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Should all drug felons be in prison?

By Jim Nowlan

In the 1990s, I team-taught a college course in American history at the state prison in Galesburg. I came away with a sense that not all those I met needed to be in prison for their transgressions. Are there better ways to deal with what is basically a drug problem?

Hill Correctional Center looks like a spare version of a small college, with dorms, education building, dining hall, exercise and weight room. But it's grim in there. When I taught, the gangs ran the prison (they no longer do) and the social order was (and is) turned upside down, with blacks on top and whites on the bottom.

I recall my first evening of teaching. After class, a slender young white inmate approached me, quivering a bit. "Are you a lawyer?" "No, I answered." "But you know about the law, right?" "A little," I said.

"You gotta help get me out of here," the inmate pleaded, explaining that he had just been transferred there from a federal prison.

Not being able to help, I wondered later what ever happened in prison to that vulnerable young man.

Prisons are awful places, as I guess they are supposed to be, but they don't do much of a job rehabilitating inmates, as more than half end up back in prison within three years.

When I was a state legislator in the early 1970s, there were 8,000 inmates in our prisons. Today, there are 45,000. I know society has changed a lot since the 1970s, but I question increasing the inmate numbers by five times.

In the 1980s, Illinois got tough on criminals, with longer mandatory sentences for serious crimes and lower thresholds for possession of drugs that are felonies. As a result, from 1985-2005, the drug arrest rate in the Chicago region nearly tripled.

Drugs are the primary reason we were building one new prison a year for about 15 years. In Chicago in 2003, about 80 percent of all arrestees tested positive for drugs, according to the "2006 Crime and Justice Index" published by Chicago Metropolis 2020. Over 60 percent of offenders entering Illinois prisons met the diagnostic criteria for chemical dependency. Yet the Illinois Department of Corrections had, in 2006, just 4,000 substance abuse treatment slots for the more than 21,000 prisoners who needed treatment.

Class 4 felonies for low-level drug possession and other non-violent crimes represented by far the biggest number of persons sent to prison in Illinois from 1985-2005. The average length of stay in prison in Illinois for non-violent drug offenders is less than a year, and much of the cost of incarceration has to do with processing in and out.

Most of those convicted for drug offenses are black and most of the users are white. According to the study mentioned above, more than 70 percent of the drug use population is white and yet 85 percent of the drug prison admissions are non-white. In

other words, the users generally walk while the sellers do the time. Partly as a result, in Illinois in 2004 there were 25,000 African-American males in prison and just 21,000 enrolled in 2- or 4-year colleges.

Prison is expensive, at about \$22,000 per inmate per year. Mental health treatment out of prison for these same inmates would cost about half that amount. Monitoring an offender out of prison costs about \$1,500 per year.

In recent years, Arizona and California voters enacted propositions that mandate drug treatment rather than jail time for low-level, non-violent drug offenders. According to the Crime Index study, California reduced incarceration levels for those serving time for simple drug possession by 32 percent and saved hundreds of millions of taxpayer dollars. Concerns that those diverted to treatment would engage in violent crime have not been realized, the study concluded, and the violent crime rate in California has continued to decline since enactment.

Illinois has created several drug courts for those charged with possession felonies. Drug court participants must agree to enter a community-based treatment program, but there are not enough programs to meet demand.

I am certainly no expert on drugs and crime, yet I think we should revisit the penalties we impose in Illinois for simple drug possession and the treatment available to this population. Prison is not a place that rehabilitates minor offenders. There ought to be a better way.