

A Public Health Approach to Illicit Drug Use in Travis County Reducing Arrests & The Costly Consequences of Drug Abuse

“True security is based on people’s welfare – on a thriving economy, on strong public health and education programs, and on fundamental respect for our common humanity.” -Bam Ki-moon

Real public safety in our communities can be achieved by addressing the health and welfare of its members. How a community responds to illicit drug use is a remarkable indicator of its commitment to safety. Communities that respond with harsh criminal consequences are doomed to experience the worst ravages of drug use, whereas those that respond by providing access to treatment and community supports will see declines in drug use and related crime.

Substance Use Disorder Has a Damaging Impact on Travis County Residents and the Larger Community

According to Austin/Travis County Integral Care, which led a group of stakeholders in developing a plan to address substance use in Travis County, more than 85,000 local youth and adults abuse alcohol or illicit drugs each year.¹ Of those, more than 40,000 are dependent on drugs or alcohol and require recovery supports. The same report indicated that 35 percent of all arrests by the Austin Police Department were alcohol- or drug-related in 2015, and 60 percent of Travis County Jail residents meet the criteria for substance use disorder.

Substance use disorder ravages the lives of those impacted, harming families and the community. People addicted to drugs or alcohol account for a disproportionate share of emergency medical responses, hospital expenses, police officer time, and overdose- or traffic-related fatalities.

But there are two kinds of harm associated with drug use: the harm caused by the drugs themselves when they are abused, and the harm caused by our policy responses to drugs.

Travis County Fails to Provide Adequate Community-Based Interventions to Address Harmful Drug Use

According to the 2010-2012 National Survey on Drug Use and Health, Central Texas has the highest percentage of people in need of but failing to receive substance use services in the state.² When people seek help, they typically encounter a waiting list – the most common barrier to accessing treatment for people with substance use disorder.³ Further, lack of funding for detoxification and recovery supports creates harmful gaps in the continuum of care, exacerbating the community impact of drug use.

Lack of Access to Treatment Services

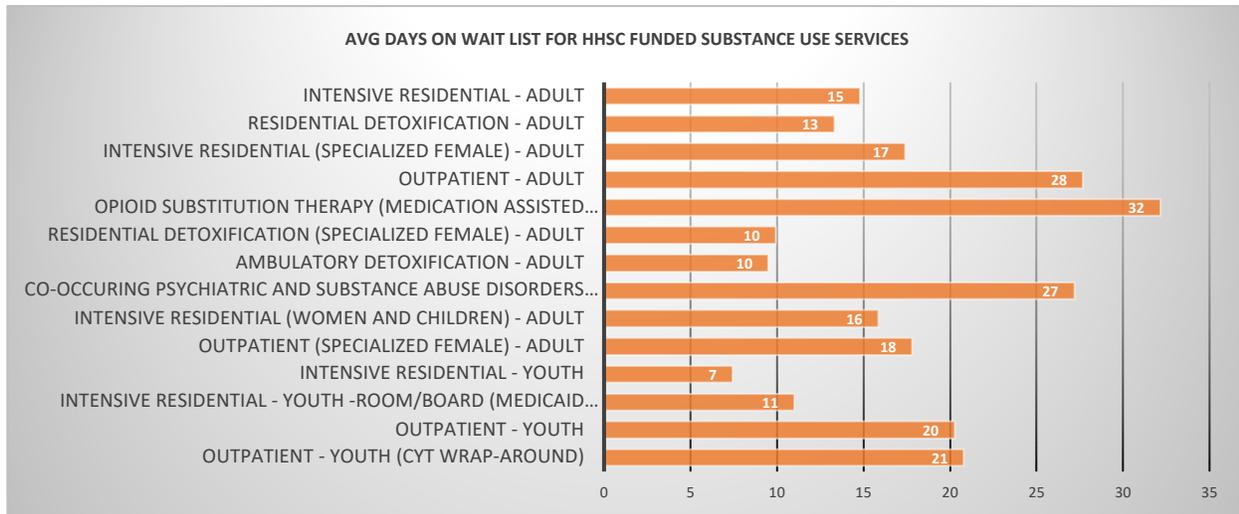
Travis County lacks adequate detox beds, a major gap in the continuum of care for people with addiction to opiates and alcohol.⁴ Austin Recovery closed its 14 detox beds in 2014. Cenikor has a handful of detox beds, but they lack the capacity to serve all of those seeking services.

GOING IN THE WRONG DIRECTION

Investments in substance use services in Travis County decreased from \$1.5 million in FY 2012 to \$1.1 million in FY 2015.

Travis County Plan for Substance Use Disorders

According to the Texas Health and Human Services Commission, low-income youth and adults with substance use disorder must wait more than two weeks for intensive residential treatment, four weeks for outpatient treatment, and almost five weeks for medication assisted treatment.⁵ People in need of co-occurring psychiatric and substance abuse treatment must wait almost four weeks for specialized services, a factor that further limits access to treatment for a group that is already underserved.⁶ Further, detox services are very limited in Travis County, so there is an added complication to arrange for transportation to other sites. Significantly, health providers – as well as those in need of treatment – are often unaware that the limited services that *are* available even exist.



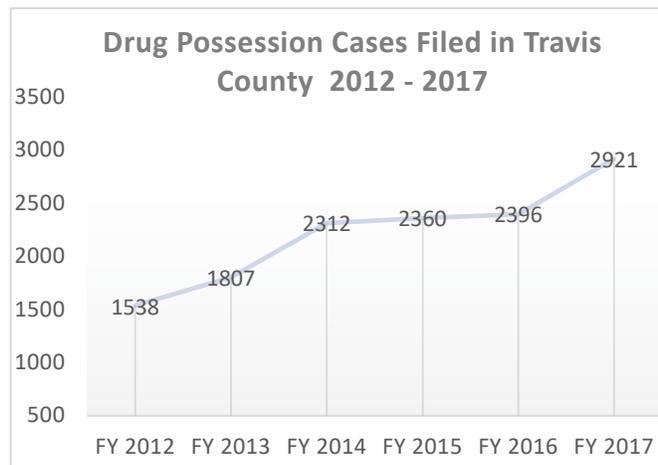
Even when people are able to access the wait list for treatment services, homelessness can increase the likelihood of attrition off the wait list. This is true even where there are relatively short delays between assessment and treatment admission.⁷ Substance use is the largest cause of homelessness among single adults.⁸ According to the Ending Community Homelessness Coalition, more than 300 of the 1,900 homeless people in Travis County on any given day have been diagnosed with a substance use disorder.⁹

Drug Possession in Travis County: Criminal Justice Practices Make the Problem Worse

Travis County continues to try to win a war on drugs that most experts agree is contrary to public health and safety. **Since 2012, the number of drug possession cases filed in Travis County increased 90 percent, a rate of increase that far exceeds filing rates for any other type of offense.**¹⁰

During the last 12 months alone, there were 2,623 arrests for low-level drug possession, in Travis County.¹¹ In most cases, the defendants possessed less than one gram (the equivalent of a sugar packet). The majority of those arrested spent time in county jail, state jail, or prison.¹²

Yet there is no empirical evidence that incarceration will prevent future substance use;¹³ in fact, most of



the defendants who are sentenced to a term of incarceration for drug possession will be re-arrested within three years.¹⁴ And felony convictions significantly limit housing and employment opportunity, making community reintegration a daunting challenge.

Racial disparities associated with drug arrests are glaring: African Americans comprised 24 percent all arrests for possession in 2017, despite representing only 8 percent of the Travis County population.

A smaller proportion of the drug possession cases in Travis County over the last year were handled through placement on probation or in a drug court. But unfortunately, probation and pretrial programming in Travis County is not a realistic option for many defendants, who face major obstacles with respect to substance use, mental health issues, homelessness, and other factors.

The impact of overly punitive drug policies is especially significant for communities of color, with glaring racial disparities associated with drug arrests. African Americans comprised 24 percent all arrests for possession in 2017,¹⁵ despite representing only 8 percent of the Travis County population.¹⁶ And limits on employment and housing only serve to exacerbate these disparities.

Continuing the cycle of arrest and incarceration for what is essentially a public health issue will only make the problems associated with illegal drug use worse.

“The consequences of harmful substance use are too often addressed in the most costly settings, through the criminal justice or emergency room systems, rather than the public health system.”

Travis County Plan for Substance Use Disorders

Costly and Ineffective Criminal Justice Responses

Detaining someone with substance use disorder for a nonviolent offense like possession of a controlled substance is expensive and massively inefficient. Austin Police Department spends between \$55 and \$97 per person to arrest and book someone into county jail, and the Sheriff’s Office incurs another \$152.99 per booking and \$96.71 per jail bed day.¹⁷ Taxpayers foot the bill for these costs.

In addition to significant fiscal ramifications, holding someone in county jail prior to trial, rather than practicing non-arrest or pretrial diversion, increases the likelihood that the individual will receive a longer sentence (again at taxpayer expense), and that the consequences will be more severe for even moderate- or low-risk defendants.¹⁸ As noted above, incarceration can lead to high rates of recidivism – higher than recidivism rates among people on community supervision¹⁹ – leading to costly re-incarceration.

Further, there are economic costs to families and the community that result from pretrial detention: the individual is deprived of the ability to retain employment and housing, which increases the likelihood that families must rely on county or state resources.

Travis County Must Implement New Strategies to Promote Harm Reduction and Improve Public Health

Recognizing that substance use disorder is a chronic disease that requires a continuum of supports within the community, Travis County must adopt strategies that begin with harm reduction, aimed at reducing negative consequences associated with drug use. The County must commit to augmenting the services that work while simultaneously decreasing the role of the criminal justice system in responding to substance use.

Criminal justice strategies are costly and often ineffective, squandering resources that could be used on evidence-based approaches. Despite the work of community stakeholders to develop a public health-oriented plan to address substance use disorder in Travis County, many of the recommendations have never been adopted due to the ever-increasing interest in maintaining the criminal justice infrastructure.

It is time for a reinvestment strategy in Travis County.

Rather than allocate tens of millions of dollars to house people in Travis County Correctional Complex for drug-rated charges, Travis County should invest in the services recommended by community stakeholders:

1. **Invest in the Treatment Infrastructure**
 - a. Allocate the funds necessary to create adequate detox beds in Travis County.
 - b. Increase availability of treatment beds for people with co-occurring substance use and mental health disorders.
 - c. Increase overall treatment bed availability.
2. **Invest in Harm Reduction and Outreach**
 - a. Improve access to medication assisted treatment and needle exchange.
 - b. Create an outreach network to inform medical/social service providers, as well as people in need of substance use services, about the availability of services.
 - c. Train medical personnel, social service providers, and first responders in motivational interviewing.
3. **Improve Recovery-Oriented Community Supports**
 - a. Increase the availability of Peer Recovery Coaches and utilize these coaches in wide array of settings, including emergency rooms, jail, and homeless shelters, and as outreach and harm reduction teams.
 - b. Identify gaps in recovery housing and improve access to these safe and supportive aftercare strategies.
4. **Reorient Law Enforcement, Judges, Prosecutors, and Probation Officers Towards Community-Based Diversion** *[see below]*

Strategy to Divert People from the Typical Criminal Justice Process

Already, 11 cities across the country have implemented harm-reduction interventions for drug and drug-related offenses.²⁰ **Pre-arrest diversion approaches, which offer people community-based services rather than jail, are founded on the evidence-based principles of harm reduction, where participants' needs are addressed in a non-coercive manner.** Where these strategies have been implemented, communities have seen a remarkable drop in re-arrest rates. Specifically, participants in these programs were **58 percent less likely to be arrested** after enrollment compared to those who went through the



normal criminal justice process – arrest, booking, detention, prosecution, conviction, and incarceration.²¹ Remarkably, program participants also saw a long-term, decreased likelihood of being charged with a felony offense.

A public health/harm-reduction approach to illegal drug use can achieve far greater results with respect to public safety and health than the normal criminal justice process.

Travis County should implement front-end diversions, which are effective so long as they adhere to a set of principles. They must:

1. **Re-orient** the government’s response to safety, disorder, and health-related problems.
2. **Improve** public safety and public health through research-based, health-oriented, and harm reduction interventions.
3. **Reduce** the number of people entering the criminal justice system for low-level offenses related to drug use, mental health, sex work, and extreme poverty.
4. **Undo** racial disparities at the front end of the criminal justice system.
5. **Sustain** funding for alternative interventions by capturing and reinvesting justice system savings.
6. **Strengthen** the relationship between law enforcement and the community.

Citations

- ¹ Austin Travis County Integral Care, Travis County Plan for Substance Use Disorders, p. 5, http://www.integralcare.org/wp-content/uploads/2017/09/150901_sud_report_6.pdf.
- ² Austin Travis County Integral Care, Travis County Plan for Substance Use Disorders, p. 34, http://www.integralcare.org/wp-content/uploads/2017/09/150901_sud_report_6.pdf.
- ³ Liebling, Elliott, et al, "Access to Substance Use Treatment Among Young Adults Who Use Prescription Opioids Non-Medically", *Substance Abuse Treatment, Prevention, and Policy* (December, 2016), p. 5.
- ⁴ Austin Travis County Integral Care, Travis County Plan, p. 39.
- ⁵ Texas Health and Human Services Commission, Data Request, September, 2017.
- ⁶ Priester, Mary Ann, et. al, "Treatment Access Barriers and Disparities Among Individuals with Co-Occurring Mental Health and Substance Use Disorders: An Integrative Literature Review," *Journal of Substance Abuse Treatment* (2016), Vol. 61, p. 55.
- ⁷ Winn, Jaime L., et al, "Housing Assistance and Case Management: Improving Access to Substance Use Disorder Treatment for Homeless Veterans", *Psychological Services* (2013), Vol. 10, No. 2, p. 238.
- ⁸ National Coalition for the Homeless, Substance Abuse and Homelessness, 2009, <http://www.nationalhomeless.org/factsheets/addiction.pdf>.
- ⁹ Austin Travis County Integral Care, Travis County Plan, p. 40.
- ¹⁰ Office of Court Administration, Court Activity and Directory System, <http://card.txcourts.gov/AdHocSearchNew.aspx>.
- ¹¹ Texas Department of Public Safety, Data Request, December, 2017.
- ¹² Office of Court Administration, Court Activity and Directory System.
- ¹³ Kelly, William, *Criminal Justice at the Crossroads: Transforming Crime and Punishment*, 2015, Columbia University Press, New York, ebook location 5014.
- ¹⁴ Legislative Budget Board, Statewide Criminal and Juvenile Justice Recidivism and Revocation Rates, January, 2017, http://www.lbb.state.tx.us/Documents/Publications/Policy_Report/3138_Stwide_Crim_Just_Recid_Revoc.pdf.
- ¹⁵ Texas Department of Public Safety, Data Request, December, 2017.
- ¹⁶ U.S. Census Bureau, Travis County Quick Facts, <https://www.census.gov/quickfacts/fact/table/traviscountytexas/SEX205210>.
- ¹⁷ Austin Travis County Integral Care, Travis County Plan for Substance Use Disorders, p. 6, http://www.integralcare.org/wp-content/uploads/2017/09/150901_sud_report_6.pdf.
- ¹⁸ Ortiz, N. R., "County Jails at a Crossroads: An Examination of the Jail Population and Pretrial Release." The National Association of Counties, <http://www.naco.org/resources/county-jails-crossroads>.
- ¹⁹ Legislative Budget Board, Statewide Criminal and Juvenile Justice Recidivism and Revocation Rates.
- ²⁰ LEAD National Support Bureau, LEAD: Advancing Criminal Justice Reform in 2017, <https://www.leadbureau.org/>.
- ²¹ Collins, Susan, et. al., "Seattle's Law Enforcement Assisted Diversion (LEAD): Program effects on recidivism outcomes", *Evaluation and Program Planning*, 64 (2017), p. 49 – 56, https://docs.wixstatic.com/ugd/6f124f_f4eed992eaff402f88ddb4a649a9f5e6.pdf.