

The Correlation between Socio Economic Factors and Recidivism in Drug Treatment Courts

By Zachary Lisner
Senior Seminar
Under Dr. Nicholas Clark
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Abstract

Over the last 30 years, the number of Drug Treatment Courts has grown as societal values have shifted away from punishment and more towards rehabilitation within the criminal justice system. This shift in values has created a renewed focus on factors that affect recidivism rates within society. Socio economics has displayed a consistent indicator in affecting drug-related incidents and crime. This study aims to explore a) how socio economics affects recidivism rates within geographic areas and b) the impact or effectiveness those factors have upon established drug treatment courts.

The following study seeks to observe the differentiation between recidivism rates within drug treatment courts from varying socio economic areas. Currently, prisons in the United States hold over two million individuals at any given time. One in five of those prisoners are incarcerated for drug-related offenses¹ (Wanger 2020, 4). The concept of rehabilitation has become lost in the wind and it's estimated that two out of three prisoners released are arrested again within three years.² Drug Treatment Courts (DTCs) have displayed improvements in helping rehabilitate individuals and lowering recidivism. However, the lowered recidivism is controlled by a varying number of factors. These factors, although hard to observe, may give insight into where DTCs are best implemented and how the judicial and legislative branches should approach situations, especially in terms of expectations along with rehabilitative results.

¹ (Wanger 2020,4)

² (Prison Fellowship 2020,3)

In this study, the question being asked is: Do the socioeconomics of an area factor into the percentage of recidivism rates within its local drug treatment court? This empirical study will observe the relationship of socioeconomic (causal variable) to recidivism (outcome variable). By taking current data from: a) active treatment courts noted in the NDCRC³, b) socioeconomic data from the USDA ERS Databases,⁴ and c) State published recidivism.⁵ This analysis should discover (if) any relationships between the variables exist and what type of impact the causal variables have upon the outcome variables.

Understanding the impact that socio economics has on recidivism in Drug Treatment Court could show the variation between courts in given areas. Courts from locations with a higher crime rate could receive help via funding, additional workers, or just time instead of criticism. Understanding recidivism and its causes allows Drug Treatment Courts to hone in on specific problems and incorporate new methodologies within their respective programs. One reason that each Drug Treatment Court exists as an individual entity is to serve a specific geographical location with the understanding that the local community will assist it in this matter. My theory or hypothesis is that an area with lower socio economic contributors will have lower recidivism rates within a drug treatment court in comparison to areas with higher socioeconomic standings.

³ (ndcrc Treatment Court Map 2021)

⁴ (USDA County Data 2020)

⁵ (Inch M 2020, 20-21), (Indiana Department Corrections 2018, 4-5), (Country Three Year 2012, 1-2)

History

What are Drug Treatment Courts? DTC's are variant court programs that help individuals, in both pre/post-sentencing, to recover from addiction and thus lower recidivism. Individuals may be invited into a DTC if they have a history of drug related offenses. Drug court participants must abstain from any/all substances while also upholding the courts' behavioral restrictions. The main difference between DTC's and typical courts is that individuals aren't incarcerated. Rather, they are free, but must reside within a certain area. However, they must attend daily sessions, meet with their assigned parole officers, and appear in court for other sentences. In a typical court/program, the individual will have a hearing, potential trial, and sentence which must be carried out. In DTC's there isn't a trial, as the participant has already pleaded not guilty and is under the assumption of guilt when entering into the court.⁶

Since the 1980s, various versions of DTC have been implemented in the United States. With attempts to subdue cocaine epidemics in Florida, the first official DTC was created. The idea of the treatment court was simple: individuals may be recommended by a Judge to enter, based on their history and graduate drug-free. Yet, the processes have changed considerably. By the 1990s, DTC's started to emerge across the country. Judges would choose individuals for DTCs based on their crimes and the relationship those crimes had with drugs. For example, burglary isn't, by itself, a drug-related crime. But, the motivation to obtain valuables to feed an addiction can be connected with drugs. Individuals with such repetitive histories of substance abuse, once convicted could have the choice: either, accept the sentencing or be enrolled in drug treatment court. While enrolled, individuals meet every week with the court and take

⁶ (Participants Handbook 2020, 1-6)

rehabilitative steps and phases. The steps may vary per the specific court, e.g., mandating individuals to take more actions such as obtaining employment. The phases give participants more freedoms, but harsher punishments. Judges are to conduct conversations with each individual and offer feedback, weekly. Upon completion, once an individual has graduated, he/she should be drug-free and are finished with sentencing.⁷

The entire rationale behind DTC's is to eliminate/cope with addiction (the source of the problems) and to rehabilitate individuals (while mildly punishing them). The reason DTC's matter is that they are one of the few resources that the state may provide which helps individuals who have a history of not helping themselves. With the percentage of repeat offenders so high, it's important to capitalize on any/all programs which lower recidivism. In specific, drugs hurt society, but damage the individual user more. Stopping the cycle of abuse could not only prevent someone from being hurt, but could also empower an individual to become a productive member of society.

Drug War

In 1971, President Nixon declared a "War on Drugs." The concept seemed simple; drugs destroyed lives and were signs of rebellion, (especially amongst young individuals). The United States needed to stop the carnage. However, Nixon's political theater was rooted in hopes of re-election and would turn into an all-out attack against any/all associated with drugs. With the Controlled Substances Act in full effect, any drug under regulation by the federal law was placed into one of five schedules. Each schedule would have different properties and uses with One being the highest/most dangerous and Five being the lowest and most likely to be used by

⁷ (Participants Handbook 2020, 1-6)

civilians under more appropriate circumstances.⁸ With typical "street drugs" like marijuana being classified as a schedule One drug, the incarceration rates began to skyrocket by the early 1980's and through the 1990's. The cocaine epidemic didn't help the crime rate as addiction increased along with the rise of organized crimes' involvement throughout Central and South America. After President Regan took office in 1981, his wife Nancy Reagon started the, "Just Say No" campaign, which would be followed by the Anti-Drug Abuse Act. This act established mandatory minimum prison sentences for drug/drug-related offenses.⁹ To put the Anti-Drug Abuse Act into perspective; in 2019 there were 1,558,862 arrests due to some form of drug violation out of 10,085,207 arrests for the year.¹⁰ With over 15% of all arrests connected to the "War on Drugs," prisons have steadily increased in population. From 1972 to 2009 there has been a 700% growth in the prison population¹¹. Due to such large growth, prison reform along with prison alternatives began to advance; this included Drug Treatment Courts.

Alternatives

As the prison system in the United States continuously grew and adjusted, several alternatives to prison have sprung up and gained popularity. One large grouping is the "pretrial diversion" programs. These programs vary in name, but all attempt to allow the defendant to undergo traditional sentencing (dependent on charges) for an alternative. The alternative programs attempt to curb the defendant's conduct via community service, counseling, and fines. The most important piece within this alternative option is the speed of sentencing since it's

⁸ (A Brief History 2021, 1-4)

⁹ (War on Drugs 2019, 1-5)

¹⁰ (Arrests And Criminal Law Enforcement 2021, 2)

¹¹ (U.S. Prison Population Trends 2019, 1-2)

classified as pretrial. However, each piece of the "pretrial diversion" program can be seen as an alternative in post-trial. Fines and community service have become extremely popular within the Justice System. In 1986, approximately 12% of individuals convicted with punishment paid fines, by 2004 that number was 35% and rising.¹² Two other variants to prison arose with the use of electronic monitoring devices: a) halfway homes and b) house arrest. Both options gained popularity as cheaper alternatives to prison, yet didn't yield large rehabilitative recorded results¹³. What seemed to be the greatest problem(s) with the noted alternatives was the level of control and results varied.

Socioeconomics & Crime Rate

Over the years, socioeconomic studies have been conducted to glean the effect monetary and social factors have on communities. One specific causal link was the relationship between crime and socioeconomics. In 1993, a study conducted by D'Alessio & Stolzenber examined 2,760 inmates and the differences with sentences they received based on their backgrounds. It concluded that socioeconomics was the leading factor in the varied results, "specifically for drug-related offenses."¹⁴ Further, the spread of varying results hasn't lessened over the years. Reports from 2016 paralleled those of 1993 on larger scales.

Within the United States, socio economic change has diminished considerably. Since the 1940's socio economic mobility has decreased. The "American Dream" is more difficult to attain now than 50 years ago. The results have made it harder for people in economically depressed

¹² (Fines, Fees, and Bail 2015, 6)

¹³ (Daniel, R. and Sawyer, W. 2020, 1-6)

¹⁴ (Utilis 2014, 1-2)

areas to gain opportunity, excel in education, and cope with monetary changes and challenges¹⁵. These observed patterns have generated interest in finding factors/solutions that may assist with economic and class improvement. Within the Judicial sphere, one such solution has been Drug Treatment Courts.

Literature Review

Observed Factors of DTC Recidivism

What is Recidivism? Recidivism is an individual's propensity to relapse into crime by either repeating the same offense or committing a different altercation. It doesn't just conflict with, but counteracts all attempts for rehabilitation. The purpose of studying recidivism is to observe how rehabilitative an individual or group is after "treatment." In the case of DTC's (the treatment) recidivism is the primary purpose, and most closely observed in an attempt to capitalize on the outcome (along with cost). Since the DTC's inception, many factors have been closely observed in terms of what causes more or less recidivism. For the purpose of this study, I will be examining how socio economics affects recidivism, with the rationale of improving DTC's in accordance with the data. When looking at socio economics in the United States, "income inequality is regarded as the crucial factor leading to social conflict and political instability." The primary factors used to determine an individual's socio economic status are income, education, and occupation. To clarify these three categories further: Income focuses upon how much an individual earns via all forms, not strictly occupation. Education is the level

¹⁵ (Berger, M. 2019, 1-2)

of schooling and access to knowledge, rather than just knowledge itself. Occupation tends to be evaluated on the degree of skilled training involved thus showing that a job which requires a PhD will fare better than one which requires a high school diploma (typically). Previous studies have used factors such as poverty status, along with the GDP of an area (county) to determine a baseline socioeconomic status. The problem with the above methods is that it doesn't account for education, nor is there a financial standard for comparison purposes. Specifically, with poverty status, the data doesn't express if the percentages are reflective of before/after taxes, capital gains, or non-cash benefits.¹⁶

Another factor used to determine socio economics is *Subjective Social Status* (SSS) which measures the perception of an individual's social standing class by dividing it into categories (working class, middle class, upper class). Due to the high level of subjectiveness with individuals' responses, this factor isn't recommended.¹⁷ Consequently, three factors will be observed in testing socio economics as a whole: a) employment, b) education, and c) income. Each factor has been reviewed separately resulting in a smaller percentage of recidivism in a given area. It's important to understand these factors so we can test and see the level of change (if any) that these factors have while a drug treatment court is active.

Employment

Employment on its own contributes directly to recidivism. When individuals who've been incarcerated don't have employment, their recidivism rate is 50.1% .¹⁸ It's estimated that over 90% of all offenders released from prison can't find employment in the first nine months of a

¹⁶ (Berzofsky, M. 2014, 10-11)

¹⁷ (Measuring Socioeconomic Status 2015, 1-2)

¹⁸ (Nally 2014, 19)

year, regardless of the offense. For DTC's, one of the key factors in graduating from the program successfully is employment.¹⁹ Those who couldn't obtain employment struggled to integrate into society and typically turned back to their addictions. For DTC's that don't mandate employment, chances of success are reduced, but still display a lower recidivism rate in their given area.²⁰

Education

Education is seen by scholars as a critical piece to lowering recidivism. Those with higher levels of education were able to obtain jobs easier,²¹ and attain a greater chance of completing DTC's as noted: highschool drop-outs 43%, highschool 71%, and some college 89% .²² However, DTC's have a lower percentage of recidivism with less-educated individuals versus courts that released prisoners with higher education .²³ Education also seems to have a significant implication on the time an individual is in a DTC. Individuals with lower education tend to repeat steps/backtrack within the program, thus prolonging their period within a DTC.

Size/Costs

Larger DTC's appear to have a smaller percentage of graduates along with an increase in recidivism. The personal connection with individuals and the judge has proven to be a key factor in the success of a DTC .²⁴ Further, the more hearings an individual received/went to increased the likelihood of his/her success. However, frequency is only feasible in smaller judicial

¹⁹ (Butzin 2002, 1629)

²⁰ (Emigh, 2020, 6)

²¹ (Nally 2014, 29)

²² (Butzin 2002, 1629)

²³ (Somers 2012, 399)

²⁴ (Satel 1998, 3)

climates.²⁵ Furthermore, individuals that were able to have more one-on-one time with an assigned parole officer and psychological help tended to thrive within DTC's. The greater the availability of these resources, the lower the recidivism rate.²⁶ In more successful courts, the judge typically spends approximately 5+ minutes speaking with individuals per treatment session.²⁷ In larger scale DTC's with more participants, this piece is often overlooked thus creating less opportunity for the individual being treated.

Some unchangeable factors have also been observed by researchers including age, race, and sex, all of which are contributing factors in recidivism rates.²⁸ The variable or "type of crime" was seen as irrelevant in regards to the effectiveness of DTC's, with participants' recidivism rates being roughly the same regardless of any prior altercation.²⁹

Drug Treatment Courts' Effectiveness

Since the late 1990's, Drug Treatment Courts have been asked to monitor graduates from their respective programs to see the effectiveness of the said program. In 1999, DTC's across the country were assessed on cost, recidivism rates, etc., and displayed significant results.³⁰ On average, the involvement of a DTC reduced recidivism by 7.5% in any given area.³¹ Comparing DTC's to the general incarcerated population yielded a 10% change in recidivism (45% for DTC participants and 55% for non-participants)³². When factoring time (the largest variable in recidivism rates) 66% of DTC participants were re-arrested compared to 81% of non-

²⁵ (Emigh 2020, 5)

²⁶ (Stein 2013, 166)

²⁷ (Participants Handbook 2020, 4)

²⁸ (Somers 2012, 399)

²⁹ (Nally, J., Lockwood, S 2014, 390-393)

³⁰ (France, C. 2010, 12-15)

³¹ (Lowenkamp et al., 2005, 2-6)

³² (Emigh, 2020, 2-4)

participants in a two-year span³³. In short, DTC's work, and they work better than any other alternative for drug-related incidents. One of the other major arguments toward whether or not DTC's are effective, besides recidivism, is the reduction of cost for the system in comparison to the typical price attached to incarceration. The problem with cost as a variable is that it's based on the location of the incident. For an example: two studies that observed cost and variables estimated that each DTC participant saved \$1,442 in Multnomah County³⁴ and about \$5,000 per participant in Washington State. Further, the longer individuals are "non-offending" it was estimated that savings increased from \$5,000 to \$12,000+.³⁵ Simply put, DTC's work well, but have several interlocking factors that affect each individual and his or her probability of success.

Conflict

One of the challenges in reviewing DTC's and their effectiveness is that each one is different; there are no standardized parameters. DTC's have close to 100% discretion in design and application.³⁶ Essentially, no two DTC's are the same, regardless of the participants and associated factors.³⁷ Several informational studies have recommended practices for DTC's to follow, yet none are "officially" mandated.³⁸ Further complicating the issue is the lack of data on participants. Commonly, when participants graduate DTC's, their records can be wiped clean thus making any follow-up record almost impossible to observe (unless the DTC has a built-in system). In addition, many individuals once released from parole, aren't tracked and it becomes challenging to fully know the recidivism in a given area. Although traceable, it's challenging to

³³ (Gottfredson, Najaka, Kearley 2006, 188)

³⁴ (Carey & Finigan 2004, 315-338)

³⁵ (Emigh, M. 2017 4-6)

³⁶ (Participants Handbook 2020, 1-6)

³⁷ (Valerie, B. 2020, 1-10)

³⁸ (ROSSMAN, S. AND ZWEIG, J. 2012, 1-6)

monitor an individual who completes one county's DTC and then relapses in a different county. Overall, creating a comparison between DTC's can always be scrutinized in one form or another, even if every "large factor" is *not* taken into consideration.³⁹

Areas with Lower Socio Economic Factors

Over the years, a number of studies have been conducted linking an area's problems/status to the socio economic condition of the community. Socio economics has been tied directly to political violence, education, and crime.⁴⁰ A 1998 study concluded that socio economics was the direct cause of violence and crime uptick in over 30 states and 25+ countries.⁴¹ Further, socio economics was seen to have a direct correlation to drug usage in a given area and also that area's lack of response/resources. What was later concluded in 2016; different types of crimes were specifically razed due to lower socio economics including drug and property crime.⁴² With an estimated 21% of all crimes being related and or drug crimes, which accounts for 40% of poverty crimes, socio economics has shown to have a tied relationship with drug usage and thus recidivism.⁴³

Theory

The hypothesis in this study asserts that when a community has a DTC, localized socio economic factors will impact recidivism rates. The data for DTC's effectiveness has yielded

³⁹ (Somers, Palepu, Moniruzzaman 2015, 394)

⁴⁰ (Thorbecke, Charumilind 2002, 1491)

⁴¹ (Wilkinson, Pickett 2008, 578-597)

⁴² (Lander 2016, 1-2)

⁴³ (Sawyer 2017, 1-2)

positive results in reducing recidivism, however, the variation in those results, I believe, is due to the socioeconomic disparities between locations. The benefit of understanding this connection could help DTC's model their treatment around the pitfalls of an area's socioeconomic status, thus reducing recidivism while attempting to assist in increasing their participants socioeconomic state. Longterm, with this information, policy can be implemented to build more treatment courts in areas that receive more proportional benefits. Each socioeconomic element (education, employment, and opportunity) also corresponds to factors that affect recidivism in DTC's. It's important to recognize/reveal such results so that DTC's can be fairly scrutinized by politicians and receive the appropriate allocations (funding, new DTC's, more officers, or the division of DTC's) to help the overall population.

Methodology

The question being asked is: Does the socioeconomics of an area factor into the percentage of recidivism in its drug treatment court? Defining socio economics can be done by looking at an area's income, education, and employment/occupation. These variables are tabulated and expressed in the USDA ERS database as median household income, unemployment, and level of education (bachelor's degree received and highschool completion).⁴⁴ Area recidivism with a local DTC⁴⁵ will be measured by the average percentage of participants who've committed crimes during or after parole (for a period of three years). The rationale behind the three-year time frame is that States find three years sufficient to declare rehabilitation and track recidivism accordingly. Recidivism within an area, in general, will be based on the

⁴⁴ (USDA County Data 2020)

⁴⁵ (ndcrc Treatment Court Map 2021)

average percentage of individuals who've re-committed crimes and are arrested after already establishing a criminal record. Data from Florida, Indiana, and the Ohio Department of Corrections from 2015 have, calculated by county, the average recidivism rate.⁴⁶ By using median household income, percentage of individuals with a bachelors' degree, and unemployment, we can roughly estimate a particular county's socio economic status in relation to others. These variables will act as our causal variable and the recidivism of the given drug court in that area as the outcome variable. Accounting for each county and the present DTC's we will be able to observe what factors affect recidivism. Further, the States of Florida, Indiana, and Ohio will be observed, based on available data. Having States *with* a Z variable will help determine other outlying Z variables such as culture, demographics, location, and laws. Even though we are extracting data from the court system, it's purely observational, not experimental. Ideally, a pattern will emerge that shows some level of correlation between the two variables. We should be able to find some level of causation, even if it's a small percentage toward a drug court's overall recidivism and the impact of an area's socio economics on the said recidivism.

Table 1

Analysis

To test the effect of socio economics on recidivism specifically in counties hosting a Drug Treatment Court, I took the following data from every county in the States of Indiana, Florida, and Ohio (totaling 247). From each county, I noted the following variables: a) the state, b) the presence of an Adult Drug Treatment Court, c) the county's recidivism rate,

⁴⁶ (Inch M 2020, 20-21), (Indiana Department Corrections 2018, 4-5), (Country Three Year 2012, 1-2)

d) the unemployment rate/percent, e) median household income, f) the percentage of those who graduated with a bachelor's degree, and g) the percentage of those who completed highschool. The states of Indiana, Florida, and Ohio were factored into a dummy variable to compare recidivism based on location to determine any underlying Z factors un-accounted for within the variables (with Florida being the reference category). Upon applying a linear regression to help predict a dependent variable (recidivism) based upon the independent variables (everything else) I found the following: There were no significant results toward recidivism based solely on hosting a Drug Treatment Court. Income was found to have a significant and negative effect on recidivism causing it to decrease. The only other significant effect (positive) was the factor of living in Indiana raised recidivism 4% alone.

Conclusion

The idea behind this study was to determine if socio economics affected the percentage of recidivism amongst areas hosting a drug treatment court. The results concluded socio economics via median household income, does affect the recidivism rates in locations that host drug treatment courts. Further, there are other traits based on location, as noted in the State of Indiana, that have significant effects on recidivism rates.

One of the limitations of this study was data availability. Drug Treatment Courts, as previously discussed, are notorious for not publishing candidates' details nor the courts' results. These variables have been shown to affect recidivism and could be critical in explaining the differences between locations and even courts. Being able to see the average age, race, and sex of individuals within a Drug Treatment Court could very well explain the differences between locations. Knowing the diversity breakdown of DTCs let alone counties, could flush out missing

causations in relation to recidivism. The median age of each state is significantly different with Indiana 37, Florida 40, and Ohio 38. The percentage of minorities in each state is significantly different as well with Indiana 16%, Florida 25%, and Ohio 18%.⁴⁷

Furthermore, States that chose to publish recidivism rates only do so every few years and don't have the specific recidivism rate effect of drug treatment courts. This led to the recidivism rate data being taken from 2015, while the socio economic data was taken from 2019. Although initially strange that Drug Treatment Courts don't have an effect on overall recidivism per se, my findings could be due to several factors. For starters, counties that already have a naturally high recidivism rate in comparison to the State average might be given funding specifically for drug treatment courts to help reduce the problem. Indiana stands out, as compared to Florida and Ohio. Indiana has several counties with more than one drug treatment court (the maximum was four). Further, the lack of standards used by Drug Treatment Courts can impact results. Although there are scholarly recommendations, DTC's aren't under any Federal standard and don't have to follow the precedents of others. Each state may also place more emphasis on DTC's based upon its judicial culture: 50% of Indiana's counties have a DTC compared to Florida's 58% and Ohio with 66%.

Using the percentage of those who graduated with a bachelor's degree and highschool completion as a placeholder for the socio economic educational factor for a given area also produced positive and negative results. On one hand, the level of education corresponds well to socioeconomic status. On another, it may be too high of a standard in terms of looking at recidivism. If I were to replicate this study I would attempt to vary the level of education to see if

⁴⁷ (Suburbanstats 2021)

a higher degree (masters and Ph.D.) or lower completion such as 8th grade would show significant results.

The importance of knowing this information is that policy can be implemented to restructure/create programs with Drug Treatment Courts to better suit participants and their needs. Further, the said data can be used to help lobby funding and policy standards for more treatment courts, especially in areas with greater socio economic need.

Drug Treatment Courts have positively impacted thousands of lives over the years. However at present, as the opiate crisis continues to grow, funds continue to deplete, and uncertainty for those who struggle with addictions and crime remains a constant. Therefore, capitalizing on the methods of rehabilitation we already have and know can work is more effective both in terms of cost and lives positively impacted than creating a new system for change.

Table 1: Reasons for Recidivism

Casual Variable	Percentage	Significance
Presence of a Drug Treatment Court	.052%	.957
Unemployment %	-.107%	.868
Median Household Income	-.000%	.009
Bachelor's Degree %	.307%	.015
Completion of High School %	32.308%	.034
Indiana	4.107%	<.001
Ohio	-1.969%	.120
Florida	-2.995%	.018

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