

Drug courts and their effectiveness criminology essay



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Modernization is evident throughout American society. No matter where one looks, evidence of this modernization can be seen. As time passes, everything must evolve so that it may stay relevant. If an emergency occurred, one would not have to send a letter to alert another person who was far away. Technology has evolved so that people can get into contact with one another in a matter of seconds. Man and woman, no matter the color of their skin, are equal. If a sheriff needs help apprehending a criminal, he does not round up a posse anymore. He can contact neighboring law enforcement agencies to assist him. If a registered sex offender moves to a new area, he must update law enforcement. Everything from technology and equality to law enforcement must change as time progresses. If one person steals another person's car, they are not put to death. A solution is made to fit the action they have done. But when it comes to drug addiction, the solution is to lock substance abusers up and hope that they eventually become cured. But in reality this is not the case. America as a society treats substance abuse a criminal offense instead of a medical condition. Someone with a drug addiction gets locked up and serves their time. Yet when they get out of jail they have a tough time getting a job with the criminal stigma placed upon them. Their options become severely limited because of this. Drug addiction is a serious plague that is affecting the United States. The best way to combat this is not just to lock up every person who is addicted to drugs. That just starts a repetitive cycle that costs the American people more money and leads addicted individuals who can't afford to go to expensive rehabilitation facilities being rearrested. The best way to solve this growing epidemic is not to turn to a regular court system which is designed to punish the criminal, but to a special court system designed to help the drug

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offender. " The goals of the drug court are to link defendants to community-based treatment and to reduce drug use and recidivism. Drug-involved defendants are offered structured, community-based treatment." (Banks & Gottfredson, 2004)

Drug courts first began in 1989 starting in Miami-Dade County, Florida. This was during the height of the crack cocaine epidemic in the U. S. Drug Courts held the structure and authority of a regular court room and are supervised by a judge, but offered the solution through drug treatment instead of incarceration alone. These court systems were created to handle the non-violent drug offenders that were constantly getting arrested because of their addictions. " The drug court program combines intensive supervision, judicial monitoring, drug testing, and drug treatment to reduce recidivism and other problem behaviors" (Banks & Gottfredson, 2004) Drug courts are designed to assist non-violent drug offenders and get them the help that they need. Drug courts are very unique when compared to the regular court system. Drug courts have many different key components that make them truly unique in their process. Drug courts go through multiple status hearings in front of a judge. This is done in order to review the status and progress of the offender. This program has a 100% completion percentage of any drug abuse treatments or any adjunctive services that have been deemed necessary in drug court. If the person fails to complete any parts of the adjunctive service or anything else the drug court deems necessary for a person's recovery, it can lead to immediate criminal sentencing, regardless of how far in the program you have gone. People part of a drug court rehabilitation process must undergo weekly drug tests done through monitored urine sessions. This

program also has many different positive and negative reinforces for program achievements. “ In practice, drug courts tend to rely more on negative reinforcements or aversive control than on positive reinforcement for promoting behavior change. An example of positive reinforcements allows participants to attend treatment sessions less regularly, deliver urine specimens less frequently, or have briefer court appearances as a consequence of good performance.” (Marlowe, Festinger, Dugosh, Arabia, & Kirby, 2008)

Drug courts are based upon ten key components that were developed by the Office of Justice Drug Courts Program. Drug courts across America must follow these key components if they wish to be eligible for federal funding. The ten key components are:

“ Key Component # 1 Drug courts integrate alcohol and other drug treatment services with justice system case processing.

Key Component #2 Using a non- adversarial approach, prosecution and defense counsel promote public safety while protecting participants’ due process rights.

Key Component #3 Eligible participants are identified early and promptly placed in the drug court program.

Key Component #4 Drug courts provide access to a continuum of alcohol, drug, and other related treatment and rehabilitation services.

Key Component #5 Abstinence is monitored by frequent alcohol and other drug testing.

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Key Component #6 A coordinated strategy governs drug court responses to participants' compliance.

Key Component #7 Ongoing judicial interaction with each drug court participant is essential.

Key Component #8 Monitoring and evaluation measure the achievement of program goals and gauge effectiveness.

Key Component #9 Continuing interdisciplinary education promotes effective drug court planning, implementation, and operations.

Key Component #10 Forging partnerships among drug courts, public agencies, and community-based organizations generates local support and enhances drug court program effectiveness" (Shomade, 2010)

There are two types of drug courts. The first is post-adjudication drug courts. Each work similar to the other, but the rewards for completion are different and can vary. Sometimes a court can be a combination of post-adjudication and preadjudication, it depends on the area and on the individual case. Post-adjudication is after the subject has already gone to court and has been deemed guilty of a crime. Post-adjudication drug courts allow the subjects who complete the program to be sentenced to time already served, significantly reduce any probationary obligations they may have to complete, and even avoid incarceration for their crime.

The second type of drug court is the pre-adjudication drug court. In pre-adjudication drug courts, the subjects who complete the program

successfully have the criminal charges dropped. These graduates can even
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be eligible for a record expungement, as long as the person does not get arrested after an additional period after the graduation from the drug court process. This record expungement would allow these graduates of the drug court process to truthfully state on an employee application form or an interview that he was not convicted of any crimes. This would be a big help to graduates of this program because they do not have the stigma of being a "convicted criminal" which can be a major factor for any employer looking to hire.

Both the pre-adjudication and post-adjudication drugs courts help to reduce the number of nonviolent drug offenders from being put in jail. "The United States leads the world in the number of people incarcerated in federal and state correctional facilities. There are currently more than 2 million people in American prisons or jails. Approximately one-quarter of those people held in U. S. prisons or jails have been convicted of a drug offense. The United States incarcerates more people for drug offenses than any other country. With an estimated 6.8 million Americans struggling with drug abuse or dependence, the growth of the prison population continues to be driven largely by incarceration for drug offenses." (Natarajan, Petteruti, Walsh, & Ziedenberg, 2008) With over two million people in jail, funding has begun to run out. Each individual inmate costs the criminal justice system money. There are a variety of factors such as initial court costs, housing and feeding the inmate, and any medical care they may require which all factor into how much each individual inmate will cost the corrections budget. And in a society with a growing prison population, funding cannot be cut from guards or any mandatory elements of incarceration. One of the first things

correctional facilities will do is cut programs, such as drug rehabilitation.

Prison is an institute where a person convicted of a crime is supposed to be incarcerated, but while he is incarcerated he is supposed to be rehabilitated so he may become a productive member of society when he leaves prison.

But when those who are dependant on drugs never receive any treatment or help, it is not surprising that they end up rearrested. This furthermore continues the cycle of people going to correctional facilities, which is costing more and more money.

Several studies have been conducted to establish how beneficial drug courts can be to people who are addicted to illegal substances. " A study found that drug court participants had lower rearrest rates than a comparison sample processed before the drug court was implemented, even after controlling for preexisting differences." (Banks & Gottfredson, Participation in Drug Treatment Court and Time to ReArrest, 2004) Another study was done on the effects drug courts had on a national level. " From 1995 - 2005 Admissions to drug treatment increased 37. 4 percent and federal spending on drug treatment increased 14. 6 percent from 1995 to 2005. During the same period, violent crime fell 31. 5 percent. Maryland experienced decreases in crime when jurisdictions increased the number of people sent to drug treatment." (Natarajan, Petteruti, Walsh, & Ziedenberg, 2008) Both studies show that the individuals who are going through drug court instead of the regular court system are not only beating their addictive habits to drugs, but they are helping diminish the violent crime percentage of this county. Almost 1/3 of violent crime in America dropped during the same period where a budget for drug treatment increased by only 14. 6%.

A study in California discovered that it would actually save money if a person was processed through drug courts instead of a regular court. The study consisted of a sample selection of different drug courts in California, ranging from El Monte, Los Angeles to Butte County. There were a total of nine counties throughout the states used in this study. The study discovered that using drug courts creates more opportunity resources within publicly funded areas. " For example, if substance abuse treatment reduces the number of times that a client is subsequently incarcerated, the local sheriff may see no change in his or her budget, but an opportunity resource will be available to the sheriff in the form of a jail bed that can now be filled by another offender." (Carey, Finigan, Crumpton, & Waller, 2006) In this sense, money would not be returned to the government, but instead money would be saved from factors such as legal fees and imprisonment. The study groups were broken down into three different categories; drug court graduates, people who participated in the drug court program, but failed to complete it, and a comparison group who never went through the drug court. The study was conducted over a four year period. It found that the group who did not participate in the drug court program at all were over twice as likely to be rearrested then those who successfully graduated from the drug court programs. They considered that the drug courts were positive influences on the substance addicted individuals and helped reduce recidivism among those members. The group that did not participate in the drug court programs had a 41% rearrest rate. The members of the group who participated in the drug court, but were unable to complete it had a 29% rearrest rate. Those who fully completed the drug court program had only a 17% rearrest rate. Based on those statistics alone, just being exposed to the <https://assignbuster.com/drug-courts-and-their-effectiveness-criminology-essay/>

drug court rehabilitation had a positive effect on the individuals, even though they had not fully completed the program.

The study from California also determined the average cost of putting someone through the drug court rehabilitation process. " Total system investment in the drug court case for program participants ranged from about \$5, 000 to over \$18, 000 per participant. Interestingly, the range in traditional court processing was similar, from about \$5, 000 to over \$15, 000 per offender." (Carey, Finigan, Crumpton, & Waller, 2006) For the amount of money it takes to just go through a normal court process it takes a similar amount of money to put someone through a drug court rehabilitation process. This statistic does not include the amount per year it will take to keep the convicted person in jail. When this statistic is added into the regular court process, drug courts end up saving a significant amount of money due to the fact that it is an alternative to prison. It also actually rehabilitates the person to be a better member in society, unlike the current correctional system which just seems to be a revolving door for inmates. The savings can be even higher when calculated with the number of people who do not go through the drug court process and get rearrested, causing another court process and more possible jail time, which again drains even more of the states money that could have been used to help someone with a problem. " On average, for every \$1. 00 the taxpayers invested on the drug courts in this study there was a return of \$3. 50. In some sites, Stanislaus County and El Monte in L. A. County, the cost benefit ratio was very high (1: 16 and 1: 27 respectively). In other words, for every dollar spent on the El Monte drug

court, 27 dollars were saved due to positive impacts on the criminal justice system.” (Carey, Finigan, Crumpton, & Waller, 2006)

Those who completed the drug court rehabilitation had the lowest level of rearrest rates. Having someone enter the program is not the difficult part when it comes to drug courts. People jump at the opportunity to get the benefits that drug courts can offer, such as not being convicted or not going to jail. The rewards can be very beneficial for anyone that completes the process. The most difficult part is getting the person to keep up their motivation to stay in the rehabilitation and to stay drug free. The more motivation a person has to complete the program and take it serious, the lower their rearrest rate will be. “ Studies have shown that motivation for drug use treatment predicts retention, length of treatment, and cognitive engagement in treatment.” (Webster, Rosen, Krietemeyer, & Mateyoke-Scrivner, 2006) Motivation can play the biggest factor in any rehabilitation process.

One group of people has the best rate to go through the drug rehabilitation process with positive motivation. The best group to keep motivation is females. Men and woman use drugs for different personal reasons. Women are more likely to report that they used drugs to help alleviate conditions such as depression, anxiety, and even stress. Women are also more likely to report on any past history of physical or sexual abuse then males are. This ability to open up more and talk about what has happened in their lives to create this need for drugs allows them to be more motivated and to truly accept what rehabilitation is trying to teach them. “ Statistics on the prevalence of drug abusing women estimate that nearly 60 percent of <https://assignbuster.com/drug-courts-and-their-effectiveness-criminology-essay/>

incarcerated women had used drugs in the month prior to their offenses and about half of incarcerated women were using drugs or alcohol at the time of their offense” (Karberg & Mumola, 2006) Feminists have often argued that males and females seek different needs out of drug courts, and therefore need to have treatments and courts that will respond accordingly to a woman’s individual needs instead of just assuming that a woman needs the same type of treatment as a man may. A study in the Delaware Superior Drug Court was done to compare the completion rates of women going through rehabilitation when compared to men. They also believed that treatment completion would be an effective way to reduce the recidivism and rearrest rates of the drug offenders. “ In their comparison of male and female drug court participants, they found that although women were significantly more likely to self-report depression, anxiety, and the use of prescription medications for mental health issues, they were also significantly more likely to successfully complete the program when compared to men.” (Shaffer, Hartman, & Listwan, 2009)