Assistant District Attorney Decision Making When Referring to the Dane County Drug Treatment Court

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INTRODUCTION

The decision making process by Assistant District Attorneys (ADAs), frequent primary gatekeepers of jail diversion programming, when referring to diversion programs is poorly understood. To contribute to literature regarding the optimization of jail diversion referral practice, the current study sought to investigate what influences such decisions by Dane County ADAs.

METHODS AND MATERIALS

- 54-item study questionnaire to 24 ADAs in the Dane County District Attorney’s (DA) office.
- Survey items were descriptive of substance use, treatment, criminal history, homelessness, education, social support, and belief re effectiveness of tx in preventing continued use and repeat criminal behavior (Table 1).
- Each item response involved a 10-point Likert scale ranging from 1 “inappropriate for DTC” to 10 “well suited for DTC”.
- Survey designed in collaboration with key stakeholders in the Dane County criminal justice system, and informed by literature review examining drug court effectiveness.

RESULTS

19 ADAs completed the survey for a response rate of 79%.

FACTORs OF INTEREST

DRUG USE

- Widest variation b/t ADAs on primary drug and appropriateness for DTC occurred for: Cannabis: range 4-10, mean 8.1, sd 2.90
- More consistent agreement that nasal cocaine users = well-suited for DTC (range 4-10, mean 8.1, sd 2.0)

PRIOR TREATMENT

- No prior treatment = well-suited for DTC (range 8-10, mean 9.28, sd 0.96).
- >5 prior treatment contacts, mean score (4.1, sd 2.6) different from offenders with no prior treatment (p = 0.0001).

RESULTS Cont...

CRIMINAL HISTORY

- 2 prior felonies = less appropriate for DTC than offenders with none (6.4 and 8.7, p = 0.001).
- 1 prior violent felony = less appropriate than offenders with none (means 4.6 and 8.3, p = 0.0001).

SOCIAL

- Homeless = less appropriate for DTC (mean 6.2; vs. “living alone” 8.3, p = 0.004 or vs. “living w/ spouse” 8.3, p = 0.003).

BELIEF IN TX EFFECTIVENESS

Mean score for effectiveness of treatment in reducing substance use (6.53), differed (p = 0.006) from effectiveness in reducing crime (4.68).

CONCLUSIONS

- ADA decision making generally agreed with literature regarding offender factors associated with drug court completion (social factors, criminal history, primary substance used). However, non-violent felony history was viewed more negatively than literature might support.
- ADA beliefs conflicted with current literature regarding drug treatment reducing criminal behavior.
- Dissemination of relevant findings to prosecutors will facilitate optimization of referral to therapeutic jurisprudence programming and the matching of offenders to services.

LOOKING AHEAD...

Offenders with drug problems are a diverse group and drug addiction is associated with many other co-morbidities and social disadvantages. Although DTCs have spread widely and quickly through the U.S., additional research is needed to elucidate decision-making by primary gatekeepers, to optimize service delivery, promote offender reintegration and protect public safety.

REFERENCES


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