

# 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

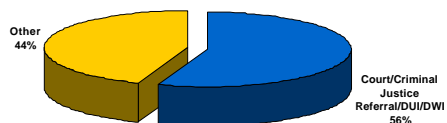
### Data Sources

- 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

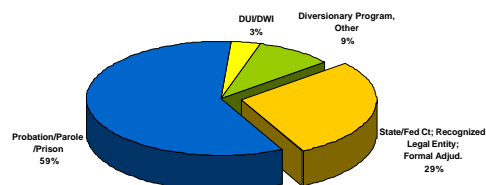
- Marijuana is the most widely available and wide used illicit drug in the U.S. (National Drug Intelligence Center, 2001; SAMHSA, 2001).
- Admissions to publicly-funded treatment facilities where marijuana is the primary drug of dependence have been on the rise (SAMHSA, 2001).
- More than one-half of 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
<b>Dependent Variables</b>				
Any CJ referral	0.556	0.497	0	1
CJ- Court referral	0.104	0.305	0	1
<b>State Penalty Variables</b>				
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
<b>State Aggregated Referral Variables</b>				
% 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
<b>Individual-level Demographics and Controls</b>				
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)