LOCAL PROSECUTORIAL DISCRETION WITH JUVENILE OFFENDERS: TREATMENT, DETERRENCE, AND MARIJUANA POSSESSION

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Supported by grants from The Robert Wood Johnson Foundation (032769) and the National Institute on Drug Abuse (DA01411)

Purpose
The purpose of this analysis was to examine the relationship between community drug policy and youth marijuana use and related attitudes. Specifically, we compared local prosecutor-reported frequency of using a treatment or deterrence approach for first-time juvenile marijuana possession offenders with 8th, 10th, and 12th grade student marijuana use in those communities as well as their perceptions of marijuana risk and disapproval.

Background
Within the framework of the national drug policy debate, communities seek policies that reduce the individual and social harms and costs resulting from substance use and abuse without causing additional harm. Efforts to increase treatment access for marijuana offenders are often met with concerns that such actions may decrease the perceived risk and disapproval of using marijuana, and increase the numbers of youth who start use or continue to heavier use. Those who support increased access to treatment cite the costs of overcrowded jails and detention centers, the non-violent nature of marijuana use, the harm caused by incarceration, and the initial success of some treatment programs as reasons to move away from a high-deterrence-only approach. However, little research is available that examines the relationship between community treatment or deterrence policies and actual levels of youth marijuana use and related beliefs or attitudes.

Methodology
Data from 2000 was used, including:

- Independent variables (collected by the ImpacTeen project): Local prosecutors interviewed in communities surrounding 8th, 10th, and 12th grade public schools participating in the nationally-representative Monitoring the Future (MTF) study. Reported frequency (never, rarely, sometimes, usually, always) of use of several approaches to dealing with first-time juvenile offenders (with no prior records) charged with marijuana possession as the most serious offense, including:
  1. Use of any diversion to treatment program
  2. Use of a diversion to treatment program with expulsion
  3. Use of court-ordered probation with treatment
  4. Use of waiver to criminal court

- Dependent variables (collected through the MTF study): School-level aggregate student reports of the following marijuana behaviors/percentages:
  1. Prevalence (any use): Lifetime, past 12 months, and past 30 days
  2. Mean consumption (original scale of 0, 1-2 occasions, 3-5 occasions, 6-9 occasions, 10-19 occasions, 20-39 occasions, 40+ occasions): Lifetime, past 12 months, and past 30 days
  3. Disapproval (disapprove or strongly disapprove vs. don’t disapprove): Trying marijuana 1-2 times, occasional use, and regular use
  4. Perceived risk (perceive great risk vs. less than great risk): Trying marijuana 1-2 times, occasional use, and regular use

- Control variables
  1. School controls (MTF): aggregate proportion of African-American, Hispanic, White, and Other students; proportion of students with father living in household
  2. Community controls: proportion of White residents; proportion aged 12-17; proportion aged 18-24; mean median household income; region of the U.S.; urban/suburban or town/rural (ethnicity, age, and income variables were obtained from the 2000 U.S. Census, population density obtained from the National Center for Education Statistics)

Analyses
OLS regressions were completed using SAS v8 with PRoD GEnMOD (proportion outcomes transformed using the natural log before analyses), and weighting to account for probability of school MTF participation.

Observing Relationships for: General Diversion
- NO relationships observed for: Disapproval, Prevalence, General Consumption, or Consumption Among Users
- Decreased perceptions of Risk for Regular Use

Observing Relationships for: Diversion with Expulsion
- NO relationships observed for: Disapproval, Risk, Prevalence, General Consumption, or Consumption Among Users

Summary
Within the limitations of cross-sectional data, use of case scenarios (vs. case records), and the reality that causal inferences cannot be supported, these data have some important implications for policy consideration:

- Diversion to treatment appears to be normative practice among these prosecutors. While there may be a national debate about appropriate marijuana policy, it appears that a number of the nation’s prosecutors have decided that a treatment approach is preferred to high deterrence in dealing with first offense juvenile marijuana possession.

- In these communities, deterrence was associated with a higher proportion of youth perceiving great risk in regular marijuana use as well as lower use and consumption rates. However, this must be balanced with the consequences of the application of this particular high deterrence policy: the transfer of a first-time juvenile marijuana possession offender to adult court with all of the labeling implications.

- It is crucial to focus on the data that show that diversion was not associated with higher marijuana use or consumption rates. This is the application of a public health treatment service model was not associated with increased marijuana use.

- Use of probation with treatment was associated with less marijuana consumption. This may suggest the importance of formally integrating justice system oversight with treatment provision, such as juvenile drug court programs.