?***

No program is 100% effective. However, low-risk offenders who participate in drug court treatment programs have nearly **double** the rate of recovery compared to similar offenders who receive minimal drug treatment (44% of participants vs. 24% of comparison group report no drug use 18 months after baseline measurement). As most prisoners do not even receive minimal drug treatment, we can conclude that drug court treatment programs do a much better job of promoting recovery than prisons, leading to higher rates of ex-offenders who are healthy, employed, and less likely to re-commit crimes.

Substance abuse recovery is a process. Good treatment alternative programs do not assume ultimate failure with the first setback. They demand accountability, and they include graduated sanctions for failure to stick with the program, as well as graduated rewards for progress toward recovery.

8. ***How many low-risk offenders could be diverted out of the prison system if problem solving courts were funded at \$75 million? What would be the impact?***

Drug and OWI offenders account for about 80% of the growth in the prison population in Wisconsin since 1996. Increasing TAD funding to \$75 million annually would minimize this growth, as well as:

- **Reduce the prison & jail population.** Of the 8,000 people sent to prison in the state each year, 3,115 low-risk, non-violent offenders would be eligible for alternative diversion programs. Out of the approximately 227,000 jail admissions, about 21,000 would be eligible.
- **Reduce crime.** Funding at \$75 million would translate into a 20% reduction in new crimes committed by those eligible for TAD programs. Over five years this would mean almost 1,000 fewer crimes committed in Wisconsin.
- **Keep ex-offenders from returning to prison.** After two years, nearly half of those released from Wisconsin prisons are back behind bars. But more than 80% of graduates from TAD programs remain arrest-free.
- **Strengthen families.** Increased TAD funding would mean that up to 1,600 Wisconsin parents would not be imprisoned each year, keeping families intact.

ⁱ Van Stelle KR, Goodrich J, Paltzer J, University of Wisconsin Population Health Institute, "Treatment Alternatives and Diversion (TAD) Program: Advancing Effective Diversion in Wisconsin" (December 2011), *available at:* <http://uwphi.pophealth.wisc.edu/about/staff/van-stelle-kit/tad-2011-evaluation-report-exec-summary.pdf>

ⁱⁱ Lee DS, McCrary J, National Bureau of Economic Research, "CRIME, PUNISHMENT, AND MYOPIA" (June 2005) *available at:* http://www.nber.org/papers/w11491.pdf?new_window=1

ⁱⁱⁱ Huddleston W, Marlowe DB, National Drug Court Institute, "Painting the Current Picture: A National Report on Drug Courts and Other Problem-Solving Court Programs in the United States" (July 2011) *available at:* <http://www.ndci.org/sites/default/files/nadcp/PCP%20Report%20FINAL.PDF>

^{iv} National Drug Court Resource Center, "For drug and mental health courts, accountability is key" *available at:* <http://www.ndcrc.org/content/drug-and-mental-health-courts-accountability-key-%E2%80%93-barrow-county-ga>

^v State of New Jersey Governor Chris Christie, "Governor Chris Christie Follows Through on Commitment to Reclaim Lives with Landmark, Bipartisan Mandatory Drug Court Law" (July 19, 2012) *available at:* <http://nj.gov/governor/news/news/552012/approved/20120719c.html>

^{vi} State of New Jersey FY2013 Appropriations Act, p. 211 *available at:* <http://www.state.nj.us/treasury/omb/publications/13veto/pdf/appropact.pdf>

^{vii} New York State Unified Court System, "Drug Treatment Courts 2009 Annual Report" *available at:* http://www.nycourts.gov/courts/problem_solving/drugcourts/pdfs/2009annualreportFinal.1.pdf