

Recommendations for Treatment Based Alternatives
to Incarceration for Drug and Non-Violent Offenders

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ABSTRACT

Purpose

The overall purpose of this research is to determine the most effective methods in treating drug offenders, and potentially developing a universal program that could be utilized by all municipalities in the state of Wisconsin, and across the United States. With the development and utilization of effective programs for drug offenders, the criminal justice system could greatly benefit. For example, these programs could potentially lower recidivism rates, therefore, lower the number of drug-related crimes, lower the overall crime rate, reduce prison over-crowding, save the lives of drug addicts, help convicted offenders with re-entry into society, and reduce taxpayer costs. There are a variety of drug treatment programs, which include: in-patient drug treatment facilities, out-patient treatment facilities, extended supervision with mandatory requirements pertaining to treatment, and many community-based programs.

Methods

In order to obtain the necessary data for this study, secondary sources were reviewed. The sources were derived from academic and other accredited journals, government websites and other government publications, government reports, and textbooks, in the field of criminal justice well as drug-offender treatment. In addition, this paper provided the theoretical frameworks of social learning theory and addiction theory to help explain why some people abuse drugs.

Key Findings

This research contributes to the field of Criminal Justice in several different ways. First, it establishes that alternatives to incarceration can, in fact, be effective for both drug

offenders and other non-violent offenders. In addition, it provides evidence to support the claim that programs that utilize both a treatment aspect, as well as a punitive aspect, can be effective in rehabilitating these offenders. Lastly, this research paper provides the structure needed for a potential universal alternative to incarceration program that could be utilized across the state of Wisconsin in order to help reduce offenders' rates of recidivism, treat offenders for substance abuse issues, simplify program evaluation processes, and cut government and tax payer costs.

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RECOMMENDATIONS FOR TREATMENT BASED ALTERNATIVES TO INCARCERATION FOR DRUG AND NON-VIOLENT OFFENDERS

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SECTION I: INTRODUCTION

Statement of Problem

According to Brown, Zuelsdorff, and Gassman (2009), “Substance use and underlying substance use disorders account for a plurality, if not the majority, of an increasing burden on the U.S. criminal justice system” (p. 337). Further, they state the majority of these offenders are dependent on substances. There are a variety of drug treatment programs, which include: in-patient drug treatment facilities, out-patient treatment facilities, extended supervision with mandatory requirements pertaining to treatment, and many community-based programs. Some research, like that of Brown (2011), has shown the effectiveness of these alternative to incarceration programs, whereas other research has show these programs to be ineffective, depending on the criteria being evaluated (Carey, Finigan, Crumpton, & Waller, 2006).

Purpose of the Research

The overall purpose of this research is to determine the most effective methods in treating drug offenders, and potentially developing a universal program that could be utilized by all municipalities in the state of Wisconsin, and across the United States. With the development, or simply just the utilization, of effective programs for drug offenders, the criminal justice system could greatly benefit. For example, these programs

could potentially lower recidivism rates, therefore, lower the number of drug-related crimes, lower the overall crime rate, reduce prison over-crowding, save the lives of drug addicts, help convicted offenders with re-entry into society, and reduce taxpayer costs. According to Gainey, Steen, and Engren (2005), many states across the United States have been examining different alternatives to incarceration, particularly for felony offenders, in hopes of reducing prison overcrowding and costs as well as in hopes of finding a better deterrent to criminal offending in general, as incarceration does not seem to be effective as a deterrent. Furthermore, these researchers have looked into specific incarceration alternatives that require more supervision than regular probation, but are less confining than incarceration (Gainey, Steen, & Engen, 2005).

Significance of the Research

Research showing the most effective way to handle drug offenders and other non-violent offenders could have a very large and positive impact on society. Much of the research conducted on the different alternatives to incarceration for drug offenders has shown mixed results. Thus, the goal of this research is to examine evaluations of programs in hopes of determining the most effective means to handle drug offenders, and other non-violent offenders, rather than incarceration. With that determination, the significance of the research is the development of a universal alternative to incarceration in Wisconsin, and potentially within the U.S., that is effective and can be utilized in any and all municipalities. The development of one, single program that could be utilized by all municipalities could help with the treatment of offenders rather than incarceration, which, in turn, would help reduce offenders' rates of recidivism, simplify the program evaluation process, and cut government and tax payer costs.

Methods

In order to obtain the necessary data for this study, secondary sources will be reviewed. The sources will be derived from academic and other accredited journals, government websites and other government publications, government reports, and textbooks, in the field of criminal justice well as drug-offender treatment. In addition, this paper will provide the theoretical framework that helps explain why some abuse drugs, which is supported by social learning theories and addiction theories, namely Family Systems Theory, which, ultimately, also provide an explanation as to why drug abusers sometimes commit crimes.

Contribution to the Criminal Justice Field

This research could contribute to the field of criminal justice in several different ways. First, it could help develop a standard method for treating or handling drug and other non-violent offenders. Second, it could ultimately help reduce rates of recidivism thus reduce crime rates, alleviate prison and jail overcrowding, and cut taxpayer costs.

SECTION II. REVIEW OF THE LITERATURE

Introduction

This portion of this research paper will focus on drug offenders specifically in the state of Wisconsin, their demographics, and the scope of the drug problem in Wisconsin with regard to incarceration rates. In addition, sentencing of drug offenders in Wisconsin will be discussed, and, lastly, information regarding current programs utilized in Wisconsin as alternatives to incarceration, as well as current programs utilized in other states that could be beneficial to Wisconsin, will be provided.

The Scope of the Drug Problem in Wisconsin

Researchers suggest that drug abuse has an extremely large impact on almost all types of crime in today's society, including both violent and non-violent crime. In addition, over 1 ½ million people arrested each year meet the criteria for some type of substance abuse disorder (Brown & Gassman, 2013). In addition, Brown and Gassman (2013) state that each person with a substance abuse disorder commits approximately 63 crimes annually, and, also, that drug use results in 39,000 deaths each year within the United States (p. 381). In the year 2006, opioid use alone accounted for 324,000 hospital visits and 85,000 hospitalizations (Brown, Gassman, Hetzel, & Berger, 2013). According to Brown, Zeulsdorff, and Gassman (2009), in the year 2002, 25% of drug offenders stated that they participated in criminal activity in order to obtain drug money. In the year 2004, 9.8% of the violent crime committed by state prisoners and 14.8% of the violent crime committed by federal prisoners was reported to have influenced by the need for drug money (Bureau of Justice Statistics, 2014). Also according to the Bureau of

Justice Statistics (2014), 3.9% of the 14,831 homicides committed in the year 2007 were drug-related.

Since the year 1999, the population in Wisconsin prisons has tripled, which is thought to be the result of the war on drugs as well as increased funding for drug enforcement (Pawasarat & Quinn, 2013). Of the overall prison population in the year 2012, 95% are male; with regard to race, 53% of males and 68% of females were white, 43% of males and 25% females were African American, and 4% of males and 9% of females were Hispanic (Wisconsin Department of Corrections, 2013). Of these offenders, 33% of males and 79% of females had mental health issues, including substance use problems, and 35% committed non-violent crimes, with 10% of those non-violent crimes being drug offenses (Wisconsin Department of Corrections, 2013).

According to the Wisconsin Department of Health Services (2014), there were 27,345 arrests in the year 2012 for drug violations in the state of Wisconsin. Of these arrests, 83% were for the possession of illegal substances and 17% were for the sale and/or manufacturing of illegal substances; 14% of the arrests were of juveniles (Wisconsin Department of Health Services, 2014). In addition to drug law violations, alcohol and drug use are also thought to contribute to other offenses, both violent and non-violent. In 2012, 37% of property crimes were thought to be the result of drug use. In addition, 23% of sexual assaults, 30% of physical assaults, and 3% of robberies are thought to have been alcohol related in that same year (Wisconsin Department of Health Services, 2014, p. 56). At the federal level, 18.1% of drug abuse violations in the year 2010 were related to the sale and/or manufacturing of drugs, and 81.9% were related to possession only (Federal Bureau of Investigation Uniform Crime Reports, 2010).

Aside from the detriments of substance use on crime, drug use in Wisconsin has also become a serious issue in general. In 2013, 15% of high school students in Wisconsin reported using prescription drugs at least once (Wisconsin Department of Health Services, 2013). In addition, the Department of Corrections reports seeing a substantial increase in heroin and other opiate use over the past several years (Wisconsin Department of Corrections, 2013). In 2012 alone, there were 633 drug related deaths, 1,822 alcohol related deaths, and 2,907 drug and alcohol related motor vehicle accidents in Wisconsin (Wisconsin Department of Health Services, 2014).

Comparing Wisconsin and Illinois Statistics

Comparing the statistical differences between Wisconsin and other states is an important aspect of understanding whether or not the alternative to incarceration programs in Wisconsin are effective as well as why different states have different methods of handling drug and non-violent offenders. One of Wisconsin's neighboring states, the state of Illinois, appears to have some crime statistics that differ from those in the state of Wisconsin. The overall prison population in Illinois in the year 2012 was 48,877, with 94.3% being male, almost the same as in Wisconsin (95%). With regard to race, 57.6% were African American, 29.2% were white, and 13.2% were of other ethnicities (Illinois Department of Corrections, 2013). These statistics are different than Wisconsin's in that 53% of incarcerated males were white and only 43% of incarcerated males were African American (Wisconsin Department of Corrections, 2013), thus there are more incarcerated white males in Wisconsin and more incarcerated African American males in the state of Illinois.

With regard to criminal arrests, there were 109,272 drug-related arrests in Illinois in the year 2012 (Illinois State Police, 2013), in comparison to 27,345 in Wisconsin (Wisconsin Department of Health Services, 2014). According to the United States Census Bureau (2014), the Illinois population at that time was approximately 13,000,000, and the Wisconsin population was approximately 6,000,000; therefore, the number of arrests in Illinois would have been approximately 841 per every 100,000 people, and the arrest rate for Wisconsin would have been approximately 456 per 100,000. Of the Illinois arrests, 52% were cannabis related, 26% were controlled substance related, 19% were for possession of drug paraphernalia, and .02% were methamphetamine related (Illinois State Police, 2013).

Sentencing of Drug Offenders in Wisconsin

Chapter 961 of the Wisconsin Statutes outline the different drug laws in Wisconsin under the Uniform Controlled Substance Act. These statutes differentiate between the different types of substances, Schedule I and II substances, which typically have a high potential for dependence and abuse, and also Schedule III, IV, and V substances, which have lower potentials for abuse and are often used for medicinal purposes. The severity of a drug violation is based on the type of drug involved and the potential for dependence on that drug. As explained in Chapter 939 of the Wisconsin Statutes, the classification of the crime corresponds with the sentence. Felonies are separated into Felony A, B, C, D, E, F, G, H, and I, with Class A felonies being the most severe and Class I felonies being the least severe. Misdemeanor offenses, which are less severe than Felony offenses in general, are classified by classes as well: Class A, Class B,

and Class C; again, Class A misdemeanors being the most severe and Class C misdemeanors being the least severe (Wisconsin Legislative Council, 2014).

With regard to standard sentences for drug offenders, sentences vary depending upon the substance(s) involved and the classification of the crime in which the offender is being charged. Each felony charge has a specific guideline that has to be followed by the court; for example, a Class C felony has a penalty that includes a fine that cannot be more than \$100,000 as well as a prison sentence which cannot exceed 40 years (Wis. Stat. § 939.50(c)). An example of a drug offense that constitutes as a Class C felony would be the manufacturing or sale of heroin, methamphetamine, or PCP. Possession of illicit substances tend to carry more lenient punishments than the manufacturing or sale of the substances. For example, possession of heroin, methamphetamine, or PCP is considered a Class I felony, which can involve a fine up to \$100,000, but can only involved a prison sentence up to 3 years rather than 40 years (Wis. Stat. § 939.50(i)).

In correlation to the State of Wisconsin requiring mandatory maximum sentences for drug offenses, Wisconsin also requires mandatory minimum sentences for particular criminal offenses; however, drug offenses are not currently included. The federal government, however, requires mandatory minimum sentences for serious drug offenses when offenders are charged at the level of the Federal Courts, which is something that could also occur with Wisconsin offenders who have committed a severe enough drug offense to be taken in front of the Federal Court. According to Doyle (2013), the cultivation, manufacturing, distribution, and possession of specific drugs and plants is regulated by federal laws. The government also classifies these substances by medical value and by potential for abuse, all of which criteria falls under the Controlled

Substances Act and the Controlled Substances Import and Export Act.. These acts contain the rules for minimum and maximum penalties, as well as mandatory penalties, for possession and distribution. In addition, Doyle (2013) stated “most involve possession with the intent to distribute (traffic) substantial amounts of eight controlled substances which are considered highly susceptible to abuse. The mandatory minimums are structured so that more severe sentences attend cases involving very substantial quantities, death or serious bodily injury, or repeat offenders” (p. 34). Doyle gives an example, that if an offender trafficks over 1 kilo of heroin, and the use of that controlled substance by another person results in death, the minimum sentence that offender can receive is 20 years imprisonment, with a maximum sentence of life imprisonment.

Comparing Sentencing in Wisconsin to Sentencing in Michigan

Again, understanding how other states handle drug and other non-violent offenders could potentially have an impact on how Wisconsin should handle their own sentencing procedures. Michigan’s sentencing procedures are somewhat different. Michigan uses a scoring method to determine the appropriate sentence for each type of offense; this scoring method applies point values to what are known as “offense variables” (OVs). For the purposes of scoring, criminal offenses are separated into six different crime groups: crimes against person, crimes against property, crimes involving controlled substances, crimes against public order, crimes against public safety, and crimes against public trust (Michigan Judicial Institute, 2014). Therefore, any drug-related crime in Michigan is considered a crime involving controlled substances.” Like Wisconsin, Michigan also divides their offenses into letter classifications; however, their felony charges range from Felony A to Felony H rather than from Felony A to Felony I.

Lastly, one of the most relevant differences between Wisconsin and Michigan is that in the state of Michigan, it is possible to be sentenced to life imprisonment for a drug offense if it is of high enough severity. For example, delivering and manufacturing 1,000 grams or more of specific schedule 1 and 2 controlled substances (Michigan State Statute §333.7401(a)(i)) can be punishable up to life in prison (Michigan Judicial Institute, 2014).

Current Alternatives to Incarceration in Wisconsin and Other States

There are currently many different programs in Wisconsin that have been developed as an alternative to incarceration for drug offenders, all of which were developed in hopes of treating offenders' substance use problems and preventing them from re-offending as well as helping reduce the number of drug offenders in Wisconsin's prisons in order to alleviate overcrowding and cut tax-payer costs. There are also a multitude of programs utilized in other states that are similar to those in Wisconsin or could potentially be beneficial for Wisconsin to utilize. According to Johnson (2004), a study, conducted by a committee known as The Wisconsin Experience in 2002, researching the number of counties that utilize alternative to incarceration programs in Wisconsin showed that all 22 counties utilize anywhere from one to ten of these programs. Some of the programs utilized by these counties include: drug courts, restorative justice programs, extended supervision programs, and day reporting, and almost all of these programs include at least some form of treatment (Johnson, 2004, p. 2). This particular research paper will discuss the above programs as well as the following programs: drug courts, restorative justice programs, day reporting centers, and extended supervision programs, like Winnebago County Wisconsin's Safe Streets

Treatment Options Program (SSTOP), Hawaii's Opportunity Probation with Enforcement (HOPE), and California's Proposition 36.

An Overview of Drug Treatment Courts

As of 2010, drug treatment courts were utilized in over 1,800 jurisdictions in the United States alone (Brown, Allison, & Nieto, 2010). The main goal of drug courts is to reduce recidivism rates of convicted offenders. Drug courts attempt to achieve this goal by combining the punitive model of the criminal justice system as well as the treatment model (Kalich & Evans, 2006). In regard to punitive measures, participants in these programs are extensively monitored and typically assigned a case worker or agent of some sort in which they are required to report to regularly (Brown, Allison, & Nieto, 2010). In addition, they are treated for their substance abuse as well as routinely drug tested (Kalich & Evans, 2006). There are different types of drug courts, which tend to use different treatment models; however, all have the same main components: supervision and treatment (Kalich & Evans, 2006).

Drug Treatment Courts in the State of North Carolina

One example of a drug treatment court system is that of the state of North Carolina. Five drug courts were established in North Carolina in the year 1996, and by 2010, there were forty-five different DTCs that handle adults, juveniles, and families (North Carolina Administrative Office of the Courts [NCAOC], 2010). The effectiveness of these courts is thought to be the result of ten main components: integration of alcohol and drug treatment with case processing, the use of a non-adversarial approach that promotes public safety and due process, early identification and placement of participants, access to various treatment programs, frequent drug testing, the governing of

participants' compliance, continuous interaction between the judicial system and DTC participants, frequent evaluation of the program's effectiveness, continuing education for those involved with DTC planning and operations, and, lastly, a formed partnership amongst the courts, state agencies, and community organizations (NCAOC, 2010).

After over 15 years of experience, the NCAOC (2010) believes that they have developed the knowledge needed to maintain a successful DTC program within the state of North Carolina. According to the NCAOC (2010), they have developed a set of eight practices that evidence-based research has shown to be effective in regard to the procedures of their drug treatment courts: judicial leadership, an open-minded and committed court team, the ability to recognize and target high-risk participants, specific planning on a case-to-case basis that is geared toward each participant's individual needs, intensive monitoring of each participant, the protection of each participant's due process rights, proper and specialized training for each member of the DTC team, and, lastly, a committee comprised of different key leaders of the community that remains active and provides oversight of the DTC program.

Drug Treatment Courts in the State of California

According to Carey, Finigan, Crumpton, and Waller (2006), at the time of their study on California's drug courts, there were over 1,000 adult DTCs across the U.S., 12% of them being located in the state of California alone. Because of the popularity of DTCs in California, these researchers conducted a study evaluating the effectiveness of these courts with respect to recidivism, cost-benefit analysis, and key components that lead to an effective DTC program. Of the many different DTCs in California, the researchers obtained their data from those in Butte County, downtown Los Angeles, Los Angeles (El

Monte), Monterey County, Orange County (Santa Ana), Orange County (Laguna Niguel), and San Diego County East (Carey et al., 2006). The researchers used a cohort approach to select data samples, and they selected participants from years that an abundance of administrative data was available, thus from January 1998 through January 1999. The comparison group was comprised of individuals who had been deemed eligible for the DTC program but chose not to participate.

The overall results of the study as far as rates of recidivism reared a positive outcome. According to Carey et al. (2006), an average of 52% of the participants in the study completed one of the DTC programs, which is 17% higher than other programs that did not involve DTCs. More importantly, only 17% of the graduates from the DTC programs re-offended, and only 29% of the overall number of participants, regardless of graduation status, re-offended, which was compared to the 41% recidivism rate for the offenders who chose not to participate in the DTC program at all.

In regard to cost-benefit analysis, the researchers found that there are a lot of different factors that need to be evaluated when determining the cost effectiveness of California's Drug Treatment Courts. According to Carey et al. (2006), the cost per participant in the DTC programs in the various counties ranged from \$3,000 to \$13,000; however, there are discrepancies in these numbers as sometimes the costs of arrest, booking, and jail time, as well as other costs unrelated to the actual drug court program, are factored in. Despite this, they found that in almost all of the nine participating programs, the net investment per participant was less than \$3,000. Further, it was found that there is a \$3.50 return on every \$1.00 invested on these programs. Lastly, the study established several criteria that are thought to impact the effectiveness of the DTCs in

California. First, the research showed that higher participation in drug court meetings by members of different government agencies resulted in more positive outcomes for DTCs in general. Second, the more frequent the treatment, the higher the success rate is for participants. Third, the more frequent drug tests, the higher the success rates for participants. Fourth, DTCs that have one treatment provider who oversees all operations tend to be more successful than programs with multiple providers. Fifth, a DTC that has judges who are volunteering to participate in the program are more effective than those that require judges to serve fixed terms. Lastly, sites that require participants to be drug-free for 6 months prior to graduation from the program were more beneficial from a recidivism standpoint as well as a cost-benefit standpoint.

Drug Treatment Courts in Dane County, Wisconsin

Dane County, Wisconsin, is yet another jurisdiction that offers drug treatment courts as an alternative to incarceration. In order to be eligible for DTC in Dane County, one must have been charged with a non-violent, felony offense, driven by drugs in some way. In addition, they must possess the willingness to be treated as well as assessed as being at a high-risk of re-offending (Dane County Drug Treatment Program Handbook, 2014). According to the Handbook, this particular program is comprised of three phases, all of which contain specific requirements that have to be met in order for the offender to move on to the next phase. In the first phase, one must complete a statement of goals for the first phase of the program, meet with his or her case manager five times per week, report to the court once every two weeks, remain strictly in Dane County, and show progress in this phase as well as pass all drug tests before moving into the next phase. In addition, one is required to remain in this phase for at least 60 days but no more than 120

days or they will not longer be able to remain in the program. Phase two has similar requirements, as the participant is required to complete a list of goals for the remainder of the program as well as meet with their case worker and report to the court; however, participants are only required to meet with their case manager three times per week and report to the court once every three weeks. The typical amount of time spent in phase two is 120 days. Lastly, the defendant may enter phase three, assuming they have met all the requirements and tested negative for drugs. In this phase, the final phase, the participants are only required to meet with their case worker once per week and report to the court once per month. In order to graduate, it must be approved by the case manager, substantial progress has to have been made, and each participant has to have been relapse-free for at least 120 days. In addition, participants are required to submit to random drug testing at least once per week throughout the entire program; however, they are often tested more frequently.

Brown (2011), conducted a research study on the Dane County Drug Treatment Court in Wisconsin by comparing the Consolidated Court Automations Program (CCAP) records of 2,370 offenders charged with drug crimes (137 of which participated in drug treatment court). He found there was no statistical difference between those who participated in the program and those who did not; however, he did find that participants who successfully completed the program were less likely to recidivate than the other offenders (p. 196). In addition, Brown (2011) found that Dane County Drug Courts are, in fact, more cost effective than incarceration. It costs approximately \$87 per night to house an offender in the Dane County Jail, and, the average jail time for a repeat offender is 144 days, thus, costs \$7,134. In comparison, the average drug court participant costs

the state \$2,585, assuming they are receiving outpatient treatment, which constitutes about 78% of all participants, thus, this saves \$4,529 per participant that meets this criteria. Other researchers, Kalich and Evans (2006), conducted a similar study by analyzing the data of 496 people that participated in two different drug court programs in the state of Louisiana. These researchers found that the longer the offender participates in the program the less likely he or she is to recidivate.

An Overview of Restorative Justice Programs

Restorative justice programs were designed to show offenders how their actions affect others, including their victims as well as the community, and also to help offenders make amends for their actions (Wisconsin Legislative Audit Bureau, 2004). There are many different forms of restorative justice, two of which include: victim-offender conferences, where victims of crime are sometimes able to meet and talk to their perpetrators, and victim impact panels, where both crime victims and offenders come together to discuss the impact that crime has on the community. Of the many programs, most share similar principles, including: the idea that crime is an offense against people and the community, the idea that victims and community members should be involved in repairing the damage crime causes, the idea that offenders are responsible for their actions as well as the damage done to their victims and the community, and, lastly, the idea that the severity of an offender's punishment does not measure the repair (WLAB, 2004, p. 11).

With regard to the effectiveness of restorative justice programs, Latimer, Dowden, and Muise (2005) conducted a study on these programs in hopes of determining restorative justice program's effectiveness in regard to recidivism, victim satisfaction,

offender satisfaction, and restitution compliance. The researchers conducted a meta-analysis of different programs that fell under their working definition of a restorative justice program, which was “a voluntary, community-based response to criminal behavior that attempts to bring together the victim, the offender, and the community, in an effort to address the harm caused by criminal behavior” (p. 131). Thirty-five different programs were studied, with the participants being predominantly male and predominantly adolescent. The results of the study showed support for restorative justice programs in all of the criteria being evaluated: victim participants in restorative justice programs were found to be slightly more satisfied than those who did not participant in a program; offenders participants were found to be moderately more satisfied than non-participants; offenders who did not participant in a restorative justice program were found to be significantly more likely to recidivate than those who did participant; and, lastly, those offenders who were required to pay restitution were more likely to do so if they had participated in a restorative justice program than those offenders who did not (Latimer, Dowden, & Muise, 2005).

Restorative Justice in the State of Wisconsin

According to the Wisconsin Restorative Justice Coalition (2014), there are approximately 48 different restorative justice programs amongst the different counties in Wisconsin, with some counties, including Columbia County, Dane County, Dunn County, Fond du Lac County, Milwaukee County, Winnebago, and Wood County, having more than one. In addition, there are 4 statewide restorative justice programs in the state of Wisconsin (Wisconsin Restorative Justice Coalition, 2014).

Two restorative justice programs that have been evaluated and have shown

positive results, especially in regard to recidivism of offenders, include those of Milwaukee County and Outagamie County. In these counties, offender participation in these programs is sometimes court mandated and sometimes voluntary; regardless, compliance with these programs often results in a reduction or dismissal of charges for the offender (WLAB, 2004, p. 4). According to the Wisconsin Legislative Audit Bureau (2004), these programs have reared promising results, as only 4.3% of Milwaukee offenders who participate in these programs in the year 2004 re-offended, as compared to the 13.5% that did not participate.

An Overview of Extended Supervision and Day Reporting Centers

Extended supervision programs are often utilized in lieu of incarceration for many different types of offenders, and they are sometimes combined with other programs, such as drug treatment courts and other alternatives to incarceration. These programs are found to minimize taxpayer costs as well as help offenders integrate into society; however, because of the high caseloads of probation and parole agents as well as the infrequency of drug testing, these programs are sometimes found to be flawed (Hawkins, 2010). In a study conducted by Hawkins (2010), it was found that of the probation and parole participants studied, 23% did not show up for meetings with their agent, 46% failed urine tests, 47% recidivated, and 15% were revoked.

In comparison, Day Reporting Centers (DRC) are thought by researchers to provide a more effective means of managing offenders within the community while also being cost-effective (Boyle, Ragusa-Salerno, Lanterman, & Marcus, 2013). The first DRCs were developed in the late 1960's in Great Brittan, and were later established in the United States in the 1980's, with a total of 114 DCRs being in operation by the year

1994, and the numbers have continued to grow over the past 20 years (Boyle et al., 2013, p. 120). DRCs, also referred to as Community Resources Centers, Day Incarceration Centers, and Day Treatment Centers, provide offenders with the opportunity to learn valuable life skills needed to become active members of society while still being supervised for public-safety purposes (Boyle et al., 2013).

Day Reporting Centers in the State of New Jersey

Some extended supervision programs tend to have more success than others. One particular program that has been deemed relatively successful is that of the state of New Jersey, who utilized an evidence-based approach when re-vamping their DRC program. In New Jersey, the DRC's are multi-service centers that operate 7 days per week and provide a multitude of different services, including: vocational and literacy skills education, job placement, G.E.D. programs, substance abuse education and treatment, and family counseling (Ostermann, 2009).

Since the development of the new Day Reporting Centers in New Jersey, research has shown that those who completed prison sentences without participating in this program were more likely to recidivate than those who did participate (Ostermann, 2009,). In addition, Ostermann (2009) reported that those who did not take advantage of the DRC's were not only more likely to recidivate, but were more likely to be arrested more frequently and much sooner after their release from prison.

Day Reporting Centers in Western Pennsylvania

In the year 2005, the DRC program was initiated in Western Pennsylvania due to a rise in crime rates as well as extremely high caseloads for probation and parole agents and jail overcrowding. The goal of the program was to not only alleviate the high

caseload for the agents, but also to reduce recidivism rates and cut the costs of incarceration (Champion, Harvey, & Schanz, 2011). As with many other alternative to incarceration programs, the main components of Western Pennsylvania's DRC program consisted of supervision, treatment, and protection of the community. Participants in the program were required to fit specific criteria, including having no record of violent offenses, as well as undergo an assessment to determine his or her specific needs. Following this determination, each participant was assigned a case worker who held them accountable for their behavior as well as their treatment progress. If participants did not abide by the program rules, they could potentially be discharged from the program and have to serve their jail or prison sentence (Champion et al., 2011). In addition to treatment, participants were taught basic life skills and provided with education that could help them reintegrate into society (Champion et al., 2011).

Researchers Champion et al. (2011), conducted a study of this DRC program in Western Pennsylvania, looking at its effectiveness in regard to reduction in recidivism, successfulness of treatment, and reduction in incarceration costs. The sample size for the study consisted of 126 offenders, 63 that participated in the DRC program and 63 that did not. Of these offenders, 93.7% were white and 63.5% were males; the average age of participants was 35.2. The results of the study were ultimately positive. Of the 63 DRC participants, 40 completed the program, and 60 of the 63 DRC participants were not re-arrested within the first 36 months after completion of the program. In comparison, only 48 of the 63 offenders who did not participate in the program were not re-arrested within that time period. They also found that the program saved \$973,960 over a three year time period, and, lastly, that the rate of successful treatment was 76.9%.

Hawaii's Opportunity Probation with Enforcement (HOPE)

There are many different community based treatment programs for drug offenders that are utilized as an alternative to incarceration. One of these programs which has been deemed successful is Hawaii's Opportunity Probation with Enforcement (HOPE) program, which was created for all different types of offenders, but has terms of compliance geared toward drug offenders and the monitoring of substance use. Drug offenders are randomly tested at least once per week for the first two months of the program and are rewarded when the test results are negative (Hawken, 2010).

As of the year 2010, this program has been evaluated twice, and both studies reared positive results, as it was found that participants of the program were less likely to use drugs, less likely to recidivate, and less likely to be revoked from probation compared to probationers in standard probation programs (Hawkins, 2010, p. 3). More specifically, only 21% of HOPE probationers recidivated, whereas 47% of the probationers in the control group recidivated. In addition, only 7% of HOPE probationers were revoked whereas 15% of probationers in the control group were revoked.

California's Proposition 36

California's Proposition 36, which was developed in the year 2000, is similar to the HOPE program as it is another form of community supervision that is used in lieu of incarceration or standard probation; however, California's Proposition 36 has not been deemed as effective as Hawaii's program. This particular program allows drug offenders three chances before being revoked, unlike standard probation which often only allows for one mistake leading to immediate revocation (Niv, Hamilton, & Hser, 2008). This program immediately became popular after being enacted, as Niv, Hamilton, & Hser

(2008) report that admissions increased by 23% within the first year and continued to increase thereafter.

In one particular study of the program, researchers analyzed the admission records and discharge records of program participants in 5 different counties, totaling 137 different programs. The results showed that the program could benefit from some changes regarding staff, program capacity, and service capacity (Hser et al., 2007). Because the effectiveness of treatment is often based on the quality of the program, the need for so many improvements greatly affects the program's outcomes (Hser et al., 2007).

Conclusion

With regard to effective incarceration alternatives for drug offenders, researchers have found commonalities and criteria as to what is necessary for a program to be successful. Most of those in favor of alternatives to incarceration are believers in rehabilitation, thus, treatment, regardless of the type, is a necessity. With regard to community-supervision, close monitoring of offenders is thought to be extremely important as well as making the safety of the general public a priority (Gable & Gable, 2005).

SECTION III. THEORETICAL FRAMEWORK

Introduction

Understanding potential reasons why people become involved with substances is extremely important in understanding why drug and other crimes are committed and why alternatives to incarceration could be deemed necessary. There is not one single theory that can explain substance use, and criminal behavior. This portion of this research paper will discuss two theories that could help provide an explanation to substance use: social learning theories and addiction theories.

Social Learning Theories

Social learning theories, also known as social process theories, are based on the idea that individuals commit crimes because of socialization. Basically, these theorists believe that criminality can be learned just as something non-criminal, such as riding a bike, can be learned (Tibbetts & Hemmens, 2010). There are many different social learning theories that have been established.

Edwin Sutherland first introduced his theory of differential association in the 1930's. With this theory, Sutherland explained his belief that criminal values could be learned from one's family, friends, and peers (Tibbetts & Hemmens, 2010). His theory was comprised of nine different principles, the most important being that criminal behavior was developed through socialization, and another important principle being that "a person becomes delinquent because of an excess of definitions favorable to violation of law over definitions unfavorable to violation of the law" (Tibbetts & Hemmens, 2010, p. 439). With this particular principle, Sutherland explained that people will have associations that both favor criminal and non-criminal activities and behavior; however,

the individual will engage in whichever he or she is most associated. Sutherland's theory is also based on the idea of transference, meaning that with regard to crime, people will learn techniques of criminal behavior as well as ways to legitimize this behavior by having close contact with those who commit criminal acts as well as share their motives and attitudes toward criminal activity (McCarthy, 1996).

Robert Burgess and Ronald Akers (1966), agreed with much of the information provided by Sutherland with regard to differential association; however, they felt the theory lacked an important piece. Because of this, these theorists developed the idea of differential reinforcement theory, which was still based on the idea that criminality resulted from socialization, however, it added that rewards and punishments were also correlated with criminality (Tibbetts & Hemmens, 2010). Burgess and Akers incorporated Skinner's (1938) idea of operant conditioning into their theory, which is based on the idea that one's behavior is influenced by both rewards and punishments. Basically, individuals tend to partake in activities that produce a reward and avoid those activities that result in punishment, which is highly correlated with the committing of crimes (Tibbett & Hemmens, 2010).

Application of Social Learning Theories to Drug Use

As previously mentioned, social learning theories are often applied to criminal activity; however, they could also be applied to the use of substances. According to Heavyrunner-Rioux and Hollist (2010), the more often one associates with others who use drugs, the more likely that person is to begin using drugs as well. More importantly, the likelihood of the individual making the decision to use drugs increases when he or she sees that the rewards of using the drug outweighs the punishments, or negative aspects of

using the drug. Therefore, the individual is more likely to begin using drugs if the effects appear to be positive, which is something that often occurs among adolescents (Heavyrunner-Rioux & Hollist, 2010).

One, of many, studies that provide evidence of the link between social learning theory and drug use was conducted by Peralta and Steele (2010). These researchers tested the idea of social learning theory as a basis to explain non-medical prescription drug (NMPD) use. There were four different aspects of social learning theory that were looked at, including differential association and differential reinforcement. The study itself was conducted at a mid-west university, where 465 participants (43% male and 55% female) were given an anonymous survey asking questions about their NMPD use as well as their peer groups. The results showed that 39.4% of the participants studied had used a NMPD in their lifetime, 31% had used a NMPD in the past year, and 14.4% had used a NMPD in the last month. In addition, found that several of their hypothesis regarding social learning theory were supported by the data and that the use of these drugs was, in fact, often influenced by the peers of the participants.

Addiction Theories

Drug and alcohol addiction are problems that have been prevalent, throughout history; however, in the 1800's, these issues were typically considered to simply be "illnesses." In the nineteenth century, however, this perspective changed, and addiction began to be recognized as a disease, rather than simply an illness (Jaffe, 1978).

There are many different theories that have been developed with regard to addiction, including what causes it and how to treat it. With respect to this section of this research paper, the cause of addiction will be the main focus. One potential cause of

addiction could simply be genetics. Another potential cause could be explained by Family Systems Theory (FST), which looks at the emotions within one's family (Cook, 2001, p. 153).

According to Cook (2001), FST is comprised of 8 concepts, which go hand-in-hand. These concepts include: “differentiation of self, family emotional systems, family projection process, sibling position, triangling, cut-offs, multigenerational transmission, and societal regression” (p. 153). The first concept, differentiation of self, refers to one's ability to separate thinking and feeling and to think before reacting to a situation. Second, the family emotional system refers to emotions within the family and whether or not each individual tends to have their own emotions or if the family's emotions tend to run together. Family projection, which is the third concept, refers to if and how anxiety and emotion are transmitted throughout the family, for example, whether or not the anxiety and emotions of parents are transmitted to the children. The fourth concept of sibling position simply refers to birth order of the children when there is more than one child. Triangling, which is the fifth concept, refers to when anxiety and emotion between two family members begins to involve a third person to diffuse the anxiety. Cut-offs refer to when one member of the family separates from the rest of the family. The seventh concept of multigenerational transmission refers to when the levels of differentiation are generationally passed; and, lastly, the eighth concept of societal regression is simply what applies this theory to society (Cook, 2001).

Application of Family Systems Theory to Drug Use

In regard to Family Systems Theory and drug use, more specifically, drug addiction, the dependence on substances is thought to be a response to anxiety. In addition, it is thought that poor differentiation, thus the inability to members of a family to think before reacting, also influences addiction (Cook, 2001). In simpler terms, dysfunctions within a family are thought to be a potential cause of substance dependence (Prest, 1993). In addition to dysfunctions, another important aspect of FST is the idea of codependence. According to Prest (1993), codependence refers to the idea that one can develop the personality traits of an addict simply by being exposed to an addict for an extended period of time, for example, a significant other of an alcoholic can develop a codependence on alcohol simply by long-term exposure to their significant other. In addition, the idea of codependence could be used to explain why the children of addicts are more likely to become addicts than children that did not grow up with a substance abusing parent (Prest, 1993).

Conclusion

Both social learning theories and addiction theories are thought by researchers to help explain drug use and drug dependence. Understanding these theories as well as forming an understanding as to how drug use and dependence influence crime is thought to be an important factor in determining effective methods of treatment for drug offenders, and potentially, many other types of criminal offenders.

SECTION IV. RECOMMENDATIONS AND CONCLUSIONS

Introduction

As previously mentioned, the purpose of this research paper is to determine the most effective methods of handling drug and other non-violent offenders with the development of a universal program utilized by all of the different municipalities across the state of Wisconsin, and even potentially across the U.S. With drugs having such a strong impact on today's criminal justice system, as well as society as a whole, the development of a program to help reduce the amount of drug use and drug crime could reduce recidivism rates, which could, in turn, reduce overall crime rates, alleviate prison and jail overcrowding, and cut taxpayer costs. The development of one single program as an alternative to incarceration for specific offenders would be beneficial in that it would be easier to evaluate as well as improve upon as opposed to evaluating and improving upon thousands of different programs. In addition, it could potentially be less costly for government agencies and taxpayers, and would allow for more government funding as the funds would be going to one, single program, and it would provide the best services possible for offenders due to focus being on one, single program as well.

Recommendations for a Universal Program

This research paper looked at multiple different programs that are currently utilized among different municipalities in both Wisconsin as well as all over the United States, including: drug treatment courts, restorative justice programs, day reporting centers, and extended supervision programs like the Winnebago County Wisconsin's Safe Streets Treatment Options Program (SSTOP), Hawaii's Opportunity Probation with Enforcement (HOPE), California's Proposition 36. Although these programs all have

their differences, there are aspects of each program that could be utilized in the creation of one, single program to be used as an incarceration alternative in the U.S. Alternatives to incarceration typically involve both a treatment aspect as well as some sort of punitive aspect. In regard to the development of a single program, it would be beneficial to follow this same course. The ideal program would include components of: treatment, restorative justice, reintegration, and supervision. The combination of the components would provide treatment and also punishment without the need for incarceration.

General Organization of a Universal Program

As previously mentioned, this universal program would be a combination of treatment, restorative justice, reintegration, and supervision. In order for this program to be effective, there are several aspects of its general set-up that would be necessary. Some of the key components of the program's organization could be derived from the state of North Carolina's Drug Treatment Court Program. For example, it would be important to form a partnership amongst all of the government agencies, the courts, and community organizations (NCAOC, 2010, p. 3). This partnership is important simply to ensure that all state agencies are kept current as to key aspects of the program, including requirements, rules and regulations, and any changes that might occur within the program. In addition, keeping everyone informed will also help prevent any errors from being made. In addition, in order for this program to be effective, also per the study conducted on North Carolina's DTCs, there could be one committee in charge of the program's operations, which would include an open-minded court team as well as members who are able to recognize and target participants that are of higher risk than others as well as act to protect the due process rights of the program's participants

(NCAOC, 2010). This committee would be formed of the heads of different state organizations, including members of the court system, employees from the Department of Corrections as well as members from different treatment facilities across the state, in addition to community-members. Membership in the committee would be voluntary, and the chair of the committee would be voted on by the committee members on a bi-annual basis, and meetings would be held quarterly.

Treatment

The treatment aspect of a universal program should involve an assessment as well as the actual treatment. The Dane County DTC program is only open to offenders that are at a high-risk of recidivating (Dane County, 2014). On the contrary, it might be more beneficial for a program to be open to more than just high-risk offenders. If any risk of recidivism is posed, and an offender meets the criteria for having a substance abuse issue, he or she should be admitted into the program, assuming he or she meets the other main piece of criteria – not being a violent offender or sex offender. After the initial assessment, which would involve determining what specific treatment is needed, the participant would be placed into outpatient treatment, in-patient treatment, group counseling, or family counseling. With many different treatment options being offered, it would be more likely that the participant would be treated more effectively, just as the Dane County Drug Treatment Court Program provides many different treatment options (Dane County, 2014).

In regard to family counseling, this is something that would be recommended regardless of the assessment outcome. Based on the concepts of Family Systems Theory, the emotions found within one's family are often an indicator of drug or alcohol

addiction, and addiction is often a response to anxiety which is sometimes passed throughout the family (Cook, 2001). In order to remedy addiction, family counseling could be beneficial in that would allow for other members of the family to discuss their own issues as well as how the participant's issues effect the family as a whole.

Restorative Justice

Although the aspect of restorative justice is not typically found in correlation with other alternative incarceration programs, it is something which could be beneficial to include if a universal program were implemented. As mentioned, restorative justice programs bring offenders, victims, and community members together to show the effects criminal acts have on society as well as provide offenders with the opportunity to make amends for their actions (WLAB, 2004). If involvement in a restorative justice program, such as victim impact panels, was a requirement for graduation of a program, participants could benefit by learning the importance of community involvement. This could ultimately reduce the risk of recidivism as well as help reintegrate the offender into the community after completion of the program.

From a social learning theory standpoint, restorative justice could also show offenders that the consequences of both criminality and drug use do, in fact, outweigh the benefits through hearing the negative impact that their criminality has on victims and the community. Because most social learning theories, including differential association, are based around the idea of rewards versus punishments (Tibbetts & Hemmens, 2010, p. 444), restorative justice might help the offender realize that being a normal member of society is actually more rewarding the committing crimes or using drugs.

Supervision and Reintegration

Another key component of a potential universal program for non-violent and drug offenders is some type of community supervision. This research paper outlined many different programs that have been deemed effective in regard to supervision, including multiple day reporting centers, Winnebago County's SSTOP program, and the HOPE program in Hawaii. One of the goals of these programs is to monitor offenders without incarceration, which would also be a goal for a universal program.

Of the different community supervision programs discussed, day reporting centers seem to be effective and provide multiple different services to offenders. That being said, the universal program could include a supervision component based on day reporting centers. Like the DRCs in the state of New Jersey, the program would have a center open to participants 7 days per week. The center would have services to help participants with vocational and literacy skills and job placement as well as offer G.E.D. programs, substance abuse education, and family counseling.

One other important component of the supervision aspect of this program would be the utilization of case managers. Each participant would be assigned a case manager, whom they would be required to meet with regularly. Like the Dane County DTC program, the program would be set up into three different phases, and during phase 1 the participant would be required to meet with his or her case manager 5 times per week, then 3 times per week in the second phase, and once per week in the third and final phase. Drug testing would also be a mandatory component of the supervision portion, and this would also operate similar to that of the Dane County DTC system, where participants are tested more frequently in phase one and less frequently in phases two and three (Dane County, 2014).

Cost of Alternatives to Incarceration vs. Incarceration

According to the National Institute of Corrections (2014), the average cost to house an inmate in the State of Wisconsin was \$28,932 in the year 2005, nearly a decade ago. The state of Wisconsin has 72 counties, and, when the last census was taken in 2006, there were 77 total jails as well as 20 adult correctional facilities in the state of Wisconsin alone (NIC, 2014, p. 1). According to Wisconsin Legislative Fiscal Bureau (2013), the total operational cost of the state facilities was \$730,931,513 from the years 2011-2012. The cost per inmate in Wisconsin facilities in the years 2011-2012 varied from \$25,210 (inmates housed at Stanley Correctional Institution) to \$45,504 (inmates housed in the Wisconsin Secure Program Facility) per inmate per year.

On the contrary, alternative to incarceration programs tend to cost taxpayers far less. For example, California's drug treatment court program costs anywhere from \$3,000 to \$13,000 per participant per year, with a net investment of only \$3,000 per participant per year, which researchers found means there is a \$3.50 return on every \$1.00 spend on their DTC program (Carey et al., 2006). That being said, the development of a universal program could potentially save taxpayers money, as less offenders would be incarcerated, therefore, less money would be spent on incarceration costs. For example, if you were to compare the average amount spent per inmate in Wisconsin in the year 2005 (\$28,932) to the maximum amount spent per participant in the California DTC program in one year (\$13,000), \$15,000 more is being spent per inmate to incarcerate rather than treatment.

Conclusion

Substance use and disorders are thought by many researchers, including Brown, Zuelsdorff, and Gassman (2009), to cause a great deal of burden on the criminal justice system in the United States (p. 337). There have been many programs developed, as well as many programs still being developed, to help alleviate this burden as well as to help individuals with substance use disorders. The purpose of this research was to inform readers about the issues that have arisen in our criminal justice system simply from the use of drugs alone as well as stress the importance of the development of programs that can be utilized as an alternative to incarceration for both drug offenders and drug users in this country. At some point in the future of our criminal justice system, the development of a universal program that both punishes and treats drug users could have a huge impact on recidivism rates, prison over-crowding, and substance abuse. The development of one single program as an alternative to incarceration for specific offenders would be beneficial in that it would be easier to evaluate as well as improve upon as opposed to evaluating and improving upon thousands of different programs. In addition, it could potentially be less costly for government agencies and taxpayers, and it would allow us to provide the best services possible for offenders due to focus being on one, single program.

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