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From The Economist print edition**A humane and sensible policy slashes the prison population**

"PROP 36 saved my life," says Scott, a much-tattooed 48-year-old who believes he has finally conquered 33 years of drug addiction. "No doubt about it." No doubt, too, that Proposition 36, passed by 61% of California's voters in November 2000 and in effect since July 2001, is saving the state a great deal of money by offering treatment instead of incarceration for non-violent adult drug offenders.

A state-commissioned study released last week by the University of California at Los Angeles calculates that for every dollar invested in Proposition 36 programmes, California has saved \$2.50—a total of \$140.5m in the first year alone, and \$158.8m in the second. Happily extrapolating from UCLA's figures, the Drug Policy Alliance reckons savings over the first five years will add up to \$866.5m—plus another \$500m saved by not having had to build yet another prison.

Yet Proposition 36's advocates are feeling uneasy. Money for the programme, \$120m a year for five years, runs out at the end of June, and Governor Arnold Schwarzenegger is proposing that it continue only if the legislature passes a bill to reform it, notably by allowing judges to impose brief jail terms for offenders who miss appointments or commit other lapses in their treatment. According to Dave Fratello, a co-author of the proposition, such "flash incarceration" puts the whole principle of Proposition 36 at risk. The riposte from Denise Ducheny, the state senator sponsoring the bill, is simple: "We need to increase accountability."

They both have a point. The basis of Proposition 36, properly known as the Substance Abuse and Crime Prevention Act, is that drug addiction is a disease, and so relapses are to be expected. The trouble is that three out of every ten drug-users referred for treatment never show up; only a quarter of all those referred actually complete their course of treatment; and a disproportionately large share of the cost to taxpayers is being soaked up by a mere 1.6% of Proposition 36 offenders, with five or more convictions in the 30 months before they entered the programme. Such an offender, say the UCLA researchers, costs more than \$21,000, compared with less than \$2,300 for the "typical offender". By contrast, someone who completes a course of treatment (90 days or more) will save the taxpayer \$4 for every dollar spent.

Most Californians appear happy with the programme. In May 2004 some 73% told a Field poll that they would vote again in its favour. But would they be happy to increase its funding? More than 36,000 offenders enter the programme each year, and the number is increasing. In real terms the proposed continuation at \$120m a year is a cut in funding, not just because of inflation but also because California's counties had been using money left over from previous years; Los Angeles County alone will lose \$16.9m, a cut of 56%. The counties think spending should be increased.

On the basis of the UCLA study, and a simultaneous one by the Washington, DC-based Justice Policy Institute (JPI), that would make sense. The JPI notes that before Proposition 36 was passed, California's

Department of Corrections was predicting a prison population of more than 180,000 by June 2005 (see chart); the reality, thanks mainly to a 20% fall in imprisonment for drug offences, was a still-horrendous 164,000. At the same time, California's violent-crime rate declined, and faster than the national average. Why not, muses the JPI, extend eligibility for Proposition 36 from simple drug possession to "drug-involved" property offences?

That, however, may be asking too much in a state where the prison guards are big contributors to any politician's coffers. The achievements of Proposition 36 are real enough, but so too is the drive to get re-elected. Cynics note that while the governor talks of the need for rehabilitation rather than punishment in reforming California's colossal corrections system, his push for \$68 billion in taxpayers' bonds is designed, in part, to build two new prisons and provide 83,000 new jail beds.

