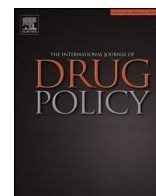




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Contents lists available at ScienceDirect

## International Journal of Drug Policy

journal homepage: [www.elsevier.com/locate/drugpo](http://www.elsevier.com/locate/drugpo)

## Policy Analysis

## Role of recovery residences in criminal justice reform

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## ARTICLE INFO

## Article history:

Received 24 April 2017

Received in revised form 17 September 2017

Accepted 11 October 2017

Available online xxx

## Keywords:

Drug offense

Recovery home

Parole

Probation

Criminal justice reform

Residential treatment

## ABSTRACT

Over the past decade there has been a clear consensus among drug policy researchers that the practice of incarcerating persons for drug offenses has been counterproductive. As a result, U.S. criminal justice policy is increasingly emphasizing alternative dispositions to incarceration for drug related arrests. In addition, large numbers of persons currently incarcerated for drug related offenses are being released into communities. However, there are serious questions about where these individuals are going to live once released and how they will access needed services. Residential recovery homes in the community are good options for those who wish to pursue abstinence from drugs. They provide a drug- and alcohol-free living environment along with social support for abstinence and successful functioning in the community. This paper reviews recent changes in drug policy the U.S. and describes the variety of recovery home options that are available to persons diverted or released from incarceration.

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Criminal justice policymakers and researchers in the U.S. are increasingly recognizing that incarceration of drug offenders has failed as a deterrent to crime and results in numerous counterproductive consequences (Brennan Center for Justice, 2016; King, Peterson, Elderbroom, & Taxy, 2015). As a result, federal, state and local levels are increasing efforts to reduce the numbers of persons incarcerated for drug-related offenses. Prison inmates in federal and state institutions are being released on parole in large numbers, and the dispositions of persons arrested for drug offenses are shifting toward lower crime classifications (e.g., misdemeanor instead of felony charges). However, questions arise about where persons on parole or probation will live and what types of support will be necessary for them to sustain long-term recovery and successful functioning in the community.

The purpose of the paper is to describe criminal justice reform policy as it relates to drug offenses and highlight the important role that recovery residences can play in implementation of the reforms. The paper is not intended to be a comprehensive literature review of criminal justice reform, but selected literature is cited to describe the history and consequences of incarceration as a response to drug offenses and recently implemented alternatives to incarceration. The structure of the paper follows a sequential progression beginning with a brief overview of the history of increased incarceration in the U.S., particularly for drug-related offenses. The consequences of increased incarceration are then discussed, including overcrowding of state and federal

prisons, ballooning costs, and health and social repercussions. I then describe a variety of criminal justice policy reforms at the state and federal level that are designed reduce incarceration. Recovery residences are suggested as a way to provide alcohol- and drug-free housing that can help persons on probation or parole sustain recovery and succeed in adapting to the community. Although more research is needed, I review existing outcome studies of recovery residences for persons on probation and parole. Finally, I note the current U.S. attorney general is promoting a return to destructive policies of incarcerating persons convicted of drug offenses. To counteract these proposals, I highlight the importance of stakeholder involvement to actively influence criminal justice and housing policies, both of which affect the disposition of persons convicted of drug offenses.<

## Incarceration rates

In 2016 there were approximately 2.3 million individuals incarcerated in U.S. federal, state and local institutions (Wagner & Rabuy, 2016). Andrews and Bonta (2010) noted that persons incarcerated in criminal justice institutions were disproportionately minorities; 1 in 15 African American men and 1 in 36 Hispanic/Latino reside in prison. Nearly 40% of all persons in jail or prison are African American (Brennan Center for Justice, 2016). Incarceration in the U.S. has increased 500% over the past four decades, and the U.S. is now the world leader in incarceration, outpacing Russia by 36% per capita (Sentencing Project, 2016). Changes in sentencing laws have played a major role in these increases, particularly laws applicable to drug offenses. In a paper

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reviewing criminal justice policy and practice, [Andrews and Bonta \(2010\)](#) noted that the U.S. adopted a “get tough” on crime approach in the 1970’s that led to increased incarceration of person who were arrested and longer minimum time periods for their incarceration. Because the criminal justice approach focused more on punishment than rehabilitation, obstacles were created to employment, housing, services, and education that would allow previously incarcerated persons to succeed in the community. The result was more incidences of repeated offenses and increased recidivism. Between 1980 and 2014 the number of persons incarcerated for drug offenses in federal, state, and local criminal justice institutions increased from 40,900 to 488,400 ([Sentencing Project, 2016](#)).

### Prison overcrowding and cost

Despite the large increase of persons incarcerated for drug offenses, there is little evidence public safety has improved ([Andrews & Bonta, 2010](#)). For example, in a review of prisoner reentry ([Bushway, 2006](#)) cited data indicating 68% of all individuals released from state prisons are rearrested within three years. Nearly half (43%) were arrested in the first six months after release. [Chandler, Fletcher, and Volkow \(2009\)](#) attributed high rates of re-incarceration to the fact that 80% to 85% of prisoners who could benefit from drug treatment do not receive it.

Instead of decreasing crime and recidivism, incarceration has exacerbated a variety of problems ([Andrews & Bonta, 2010](#)). For example, criminal justice costs have soared. Between 1985 and 2013, state expenditures on corrections increased from \$6.7 billion to \$51.9 billion. Incarceration has also led to seriously overcrowded prisons and jails leading to legal action in a number of states. For example, in 2006, California had the largest state prison system in the U.S. with over 173,000 persons incarcerated, but the maximum capacity was approximately ([Warren, 2006](#)). The extent of overcrowding resulted in a lawsuit that went to the U.S. Supreme Court in 2011. The court ruled that state prisons in California must release nearly 40,000 incarcerated persons because the extent of overcrowding in state prisons made it impossible to provide adequate medical and mental health care ([Lofstrom & Martin, 2015](#)). One strategy to comply with the order was to transfer 9000 prisoners to out-of-state prison facilities ([Eaglin, 2015](#)), which makes it difficult for family members to maintain contact or take part in any type of family services. The state also increased reliance on private facilities within California by sending 2000 persons to such facilities. These strategies have further contributed to exorbitant costs. In 2015, California spent over \$12 billion on incarceration of offenders ([Eaglin, 2015](#)).

### Health and social consequences

In addition to exorbitant costs, overcrowding in prisons and jails has resulted in numerous health and social consequences during and after incarceration. [Petersilia \(2003\)](#) and [Petteruti and Walsh \(2008\)](#) noted overcrowded condition in these institutions are associated with increased prisoner violence and exacerbated mental health disorders. In addition, these conditions fuel transmission of infections such as HIV and hepatitis C ([Chandler et al., 2009](#)). Because previously incarcerated persons are under tested and under treated for infectious diseases, they can put others at risk during and after release from incarceration.

Incarceration affects entire families in addition to the individuals sentenced. Incarcerated persons frequently become isolated from intimate partners, their families, and their communities. They often lose their jobs and in some jurisdictions lose their housing ([Petersilia, 2003](#); [Petteruti & Walsh, 2008](#)). Often overlooked in analyses of criminal justice policies are the consequences of

incarceration on children. The majority of persons incarcerated in state (55%) and federal (63%) prisons report having at least one minor child ([Waul, Travis, & Solomon, 2002](#)). The [Brennan Center for Justice \(2016\)](#) reported one in 28 children has a parent in prison. These children often suffer trauma because of forced separation from their parents as well as challenges adapting to the return of their parents after they are released. ([Waul et al., 2002](#)) pointed out that most families with an incarcerated parent had already been dealing with multiple financial and social stresses before the arrest occurred and subsequent incarceration only made them worse.

### Efforts to reduce incarceration

There is growing consensus that America’s “war on drugs” has failed to curtail drug-related crime and has generated multiple unintended consequences ([Andrews & Bonta, 2010](#)). In addition, the issue of criminal justice reform has gained broad attention among diverse stakeholders, including lawmakers, faith leaders, and civil rights leaders, all of which has contributed to a more receptive political environment for criminal justice reform ([Porter, 2017](#)). As a result, efforts at local, state, and federal level are being made to reduce the population of inmates in prisons and jails. In a publication supported by the Sentencing Project ([Porter, 2017](#)) described a number of policy changes states are making. She pointed out that 17 states in 2016 adopted reforms targeted at reducing prison populations. Examples of new policies include expanding incarceration alternatives, reducing lengths of incarceration, reclassifying drug possession as a misdemeanor offense, streamlining parole releases for persons sentenced for a first-time nonviolent offense, and eliminating mandatory minimum limits. In 2011, California enacted a state law (AB109), which transitions persons in the state prison system to local jurisdictions, often with reduced incarceration periods ([Lofstrom & Martin, 2015](#)). In 2014, California voters passed proposition 47, a ballot initiative designed to reduce felony drug offenses to misdemeanors and provide funding for mental health and drug treatment.

The policy changes being enacted within criminal justice systems appear to be having an impact. The [Brennan Center for Justice \(2016\)](#) noted that states are making reductions in their incarcerated populations. Over the past 10 years, 27 states reduced their overall incarceration rates, and between 2006 and 2014 incarceration in state prisons dropped 7%. Some states with the largest drops in their prison populations also experienced the largest reductions in crime. [Eaglin \(2015\)](#) reported that reductions in the numbers of incarcerated persons are occurring in both state prisons and local jails. For example, Los Angeles County, the largest jail system in the country, has seen its jail population decline by 17% since implementation of proposition 47 in 2014.

### Role of recovery residences

Triaging large numbers of parolees arrested for drug offenses to alternative dispositions in the community raises a number of challenges. Among the most serious is finding stable housing that supports successful re-entry ([Harding, Morenoff, & Herbert, 2013](#)). Housing can also be problematic for persons on probation. [Petteruti and Walsh \(2008\)](#) noted that affordable housing is often difficult to find for persons released from local jails because they often lose their jobs when they are incarcerated. In addition to affordability, housing for criminal justice populations needs to support abstinence from drugs and alcohol, access to needed services (e.g., medical, mental health, and job training) and development of a pro-social recovery lifestyle ([Polcin, 2006](#)).

In some states, recovery residences for alcohol and drug problems play important roles in providing housing for persons on probation or parole. The National Association for Recovery

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