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Juvenile Drug Courts

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Abstract

Past criminalization of drug crimes in response to the social control of drugs in the United States has led to harsh punitive sentences for drug crimes. Since 1989, drug courts have proliferated across the United States as a unique response to non-violent drug crimes. Over the past few decades, as legislation has increasingly criminalized drugs, the number of drug crimes has skyrocketed. Juvenile drug courts are a relatively new response to juvenile drug crimes. This paper seeks to explain the purpose and processes of juvenile drug courts to determine the areas of research necessary to better understand these programs and make them more effective.

### Juvenile Drug Courts

Juvenile drug courts are a relatively new response to juvenile drug crimes. This paper seeks to explain the purpose and processes of juvenile drug courts to determine the areas of research necessary to better understand these programs and make them more effective.

#### **History of Drug Courts**

Drug courts are “specialized court dockets, or portion of judges’ calendars of cases, that generally target nonviolent offenders with substance-abuse problems” (Franco, 2010, p.1). These courts primarily deal with offenders that are not seen as dangers to the public; violent drug crimes are heard by normal means through state and federal court systems.

The purpose of drug courts is to fight substance abuse and addiction through behavior modification programs that avoid jail sentences. Drug courts are usually implemented at the state level, but have been supported at the federal level (Franco, 2010, p.1). The first drug court was established in 1989 in Miami-Dade County, Florida (NADCP, n.d.). As of June 2015 there were 3,133 drug courts in operation in the United States (NDCRC, 2015). Drug court programs proliferated in response to increased rates of incarcerations due to drug crimes while the demand for drugs stayed the same (Franco, 2010, p.2).

Between 1980 and 1989, there was a 532% increase in the number of drug offenders in custody of state correctional authorities (Franco, 2010, p.4). During this period state and federal prison populations increased by 116%, with this number doubling by 2008 (Franco, 2010, p.4). In addition, over half of all prison populations have issues related to drug abuse whether or not their conviction was for a drug related crime (Franco, 2010, p.4). Therefore the problem of substance abuse impacts all areas of the criminal justice system.

### **Juvenile Drug Courts**

Juvenile drug courts are specialized dockets within juvenile courts for substance-abusing youth in need of treatment (NIJ, n.d). Much like adult drug courts, the overall purpose of juvenile drug courts is to reduce recidivism and substance abuse (NIJ, n.d). About four years after the first juvenile court was established the first juvenile drug court was established in 1993 in Key West, Florida (NIJ, n.d). By 2009 there were over 500 juvenile drug courts in the country (NIJ, n.d).

**Offender Population.** Offenders in juvenile drug court are under the age of 18 and typically non-violent (NIJ, n.d). Eligibility for entrance into drug court is dependent on various factors including offense type, criminal history, and substance abuse history (NIJ, n.d).

**Process.** The juvenile drug courts have six stages. The first stage is the screening stage; during this phase, offenders are assessed to identify their substance abuse problems. Second is the coordination stage, a phase which coordinates services across agencies to find the best path of treatment for the juvenile. The third phase helps kids and families make contact with these services. The fourth stage seeks to get juveniles actively engaged with these services. The fifth stage occurs when treatment has concluded and transitions juveniles out of these services. The sixth stage transitions juveniles into long-term support and community resources (NIJ, n.d).

The goal of this process is to motivate youth towards positive change (NIJ, n.d). The process utilizes incentives and sanctions to motivate behavioral change (NIJ, n.d). Completion of the program potentially would allow offenders to eliminate their charges while being rehabilitated (NIJ, n.d).

**Differences from Adult Drug Courts.** There is a large difference between the neurological development of juveniles and adults, which changes the approach to treatment (NIJ,

n.d). Additionally, many juveniles are diagnosed with co-occurring disorders such as depression and anxiety (NIJ, n.d). Juveniles also rarely experience addiction in the same way that adult offenders experience addiction and they therefore misuse drugs for different reasons (NIJ, n.d). Lastly, juveniles are still developing cognitively, emotionally, and socially; as a result, drug courts emphasize family and peer relationships (NIJ, n.d).

### **Effectiveness**

The Office of Justice Programs identifies seven objectives for juvenile drug courts. The first objective is to address “substance use and criminogenic needs to decrease future offending and substance use and to increase positive outcomes” (OJJDP, n.d.). The second is to “ensure equitable treatment for all youth by adhering to eligibility criteria” (OJJDP, n.d.). The third is to “provide a process that engages the Juvenile Drug Treatment Court team” (OJJDP, n.d.). The fourth objective is to individualize treatment based on the case (OJJDP, n.d.). The fifth objective is to “implement contingency management, case management, and community management” (OJJDP, n.d.). The sixth objective is to “refer participants to evidence-based substance use treatment” (OJJDP, n.d.). Lastly, the seventh objective is to monitor program completion (OJJDP, n.d.).

While well intentioned, these objectives lack a quantitative measurement tool to measure results on a national scale. It is widely debated whether drug courts, in general, are an effective response to drug crime. Specifically, the effectiveness of juvenile drug courts is still being evaluated. A study in 2011 found that the annual program cost per offender was \$2,645 (NIJ, n.d). According to the National Institute of Justice, “The benefit to cost ration was \$4.50 and total benefits yielded \$13,861” (NIJ, n.d). There are few studies into the effectiveness and potential reduction in recidivism rates of juvenile drug courts.

### **Conclusion**

Future research into the effectiveness of drug courts should focus specifically on juvenile drug courts. Additionally, a national measurement should be established to track if these specific courts are effective on a nationwide scale. Having this research will allow criminal justice professionals to evaluate how these programs should change in the future.

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