

124112

U.S. Department of Justice
National Institute of Justice

This document has been reproduced exactly as received from the person or organization originating it. Points of view or opinions stated in this document are those of the authors and do not necessarily represent the official position or policies of the National Institute of Justice.

Permission to reproduce this ~~copyrighted~~ material has been granted by

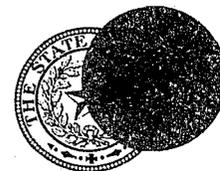
Public Domain/BJS

U.S. Department of Justice

to the National Criminal Justice Reference Service (NCJRS).

Further reproduction outside of the NCJRS system requires permission of the ~~copyright~~ owner.

124112



Criminal Justice Policy Council

TEXAS STATISTICAL ANALYSIS CENTER

**Research
Analysis**

Drug Use and Recidivism of Texas Prisoners

I. Introduction

The use and sale of illicit drugs has become one of the most salient issues on the nation's agenda. Attempting reductions in both the demand for and supply of illegal drugs is affecting social policies, law enforcement, economic policies, and even international trade. An increased focus on law enforcement and drug treat-

ment efforts has been necessary in Texas to deal with the large amount of drug activity in the state.

According to the recently published *1990 State-wide Strategy for Drug and Violent Crime Control* by the Governor's Task Force on Drug Abuse, the scope of drug activity in Texas has increased to record levels in recent years. Some indicators of the increase in drug activity quoted in the *Strategy* are the following:

- For the past two years, the McAllen sector of the U.S. Border Patrol has ranked as the number-one smuggling point in the entire nation. An estimated 30% of all heroin, cocaine, and marijuana entering the United States does so via Texas smuggling routes.

- Total federal interdiction of drugs along the Texas border increased by 56% between 1988 and 1989, from 1,974 seizures valued at \$364 million in federal fiscal year 1988 to 3,548 seizures valued at \$815 million in 1989.

- Texas currently ranks second in the seizure of illegal drug labs, behind the state of California. It is estimated that Texas produces approximately one-third of the nation's supply of methamphetamine. Marijuana is also widely cultivated in the state. According to recent reports from the El Paso Intelligence Center, Texas leads the nation in marijuana seizures, a problem that is compounded by the large number of cannabis plants grown here.

The increased drug activity in the state and the corresponding increase in drug law enforcement efforts have had a tremendous impact on the state criminal justice system:

- Arrests of drug offenders in Texas have increased by 45.9% between 1980 and 1988, from 41,370 arrests to 60,377. This figure will continue to grow due to the impact of new law enforcement efforts in the state funded by federal and state funds.

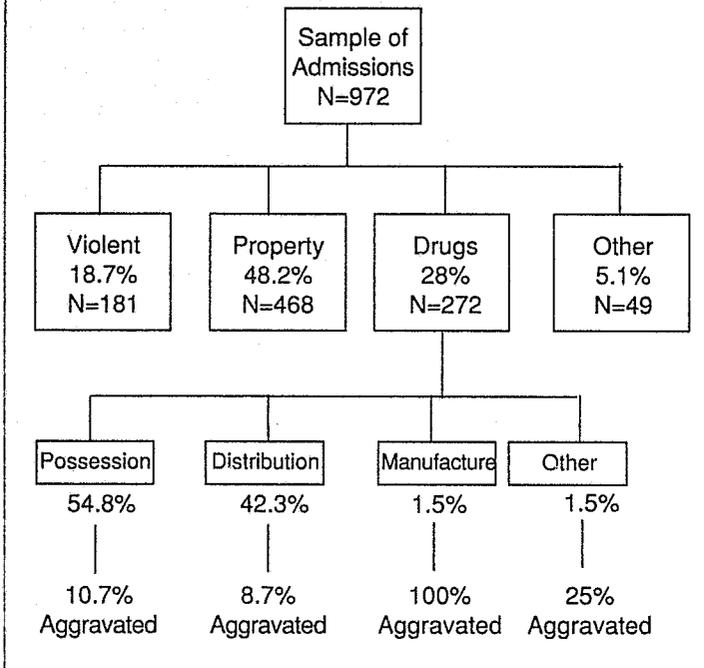
Note from the Executive Director

Drugs have become a corrosive threat to our society. The lure of immense profits has overcome the diminishing risks of apprehension and prosecution for many. If Texas wants to take the drug dealers out of our communities and schools, the financial incentive for narcotics trafficking must be removed and the deterrent threat of punishment restored. During the past year, the Policy Council has placed particular emphasis in researching the impact on the state correctional system of the increased federal funding for drug law enforcement made available by the federal Anti-Drug Abuse Acts. These funds have been used to coordinate law enforcement resources through the multi-agency task forces of the Texas Narcotics Control Program.

In this monograph, Dr. Tony Fabelo and Lisa Riechers detail the criminal history and reported drug use of a segment of the drug offenders admitted to prison. The increasing number of drug offenders entering the prison system obviously reflects the expansion of illegal drug activity in our state, but escalating revocation numbers may also point to an inability of alternative sanctions to modify drug-induced behavior.

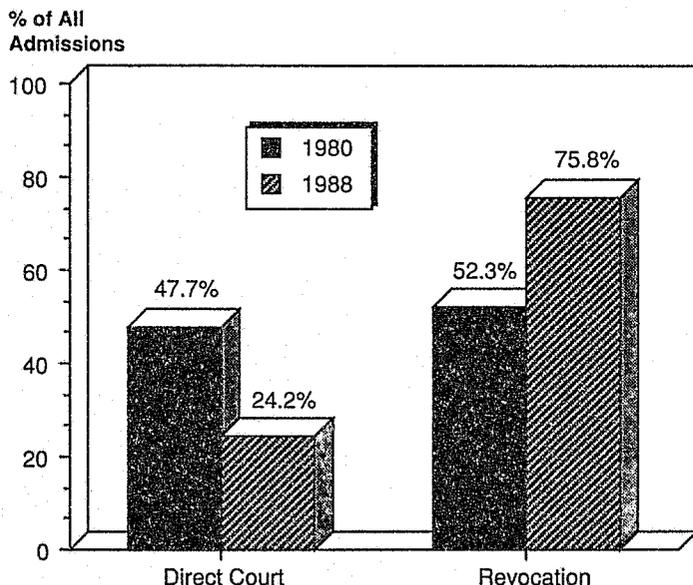
*Rider Scott
Executive Director*

**Exhibit 1: Type of Admission to Prison
by Offense Category: 1988
Sample Data**



- 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 1988, cases convicted for drug violations represented 27.9% of drug arrests compared to 19.5% in 1980. Cases convicted for drug violations increased by 185%, from 8,103 drug

Exhibit 2: Type of Admission to Prison, Direct Court or Revocation: 1980 and 1988



convictions in 1980 to 23,126 in 1989. Note that arrest counts are for persons while conviction counts are for cases. There is no way to indicate the number of multiple cases being filed against individual defendants.

- 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 1989, prison admissions for offenders with a drug violation represented 31% of the drug cases convicted compared to 15% in 1980. The number of admissions for this group increased by 487% during the same period, from 1,248 drug offenders admitted to prison in 1980 to 7,327 admitted in 1989.

This report focuses on the impact of the drug problem on the correctional system, in particular the impact on the changing composition of the prison population. In this monograph, the results of a survey of a random sample of 972 inmates admitted to the Institutional Division of the Texas Department of Criminal Justice (formerly the Texas Department of Corrections) in late 1988 are presented. Specifically, this report analyzes the characteristics of drug offenders admitted to Texas prisons and their drug use. For some of the trend analysis, data from a 1986 study of admissions to prison conducted by the Community Justice Assistance Division of the Texas Department of Criminal Justice (formerly the Texas Adult Probation Commission) will be used.

II. Characteristics of Drug Offenders Admitted to Prison

- Exhibit 1 shows the offense category of admission for the 1988 sample data. Drug offenders represented the second largest offense group admitted to prison, after property offenders. As Exhibit 1 shows, 54.8% of the drug offenders were admitted to prison for a possession violation and 42.3% for a distribution violation. The possession category could include offenders charged with "possession with intent to distribute." Moreover, 10.7% of those admitted for possession, 8.6% of those admitted for distribution, and all of those admitted for manufacturing of drugs were admitted for an aggravated drug offense (a worse offense due to the large amount of drugs involved). 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.

- In addition to a higher prevalence of admission for drug offenders, more of the prison admissions are for revocations of probation or parole. Offenders can be

sent to TDC directly from the sentencing court (for new convictions), as well as for a probation or parole revocation. Probation or parole revocations can be for a technical violation of the conditions of supervision, or for conviction of a new offense. Overall, admissions to prison directly from court have declined and revocation admissions have become a higher proportion of all admissions, representing over three-fourths of all admissions, as shown by Exhibit 2. This trend is true for every category, with 79% of the property offenders, 58% of the violent offenders, and 57% of the drug offenders revoked to prison from some form of supervision.

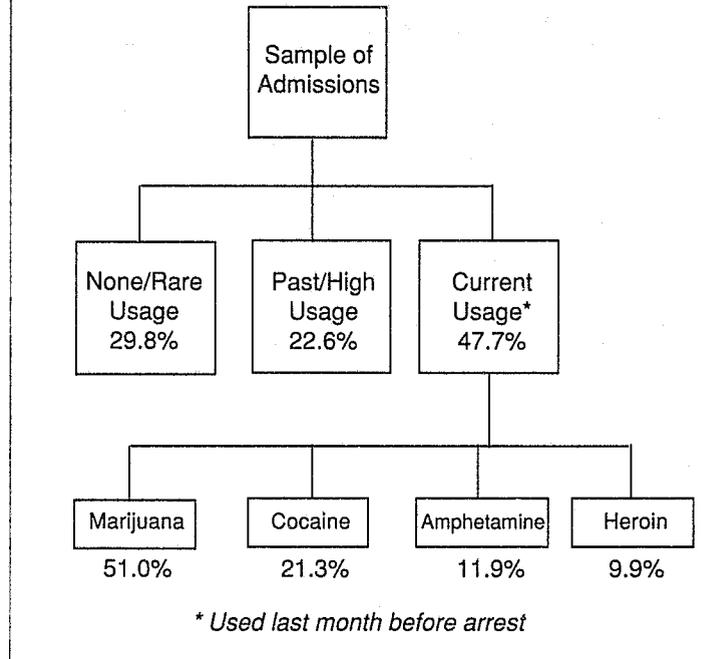
- Drug offenders who had their supervision status revoked represented 46.8% of all drug admissions in the 1986 sample, compared to 57.3% in the 1988 sample. Not only were a higher proportion of drug offenders who were recidivists admitted to prison, but a higher percentage of these recidivists were admitted for a supervision violation in which a new offense was involved. Of those drug offenders admitted for a probation revocation, 25.6% were admitted for a new offense in the 1986 sample, compared to 62.8% in the 1988 sample. Of those drug offenders admitted for a parole or mandatory supervision revocation, 75.9% were admitted for a new offense in the 1986 sample, compared to 87% in the 1988 sample.

- There are indicators showing a hardening of all offenders admitted to prison, such as longer sentences and more return offenders, including offenders admitted to prison for a drug violation. The percentage of drug offenders admitted to prison who have a prior TDC incarceration increased from 34.8% in the 1986 sample to 44.6% in the 1988 sample, and the percentage of drug offenders who were admitted with a sentence of more than five years increased from 38% in the 1986 sample to 58.9% in the 1988 sample.

III. Drug Usage of Prison Admissions

- 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 (within the last month prior to arrest) of one or more drugs, compared to 5.8% of the general population as reported in a statewide survey conducted by the Texas Commission on Drug and Alcohol Abuse in 1989. Additionally, 22.4% of all offenders admitted to prison reported that the "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

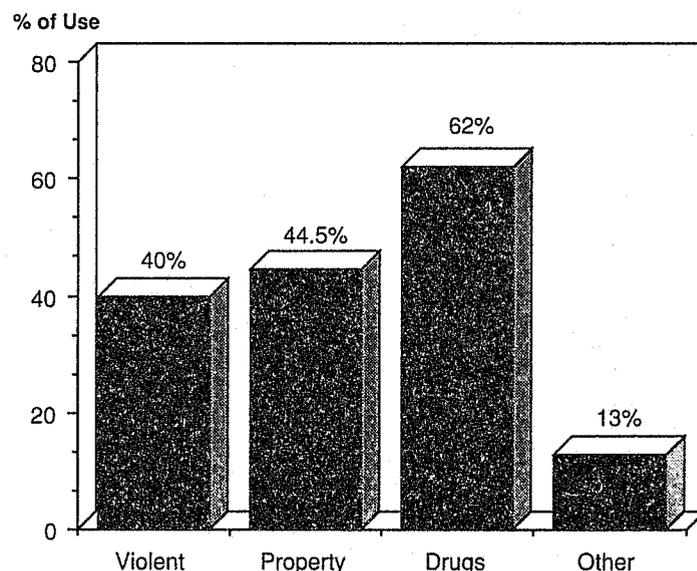
Exhibit 3: Reported Drug Use of Offenders Admitted to Prison: 1988 Sample Data



drugs. Exhibit 3 shows the reported drug use of the offenders admitted to prison in the 1988 sample.

- Offenders admitted to prison for a drug violation use more drugs than offenders admitted for other types of violations. Exhibit 4 shows that 62% of the offenders admitted to prison for a drug violation reported current use of drugs compared to 44.5% of property

Exhibit 4: Current Drug Use of Offenders Admitted to Prison by Offense Type: 1988 Sample Data



offenders. Also, a higher 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 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 or parole revocation tested positive for drugs in urine tests conducted while under supervision. Whether the high number of revocations is due to the failure of alternative community punishment or to the failure of these drug defendants to abide by the rules of the programs in a community setting is an issue for further research.

IV. Conclusion

This report detailed the changing composition of the prison population corresponding with the nationwide focus on drug offenders and drug use. Drug offenders are becoming an increasingly larger percentage of overall prison admissions. The rise in the number of drug offenders in prison calls for intervention strategies directed specifically at this offender population, such as drug rehabilitation and treatment, increased drug testing, and policies directed at removing the profitability from trafficking drugs.

Not only are there more drug offenders admitted to prison, but also there are more drug offenders admitted for a probation or parole revocation in which a new offense was involved. Moreover, more than half of the drug offenders who claimed to have been using drugs during the last month prior to their arrest were admitted for a revocation, often involving a new offense. The increase in the number of drug offenders admitted to prison for a revocation points to the possibility that (a) the characteristics and risk potential of some drug offenders placed on community-based sanctions are not conducive to their success in this setting; (b) community-based sanctions have failed to provide the necessary supervision and intervention strategies for these offenders; or (c) community-based sanctions have not yet reached their full potential in this area. All these possibilities are issues for further research.

— *Dr. Tony Fabelo, Director of Research and Lisa Riechers, Research Specialist*

The Policy Council is the Statistical Analysis Center (SAC) in Texas for the U.S. Bureau of Justice Statistics (BJS), U.S. Department of Justice. The SAC is a non-partisan organization that collects, analyzes and interprets data on criminal justice for state officials and BJS. This newsletter has been funded in part by BJS cooperative agreement 86-BJ-CX-K014.

Criminal Justice Policy Council
P.O. Box 13332
Austin, Texas 78711

ADDRESS CORRECTION REQUESTED

BULK RATE
U.S. POSTAGE PAID
AUSTIN, TX
PERMIT NO. 560

National Criminal Justice Reference Svc
P.O. Box 6000
Rockville, MD 20850

