



**SUPPORT FOR HB 2472 – Creating certified drug abuse treatment programs for certain people on diversion.**

**Written Testimony of Nadine Johnson**

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**CORRECTIONS AND JUVENILE JUSTICE COMMITTEE – Feb. 6, 2020**

Chairman Jennings and Members of the Committee,

Thank you for the opportunity to provide testimony on this important issue. The ACLU of Kansas is a non-partisan, non-profit organization that works to preserve and strengthen the constitutional liberties of every person in Kansas. The ACLU of Kansas supports HB 2472 as a positive step toward rehabilitating Kansans caught in the cycle of drug addiction, and as a means to give people who commit non-violent drug crimes the tools and resources necessary to keep them out of Kansas's overcrowded prison system.

Effective diversion programs benefit the community and the criminal justice system. First, in seeking to address the issues underlying a criminal act, a well-planned, well-resourced diversion program ultimately improves community safety. Second, an effective diversion program will reduce recidivism—and save the state considerable expense. Per the National Institute on Drug Abuse, each dollar invested in drug treatment realizes over \$12 in savings in terms of reduced criminal justice and health care costs.<sup>1</sup> Further, a nationwide 2012 study found that sending ten percent of eligible persons to community-based substance abuse programs instead of prison would save the criminal justice system \$4.8 billion relative to current levels.<sup>2</sup> The ACLU of Kansas estimates that increasing Kansas' usage of diversion to match the national average—a four percent increase—would decrease the prison population by ten percent and save \$8.9 million annually.<sup>3</sup>

Diversion also has broad popular support in our state. In the course of researching and investigating its comprehensive December 2017 report on diversion, the ACLU of Kansas found that fully 94 percent of Kansans wished to see diversion used as a prosecutorial tool more often.

HB 2472 presents a valuable opportunity to expand the diversion options in the state with effective solutions to address the scourge of drug addiction within the criminal justice system, and with strong community support. While there is certainly room for expanded programming to help more Kansans in need of treatment, this bill represents a positive move forward in the sphere of criminal justice reform in Kansas. The ACLU of Kansas urges the Committee to support this bill. Thank you.

<sup>1</sup> <https://www.drugabuse.gov/publications/principles-drug-addiction-treatment-research-based-guide-third-edition/frequently-asked-questions/drug-addiction-treatment-worth-its-cost>

<sup>2</sup> <https://www.rti.org/news/study-replacing-prison-drug-treatment-could-save>

<sup>3</sup> The national average statistic (9% of all felony cases diverted) is via the Department of Justice, in the only currently available nationwide assessment of diversion use. Reaves, B. A. (2013), *Felony defendants in large urban counties, 2009*. Washington: U.S. Department of Justice, Bureau of Justice Statistics. The assessment of state cost savings is based on the daily marginal cost of incarceration in Kansas and the number of felony dispositions in counties that use diversion at rates below the national average. See [https://www.aclukansas.org/sites/default/files/field\\_documents/choosing\\_incarceration\\_-\\_aclu\\_report\\_on\\_diversion\\_in\\_kansas\\_-\\_updated\\_january\\_2018\\_0.pdf](https://www.aclukansas.org/sites/default/files/field_documents/choosing_incarceration_-_aclu_report_on_diversion_in_kansas_-_updated_january_2018_0.pdf)