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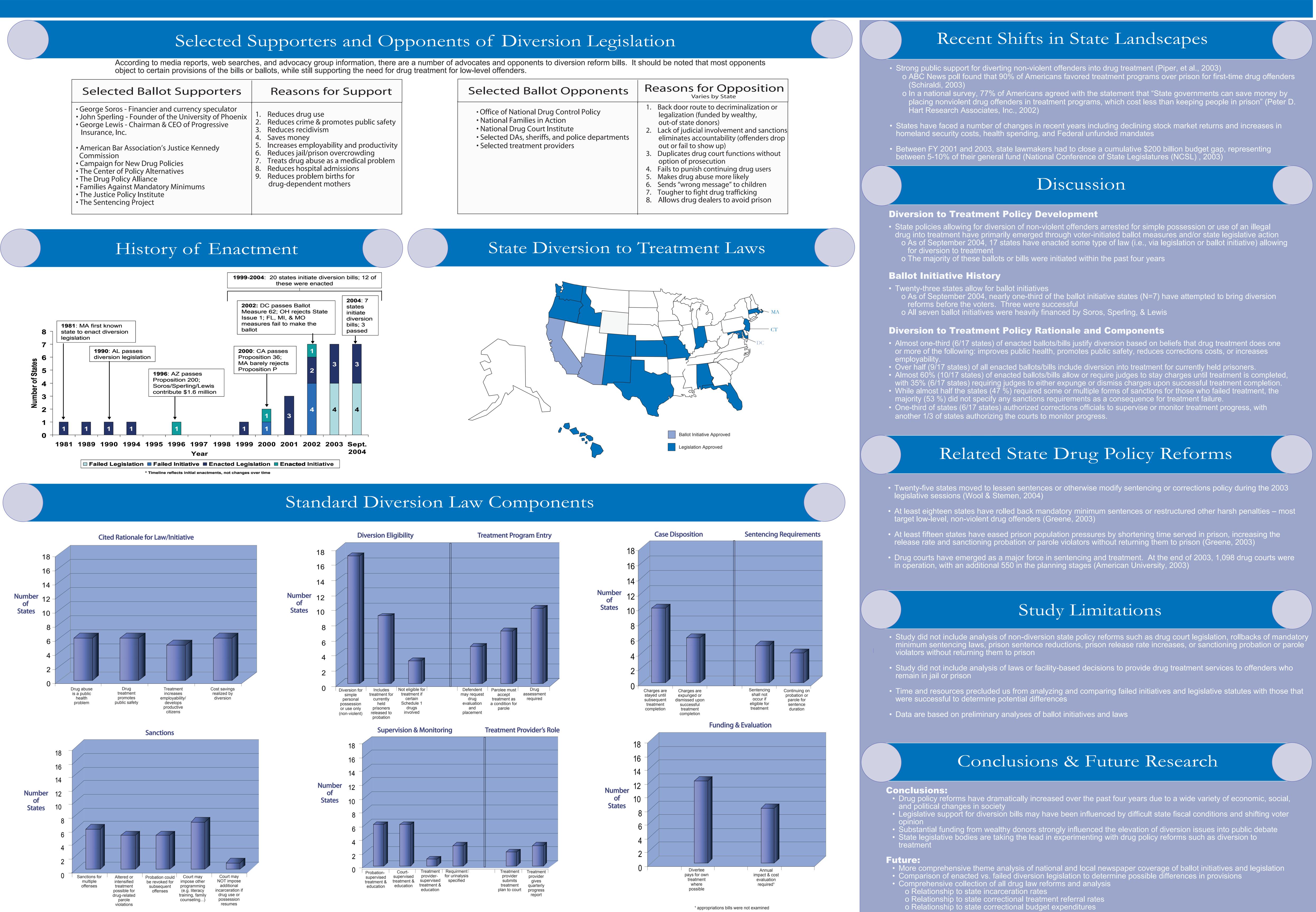
STATE DRUG POLICY REFORM MOVENE The use of ballot initiatives and legislation to promote diversion to drug treatment

Background & Purpose ackground: Over the past 30 years, drug offenses have been a leading cause of rapid population increases in federal and state prisons. A policy reform movement that advocates diverting low-level, non-violent offenders into treatment has recently gained prominence in a number of states. While the primary strategy of wealthy proponents has been to sponsor state ballot initiatives or propositions that allow the voters to require diversion to treatment, many states have also significantly reformed their 'tough on crime' laws to allow for diversion to treatment. **Purpose:** Using qualitative content analysis research, we identified and analyzed the successful state ballot initiatives and enacted legislative bills relating to diversion to drug treatment to determine the primary components of these laws. Research Questions 1. Who are the major advocates and opponents of diversion-to-treatment laws? What are their primary arguments? 2. How many states have utilized ballot initiatives or legislation to reform their drug laws? 3. What standard components of diversion to treatment are typically addressed in the state ballot initiatives and laws? Selected Definitions Enacted Legislation – bills passed by state legislatures Ballot Initiatives: (24 states allow some form of Initiative – either Direct or Indirect) Direct Initiative Process – constitutional amendments or statutes proposed by the people are directly placed on the election ballot and then submitted to the people for their approval or rejection Indirect Initiative Process – amendments or statutes proposed by the people through a petition must first be submitted to and approved by the state legislature. If approved, the initiative moves to the election ballot Brief Rationale for Diversion Throughout the 1980's and 1990's, "tough on crime" laws were developed and/or expanded, including mandatory
minimum sentencing, three-strikes laws, truth-in-sentencing laws, abolition of parole, and high monetary
penalties for drug possession, sales and manufacture. In 2001, drug offenders accounted for 20.4% of sentenced State inmates and 55% of sentenced Federal inmates (Harrison & Beck, 2003) Between 1990 and 1999, aggregate state spending on corrections increased from \$17.2 billion to almost \$35 Coerced, corrections-based drug treatment is as effective as, and sometimes more effective than non-coerced treatment (Hubbard et al., 1998; Inciardi et al., 1997; Wexler, 1995)
 Length of time in treatment increases treatment success (National Institute on Drug Abuse, 1999) Coerced treatment is cost effective
 California Drug and Alcohol Treatment Assessment (CALDATA) study (Gerstein, Johnson, Larison, Harwood, & Fountain, 1997)
 RAND study (Caulkins, J., Rydell, C., Schwabe, W., and Chiesa, J., 1997) The criminal justice system is now the largest primary source of treatment referral (36%) for all clients tracked in the Treatment Episode Data Set (TEDS), and the majority source (56%) for marijuana referrals (SAMHSA, 2002) Data Collection & Sources State ballot initiatives and legislation adopted/enacted as of August 30, 2004

 Full-text ballot initiatives/laws obtained from Westlaw

 Initiatives and laws were coded and analyzed using a qualitative content analysis approach Secondary data sources include: – Health Policy Tracking Service Year End Report, 2003 - Ballot Initiative Strategy Center - lists all state ballot initiatives from 1900 to present – "State of the states: Drug policy reforms – 1996-2002" - a report by the Drug Policy Alliance – "Positive trends in state-level sentencing and corrections policy" – a report by Families Against Mandatory nimums Primary topical search of major national newspapers, 1996 – present. econdary topical search of diversion and ballot initiative articles catalogued by the Media Awareness Project – - "Changing fortunes or changing attitudes: Sentencing and corrections reforms in 2003" - a report by the Vera

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