

DIVERSION TO TREATMENT FOR MARIJUANA OFFENDERS FROM LAW TO IMPLEMENTATION



A Policy Research Partnership to Reduce Youth Substance Use



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BACKGROUND

Purpose

To explore whether states that allow for diversion to treatment for possessing low-levels of marijuana also report higher admissions to the treatment system via a referral from the criminal justice system.

- Identify the extent of diversion provisions in state law
- Describe the characteristics of criminal justice referral
- Identify factors that help to predict criminal justice referrals

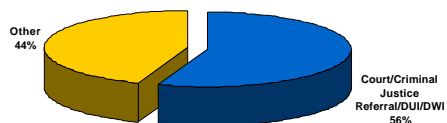
Data Sources

- Legislative data: original state statutory research reflecting laws in effect as of January 1, 1997 through January 1, 1999; data were collected as part of the ImpacTeen initiative.
- Treatment referral data: Treatment Episode Data Set, 1997-1999, SAMHSA.

Significance

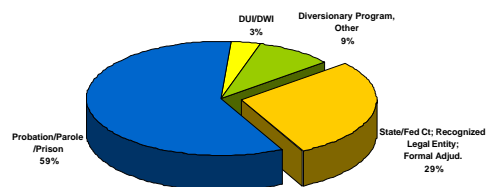
- Marijuana is the most widely available and wide used illicit drug in the U.S. (National Drug Intelligence Center, 2001; SAMHSA, 2001).
- Admissions to publicly-funded treatment facilities where marijuana is the primary drug of dependence have been on the rise (SAMHSA, 2001).
- More than one-half of persons referred to treatment for marijuana-related treatment, were referred from the criminal justice system (SAMHSA, 2001).
- The criminal justice system is saturated with drug users; in 1997, drug users represented over 21% of state and 60% of federal prisoners (BJS, April 1999; Mumola, 1999).
- Quality treatment has been shown to be effective in breaking the drugs-crime cycle (Inciardi, 1999).

Primary Source of Referral for Marijuana Treatment Admissions (Primary Substance) 1997-1999



Source: SAMHSA, Treatment Episode Data Set (TEDS)
N=377,231 Treatment Episodes
Excludes Missing Values

Source of Marijuana-Related Treatment Referrals from the Criminal Justice System 1997-1999

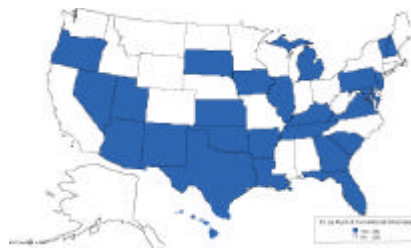


Source: SAMHSA, Treatment Episode Data Set (TEDS)
(N=137,055 Treatment Episodes)
Excludes Missing Values

States with Laws that Allow for Diversion to Treatment for a 1st Offense Penalty or Conditional Discharge



States with Laws that Allow for Treatment as Part of a Conditional Discharge Provision



States with Laws that Include Treatment as Part of a 1st Offense Penalty



Table 1
Descriptive Statistics
Individual Level Data
1997-1999
N= 377,231

| Variable | Mean | Std. Dev | Min | Max |
|---|--------|----------|-----|-------|
| Dependent Variables | | | | |
| Any CJ referral | 0.556 | 0.497 | 0 | 1 |
| CJ- Court referral | 0.104 | 0.305 | 0 | 1 |
| State Penalty Variables | | | | |
| Penalty - divert to TX | 0.219 | 0.413 | 0 | 1 |
| Conditional Discharge - divert to TX | 0.493 | 0.500 | 0 | 1 |
| Any diversion to TX | 0.564 | 0.496 | 0 | 1 |
| State Aggregated Referral Variables | | | | |
| % State referrals from CJ | 0.104 | 0.133 | 0 | 0.647 |
| % state referrals from Courts | 0.557 | 0.105 | 0 | 0.750 |
| Total Referrals | 10094 | 7714 | 0 | 25377 |
| Individual-Level Demographics and Controls | | | | |
| Year=1998 | 0.337 | 0.473 | 0 | 1 |
| Year=1999 | 0.348 | 0.476 | 0 | 1 |
| Male | 0.773 | 0.419 | 0 | 1 |
| Black | 0.278 | 0.448 | 0 | 1 |
| Other | 0.107 | 0.309 | 0 | 1 |
| Reference group = White | | | | |
| Hispanic | 0.093 | 0.290 | 0 | 1 |
| Age | 4.858 | 2.059 | 1 | 12 |
| Age Squared | 27.836 | 23.821 | 1 | 144 |
| Education | 2.459 | 0.930 | 1 | 5 |
| Employed PT | 0.095 | 0.294 | 0 | 1 |
| Unemployed | 0.198 | 0.398 | 0 | 1 |
| Out of the labor Force | 0.477 | 0.499 | 0 | 1 |
| Reference group = FT employed | | | | |
| Married | 0.109 | 0.312 | 0 | 1 |
| Divorced/widowed | 0.106 | 0.308 | 0 | 1 |
| Reference group = Single | | | | |
| Dependent Living | 0.330 | 0.470 | 0 | 1 |
| Independent Living | 0.625 | 0.484 | 0 | 1 |
| Reference group = homeless | | | | |
| Number of prior treatment episodes | 0.751 | 1.161 | 0 | 5 |
| Residential Rehab treatment | 0.184 | 0.371 | 0 | 1 |
| Ambulatory Rehab | 0.798 | 0.402 | 0 | 1 |
| Reference group = detox | | | | |

KEY FINDINGS

- States with laws that allow for diversion to treatment as part of a first offense penalty are significantly more likely to also allow for diversion to treatment as part of a conditional discharge provision ($p < .001$) when controlling for race, ethnicity, marital status.
- Demographics are important for predicting referrals to treatment from the criminal justice system overall **but not** for predicting referrals to treatment from state/federal courts specifically
- Criminal justice referrals are more likely in states that allow for diversion to treatment as part of a first offense penalty.

CONSIDERATIONS AND LIMITATIONS

- Exploratory analysis.
- Treatment data are unweighted in this analysis.
- Need to account for treatment facility variables in future analyses.
- Need clearer understanding of measures of diversion from intake officers.

Table 2
Descriptive Statistics
State Aggregates
1997-1999

| Full Sample | Mean | Minimum | 25% | 50% | 75% | Maximum |
|-------------------|-------|---------|-------|-------|-------|---------|
| Total referrals | 3593 | 0 | 735 | 1693 | 4938 | 25377 |
| % CJ referrals | 0.496 | 0.000 | 0.428 | 0.515 | 0.598 | 0.750 |
| % court referrals | 0.088 | 0.000 | 0.000 | 0.047 | 0.120 | 0.647 |

| States that Refer to Treatment - First Offense | | | | | | |
|--|-------|---|-------|-------|--------|-------|
| Total referrals | 2725 | 0 | 593 | 1281 | 2367.5 | 14570 |
| % CJ referrals | 0.504 | 0 | 0.415 | 0.479 | 0.669 | 0.728 |
| % court referrals | 0.078 | 0 | 0 | 0 | 0.085 | 0.243 |

| States that have Conditional Discharge to Treatment - First Offense | | | | | | |
|---|-------|---|-------|-------|-------|-------|
| Total referrals | 3023 | 1 | 911 | 1693 | 4616 | 14570 |
| % CJ referrals | 0.485 | 0 | 0.421 | 0.507 | 0.585 | 0.723 |
| % court referrals | 0.073 | 0 | 0 | 0.025 | 0.084 | 0.647 |

Table 3
Logistic Regression Results

| Criminal Justice Referral | O.R. | Criminal Justice Referral | O.R. |
|------------------------------------|-----------|------------------------------------|-----------|
| Penalty - divert to TX | 1.641 *** | Any diversion to TX | 1.237 |
| CD - divert to TX | 0.933 | Total # state referrals | 1.000 |
| Total # state referrals | 1.000 | Year=1998 | 1.100 *** |
| Year=1998 | 1.103 *** | Year=1999 | 1.185 *** |
| Year=1999 | 1.166 *** | Male | 2.421 *** |
| Male | 2.428 *** | Black | 1.612 *** |
| Black | 1.619 *** | Other | 1.050 |
| Other | 1.098 | Hispanic | 1.353 ** |
| Hispanic | 1.305 ** | Age | 1.489 *** |
| Age | 1.511 *** | Age squared | 0.965 *** |
| Age squared | 0.964 *** | Education | 0.948 *** |
| Education | 0.951 *** | Employed PT | 0.801 *** |
| Employed PT | 0.808 *** | Unemployed | 0.692 *** |
| Unemployed | 0.699 *** | Out of the labor Force | 0.557 *** |
| Out of the labor Force | 0.540 *** | married | 0.822 *** |
| Married | 0.829 *** | Divorced/widowed | 0.898 ** |
| Divorced/widowed | 0.878 ** | Dependent Living | 2.470 *** |
| Dependent Living | 2.490 *** | Independent Living | 2.059 *** |
| Independent Living | 1.931 *** | Number of prior treatment episodes | 0.954 ** |
| Number of prior treatment episodes | 0.953 ** | Residential Rehab TX | 1.270 |
| Residential Rehab TX | 1.404 | Ambulatory Rehab TX | 1.644 |
| Ambulatory Rehab TX | 1.863 ** | | |

Highlights of Preliminary Results

- States that allow for tx as part of a first offense penalty are 64% more likely to refer individuals to tx from the criminal justice system.
- Males, Blacks, and Hispanics are more likely to be referred to tx from the criminal justice system.
- Persons with a higher number of prior treatment episodes are less likely to be referred to tx from the criminal justice system.
- Married persons were less likely to be referred to tx from the criminal justice system.

| State/Federal Court Referral | O.R. | State/Federal Court Referral | O.R. |
|------------------------------------|-----------|------------------------------------|-----------|
| Penalty - divert to TX | 0.722 | Any diversion to TX | 0.256 ** |
| CD - divert to TX | 0.432 | Total # state referrals | 1.000 |
| Total # state referrals | 1.000 | Year=1998 | 0.872 * |
| Year=1998 | 0.880 * | Year=1999 | 0.786 |
| Year=1999 | 0.790 | Male | 1.495 *** |
| Male | 1.485 *** | Black | 1.216 * |
| Black | 1.201 | Other | 0.790 |
| Other | 0.817 | Hispanic | 1.013 |
| Hispanic | 1.035 | Age | 0.842 |
| Age | 0.803 | Age squared | 1.008 |
| Age squared | 1.011 | Education | 0.980 |
| Education | 0.983 | Employed PT | 0.962 |
| Employed PT | 0.975 | Unemployed | 0.918 |
| Unemployed | 0.927 | Out of the labor Force | 0.772 ** |
| Out of the labor Force | 0.794 * | married | 0.913 |
| married | 0.887 * | Divorced/widowed | 1.047 |
| Divorced/widowed | 1.021 | Dependent Living | 2.309 ** |
| Dependent Living | 1.972 * | Independent Living | 2.644 *** |
| Independent Living | 2.768 *** | Number of prior treatment episodes | 0.844 *** |
| Number of prior treatment episodes | 0.846 *** | Residential Rehab TX | 0.268 ** |
| Residential Rehab TX | 0.268 ** | Ambulatory Rehab TX | 0.388 * |
| Ambulatory Rehab TX | 0.380 * | | |

Highlights of Preliminary Results

- States that allow for either tx as part of a first offense penalty or diversion to treatment as part of a conditional discharge provision are less likely to be referred to tx via a state/federal court referral.
- Males are 50% more likely to be referred to tx from a state/federal court.

All regressions were estimated using robust standard errors that are adjusted for the clustering of observations at the state level.
 *** $p < .001$ (2_tailed); ** $p < .05$ (2_tailed); * $p < .01$ (2_tailed)