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Effect of Society's Political Ideology on the Long-Term Viability of Drug Courts

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Abstract

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Dissertation Submitted in Partial Fulfillment

of the Requirements for the Degree of

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Abstract

Drug courts are programs for people who experience substance abuse disorders and have been accused of a crime and are perceived as being likely to reoffend. The purpose is to provide a therapeutic approach with reducing the risk of future offense by supporting treatment for the defendant. Drug courts are cost-effective for state and local governments and are often funded through a combination of state appropriations and federal grants. Little is known how political ideology may influence the state and local budget process that support drug courts. Using Shafritz's power and politics theory as the foundation, the purpose of this study was to understand the extent political ideology influences support for drug courts by voters and judges in a single judicial district in a Midwestern State. Survey data was first collected from 106 registered voters, with 67 usable responses, and data were analyzed using logistic regression analysis. The registered voter results were statistically significant with 71.6% ($p=.002$) respondents supporting treatment, which increased to 85.4% ($p=.001$) when knowing there was judicial oversight for drug court. Through descriptive research, 45 judges participated with findings indicating support for drug courts and no outside influences which impact decision making. The positive social change implication stemming from this study include recommendations to state policy makers to provide information and education about drug courts. Following this recommendation may result in support for increased budgetary spending to sustain drug courts. This, in turn, allows drug courts to continue, where offenders can receive substance abuse treatment which may result in fewer drug addicted crimes and benefiting the community and society.

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Dedication

This study is dedicated to the late Iowa Supreme Court Justice Mark Cady who sparked my interest in this study when listening to his state of the judiciary address requesting funding for specialty courts.

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This study and dissertation would not have been possible without the loving support of my husband, Chris. Thank you for always being there and helping me through this process. I love you.

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Chapter 1: Introduction to the Study

In 1971, President Nixon declared a "war on drugs," calling illegal narcotics public enemy number one ("It is time to end," 2009). The objective of this "war" was to obtain a drug-free country by fighting against people who use and sell illegal drugs (Miranda, 1998). War, according to Carl von Clausewitz, is defined as "an act of violence intended to compel our opponent to fulfill our will" (Miranda, 1998). The war on drugs was not against drugs, but a war on people who use and sell illegal drugs (Miranda, 1998). This war continues today with law enforcement requesting $9.2 billion in funding in 2018 alone (Office of National Drug Control Policy [ONDCP], 2017). Further, opioid overdoses are increasing, requiring law enforcement and EMTs to carry NARCAN to prevent an overdose death (Kennedy, 2018). Despite the benefits of addressing the drug problem in the United States, it is important to look at the costs such as drug courts that have been implemented.

Background of the Study

The war on drugs has accelerated arrest and incarceration rates since 1971. In 2005 and 2006, drug arrests totaled 1,846,351 and 1,889,810, respectively ("Drug War Facts," n.d.). Since 2006, drug arrests have hovered on average around 1.5 million each year ("Drug War Facts," n.d.). The total number of drug arrests in the United States in 2010 was 1,638,846 and remained consistent with a slight drop by 2017 to 1,632,921 ("Drug War Facts," n.d.). Thus, drugs continue to affect lives and families, burden the criminal court system, and create prison overflow.

Drug courts were created to stem the flow from courtroom to prison for drug offenders, as the same drug addicted defendant routinely appeared in front of the same prosecutors, judges, prison officials, and parole officers. For example, recidivism rates increased from 322,000 in 1970 to more than 1.3 million in 1998 (Burke, 2010). Though the war on drugs attacks the supply of illegal narcotics, drug courts focus on the demand or the user (Burke, 2010). In November 1988, Herbert Klein, a circuit court judge in Florida, noted continual placement of drug offenders on probation perpetuated the problem, as the same offenders were seen repeatedly and would eventually be incarcerated for nonviolent drug offenses, which occupied space in prisons that violent offenders could fill (Warren, 2009). Seeing this need, Judge Klein became a proponent for drug courts; thus, the first drug court was implemented in Miami, Florida. After Miami, drug courts expanded across the United States in areas like New York. Various jurisdictions determined a need and tried to provide a court-related service to reduce drug use, crime related to illegal drug use, and provide alternatives to incarceration. There were more than 3,400 drug court programs in the United States by 2015 ("Drug Courts," 2015). To date, there are no drug courts in the federal criminal justice system because most federal drug cases relate to major drug trafficking organizations rather than users, and drug courts are necessary to attack addiction not trafficking.

Drug courts can vary, especially when they number in the thousands. For example, the Fifth Judicial District Drug Court located in Polk County, Iowa was established in 1997 and operates as a diversionary program away from incarceration supporting participants in treatment and rehabilitation (Annual Report, 2018). This

program is called the "Intensive Supervision Court Program," otherwise known as drug

court (Fifth Judicial District, n.d.). This 15-month program consists of a team comprised

of individuals from the judicial and community corrections system and treatment

providers including a judge, a probation supervisor, prosecutor, defense attorney,

probation officers, treatment counselors, and a secretary (Fifth Judicial District, n.d.).

This program's mission is "to promote public safety by facilitating positive changes in

the attitudes, beliefs and behaviors of drug addicted offenders" (Fifth Judicial District,

n.d.). The program begins with an initial screening process before proceeding through

five phases, each with different goals, activities, and requirements that the participant

must complete before moving onto the next phase (Fifth Judicial District, n.d.). A

successful participant is one who completes all phases and is moved to the alumni

support group (Fifth Judicial District, n.d.).

Research associated with determining the effectiveness, impact, and cost-

efficiency of drug courts is funded through the National Institute of Justice ("Drug

Courts," 2015). Through National Institute of Justice funded research, drug courts have

resulted in a cost savings of $5,680 to $6,208 per offender despite higher treatment costs

("Drug Courts," 2015). However, these higher treatment costs affect the long-term

viability of drug courts. Budgets are often tied to results, and if a program is not

producing results, then it receives little to no funding or is cut altogether. For instance,

when only 20 drug court participants out of 100 do not recidivate, a state legislature may

not see the return on their investment when budgeting funds. But research supports the

benefits of specialty courts, focusing on the cost-benefit analysis of the programs in

addition to the rehabilitative and reduction in recidivism benefits. For example, Marlow, DeMatteo, and Festinger (2003) noted that there is a reduction in recidivism of up to 3 times greater than any other initiative. Further, considering financial and budgetary crunches, Shepard (2010) argued that the justice system must find a solution for effective penalties for crimes but be mindful of providing services within times of budgetary shortfalls. The justice system must be innovative, especially when specialty courts such as drug courts provide cost benefits and effectiveness (Shepard, 2010).

Although there is much discussion on the cost-benefit analysis of drug courts, there is little discussion on whether the public supports it. Research has indicated that a small majority believed treatment is better than incarceration; however, most individuals have also believed that funding for incarceration is more important than treatment (Giordano, 2014). Though there has been an increase in public support for treatment rather than incarceration, there is still the question of whether political ideology influences this support, especially if individuals know there was judicial oversight of treatment such as through drug courts. Thus, this research was conducted to answer what influence political ideology has over drug court support and whether drug courts influence those who support incarceration.

Problem Statement

Drug courts are controversial because they go against the idea of court or the criminal justice system. Typical criminal courts are adversarial, yet in drug court, prosecutors and defense attorneys play a reduced or minimal role and in some circumstances are not even present during proceedings (Nolan, 2003). Although this

seems unconventional, defense attorneys and prosecutors appear to understand the need for this specialty court. In addition, the Conference of Chief Justices and Conference of State Court Administrators endorsed the problem-solving court model, and the American Bar Association also adopted a resolution in support of problem-solving courts (Nolan, 2003).

Despite understanding and support from stakeholders like judges and attorneys, specialty courts have their critics as well, especially because of flaws in research supporting them. Research has indicated a reduction in recidivism but with only cursory statements of findings rather than evidence supported with methodology (Marlow et al., 2003). Similar, research has suggested that those who participated in a drug court were less likely to recidivate than nonparticipants (Mitchell, Wilson, Eggers, & MacKenzie, 2012); however, questions were raised as to whether recidivism increased once participants completed drug court and no longer had oversight. In addition to these types of flaws in research, critics have argued that drug courts are a testament to political appeal not effectiveness, as they provide a cover for politicians (Hoffman, 2012). Further, though drug courts are based on federal grants and use less court staff, they have attempted to place as many individuals as possible into this specialty court, which increases the number of drug cases and subsequent imprisonment rather than treatment when defendants do not want to rehabilitate (Hoffman, 2012).

Regardless of the support or critique of drug courts, those offering their research or opinion typically have some tie to the justice system. The little research from the customer perspective has shown that attorneys believed that defendants got what they

deserved (fair outcome), whereas the public felt that they received a case that was

handled fairly (fair procedure) as opposed to a fair outcome (Burke, 2010). There has

also been little research in the last 5 years as it relates to public support for treatment.

However, some research has suggested that respondents felt more comfortable supporting

treatment if there was court oversight (Giordano, 2015). Research continually shows

support for drug treatment, yet there are still those who believe in incarceration as the

best method. Thus, an analysis of the public's support of drug court must be undertaken

to determine whether the public is aware of the specialty courts, whether they believe

there is fairness and justice within the specialty court, and their overall support of these

programs.

Purpose

This quantitative study was intended to explore whether political ideology affects

support for drug courts and if those who believe in incarceration as the best method

change their opinion when they are aware of the threat of incarceration through drug

court. Despite the reported benefits of specialty courts, there is limited research on the

overall effect of public's support or lack thereof for these courts, especially considering

the current political climate within the United States (Giordano, 2014). For example, the

Trump Administration has led to an increase law enforcement's resources related to

immigration and crime. The purpose of this study was to discover society's support of

drug courts and how this may affect the courts' future and viability, which may assist the

criminal justice system in determining whether drug courts will remain popular and

whether funding will continue. The dependent variable related to public opinion is

support for drug courts and political party identification was the independent variable. For judicial opinion, the dependent variable is support for drug courts, and the independent variables are public influence, prior drug court experience, length of time as a judge, opinion of treatment vs. incarceration, and appointed by a Democrat or Republican governor.

Research Questions

Research Question 1: Does an individual's political ideology influence their support for funding of specialty drug courts?

$H_0 1$: An individual's political ideology does not influence their support for funding of specialty drug courts.

$H_0 a$: An individual's political ideology does influence their support for funding of specialty drug courts.

$H_0 2$: An individual who previously supported incarceration will not support drug court when knowing there is judicial oversight.

$H_0 a$: An individual who previously supported incarceration will support drug court when knowing there is judicial oversight.

Research Question 2: Are judges affected by public views sentencing a defendant to drug court?

Research Question 3: Are judges affected by the gubernatorial policies of the administration who appointed the judge to the bench?

Theoretical Framework

The theoretical framework relative to this study is power and politics. Power and

politics relate to the various players within the criminal justice system who can support

the continued funding of drug courts (Shafritz et al, 2016). Power has the capability to

effect or influence change (French & Raven, 1959). Change can be thoughts, opinions,

ideas, values and behavior (French & Raven, 1959). More power is related to having a

strong base of power, meaning the stronger the base power, the greater the power (French

& Raven, 1959). Power and politics rejects the normal assumptions from the classical or

neoclassical theories, which assumes that people in positions of authority set goals and

the purpose of the organization is to achieve the set goals (Shafritz et al, 2016). This

suggests that legislators would set the goals in the best interests of the public, including

funding. Classical theory also focuses on how best to create and manage the organization

to achieve the goals effectively and efficiently (Shafritz et al., 2016), but the government

is not always efficient.

When looking at power and politics theory, organizations are viewed as a

complex compilation of individuals and coalitions. For example, there are influencers

who seek to control the organization by using their means or influence (Shafritz, et al,

2016). These influencers could also be society, the individuals, who collectively elect an

individual to represent their interests. On the other hand, society, collectively can vote to

unseat an individual who they feel do not represent their interests.

Shafritz, et al., (2016) argues power accomplishes established goals and people in

positions of authority set these goals (Shafritz, et al 2016). Yet the people in "power"

are elected to the position by the electorate, thus who maintains power and control? An elected official has control of a resource (i.e. funding), but the electorate maintains the power of the ballot. Understanding that more people support treatment over incarceration yet support funding for incarceration, the people have the power to influence and direct the government toward what they feel is necessary. What the government spends its money in can be directly attributable to the power given to the people, if they exercise it.

Nature of the Study

The nature of this study was a quantitative, nonexperimental research design assessing for causal relationships. Causal relationships develop when one variable causes another to change or exist (O'Sullivan et. al, 2017). For example, at the most basic level, the research analyzed society's support and its effects on drug courts. For analyzing the public's view, the dependent variable is support for drug court for both public and judicial surveys, and the independent variable included political party identification. In addition to determining the public's views, data were also collected from judges. The dependent variable is support for drug court and the independent variables include prior drug court experience, length of time as a judge, preference of treatment vs. incarceration and the gubernatorial political party which appointed the judge.

Surveys for both the public and judges were developed by the researcher. The population sample for judges is all district court judges for the Midwestern state. The population sample for the public came from registered voters in a judicial district in the Midwestern state, which consists of 11 counties. The judicial survey was administered

via online survey. The public survey was mailed to 1,000 randomly chosen registered

voters. Data were collected and analyzed with logistic regression analysis.

Definitions

Drug court: Although there are various methods of drug courts operations, drug

courts for the purpose of this study are a treatment program overseen by the courts with a

potential or threat of incarceration.

Political party identity: This is the independent variable for Research Question 1

and was determined by the political party the participant self-reports they are registered.

The political parties available for respondents are Democrat or Republican. According to

this Midwestern state's auditor, these are the only two recognized political parties.

Assumptions

For this study, it was assumed that drug courts generally operated in the same

manner, with participants entering a court supervised drug treatment program with threat

of punishment/incarceration. It was also assumed that survey participants had a general

knowledge of illegal drug abuse issues and that there was some form of treatment

available. Finally, it was assumed that district court judges felt safe in expressing or

providing data based on the confidentiality and anonymity provided. It was therefore

assumed that judges were honest and truthful in providing answers related to drug court

sentencing and public influence. It was also assumed those who are registered to vote

also exercise their right to vote by participating in elections, including local and state

elections.

Scope and Delimitations

This study limited the sample in two different methods. First, this study was limited to a Midwestern State. Though illegal drug abuse is a national epidemic, certain areas of the United States experience different choices of illegal drugs. This study was focused on a Midwestern state where the manufacture of methamphetamine plagued the State, resulting in implementing various law criminalizing such actions as buying pseudoephedrine. On the other hand, Southwestern states may experience methamphetamine as an imported illegal drug from Mexico. Second, this study limited the sample to participants who were registered voters, and individuals who are not registered to vote were not considered.

Limitations

At the time of this study, the United States is in the middle of President Donald Trump's first administration and the 2020 Presidential election campaigns began for both political parties. The United States previously had 8 years of Democratic President Barak Obama. However, this study did not track or determine whether the change in presidential administration affected political party ideology and what effect political rhetoric may have had on voters' views of drug court. The limitation was strictly to political party and not whether there was effect by presidential administration or rhetoric.

Another limitation of this study is that not every individual who is registered to vote exercises their right to do so. Potential participant bias may also be whether individuals have been victimized by an individual under the influence of illegal drugs. Finally, the structure of drug courts varies widely across the country, so generalizability

of the findings to organizations within alternative operating structures was not possible. Although overall generalizability of drug courts may be valid, participants' experiences cannot be generalized.

Significance

Resources are given, cut, or eliminated by executive and legislative branches of government during the budgeting process, yet obtaining funding is necessary for the judicial branch to continue to function properly. Considering recidivism and the increasing numbers of defendants, especially drug offenders, financial resources are necessary to reduce costs for law enforcement, corrections, and ultimately society. However, despite the requests for funding from the judicial branch, funding is not increased, and in many cases, funding is cut or substantially reduced. Each legislator is influenced to his or her respective electorate and districts, which creates a problem in determining legislative funding priorities that are also reflective of the priorities of voters. Decisions are based on constituent's reactions and support, which may change over time. For example, under the Obama Administration, many nonviolent drug offenders' sentences were commuted; however, under the Trump Administration more vigilant efforts are made to increase law enforcement's resources, specifically immigration and crime (Horwitz, 2017; Mitchell, 2018). Further, legislators will approve funding for what they may see as a better return on their investment, which can be difficult to justify for drug addicted criminals. But if funding is not provided to drug courts, this court-supervised treatment option could be eliminated.

Drug court research has focused on recidivism and cost-benefit analysis; however, there is little research on societal views and whether this has ramifications on funding. The purpose of this quantitative study was to discover society's support or nonsupport of drug court and understand how this may affect the long-term viability of drug court. This information will assist the criminal justice system in determining whether drug courts will remain popular and whether funding will continue. Society and judges supporting drug courts has significance for implementing and/or maintaining drug courts in the Midwestern state in this study. If there is overall support for drug courts, as opposed to incarceration, elected officials must take notice of their electorates' desires for how their taxes should be spent.

Summary

Illegal drug use is a problem within the United States. The government has addressed this problem through incarceration; however, realizing that incarceration is not fixing or addressing the problem, treatment has garnered more support. But even with more support for treatment, there are opponents of drug court. This study addressed whether political ideology predicts support for drug courts as well as whether support can increase with knowledge of a drug court being supervised with the threat of incarceration.

Chapter 2: Literature Review

Introduction

Previously, public sentiment has been focused on incarcerating individuals over treatment, but public support for treatment is increasing and so is treatment policy and funding. One method of treatment, with judicial oversight, emerged in the 1990s in the form of drug courts. The idea behind drug court was to provide an alternative to incarceration but also provide cost-saving measures while reducing recidivism (Mitchell, 2011). Subsequent research has indicated that there is some benefit to drug courts, with cost-savings and a reduction in recidivism (2018 Annual Report, n.d.; Department of Corrections, n.d.; Katsiyannis et al., 2018); however, not everyone believes drug courts are successful or worthwhile. Prior research focused on whether the public supported treatment over incarceration; however, there is little research that indicates if there is support for drug courts. Further, there is little research that indicates whether individuals who previously supported incarceration might change their view if they were aware of judicial oversight drug courts. This research was conducted to answer these questions.

Drug Court

For some, drug court is innovative and has the potential for social change by providing rehabilitation and treatment in lieu of incarceration. But for others, drug offenders were not punished or punished enough for committing crimes. This may be because the public may not fully understand drug courts other than they keep drug users out of prison or avoids punishment.

Drug court is an alternative to incarceration by diverting drug offenders to treatment as opposed to prison, combining community-based treatment with court oversight (Rempel et al., 2012). There are many components to a drug court program and while each court may vary, it follows a predictive pattern in its organization. Depending on the drug court, a participant can enter the program pre-plea or post-plea (Mitchell, 2011). Generally, after arrest, a drug-offender is screened to determine eligibility, and if they are, charges will be reduced or possibly dismissed (although dismissal is unlikely; Mitchell, 2011). Once in drug court, the participant appears before the drug court judge and must comply with the court's requirements, including urinalysis, attending treatment, and appearing at status conferences (Mitchell, 2011). Appearance at status hearings is most vital as this is where the drug court judge, in addition to others, collaborate (Mitchell, 2011). Depending on the drug court, the participant will move through three or more phases before successfully completing the program, which can vary in time from a year to 2-and-a-half years (Mitchell, 2011). Most do not successfully complete the program, and successful graduation is just under 50% (Mitchell, 2011). Those who are unsuccessful typically are charged with new crimes, relapse, fail to attend treatment and/or drug court hearings, or simply leave the program (Mitchell, 2011).

One example of a drug court is the Fifth Judicial District Drug Court Program in Des Moines, Iowa, otherwise known as Polk County Drug Court, which has been in existence for over 20 years (2018 Annual Report, n.d.). The Polk County Drug Court accepts participants who are drug using and have been sentenced to this program. The goal is to supervise, drug test, and provide treatment to nonviolent drug offenders, along

with incentives and sanctions that may result in incarceration (2018 Annual Report, n.d.). Participants are non-violent drug offenders who are diverted from the criminal justice system, with the threat of sanctions, which may result in incarceration (2018 Annual Report, n.d.). Drug dealers and those with assaultive or violent offenses are precluded from the program (2018 Annual Report, n.d.). The process for the Polk County Drug Court is as follows: An individual may be referred to the program by the county attorney's office, attorneys, Department of Corrections, family and friends, and other drug court participants. Each referred and potential participant is screened thoroughly by reviewing prior criminal history, police reports, community corrections history and any other relevant information, which is then followed by an in-person interview where behaviors are also analyzed. A treatment evaluation follows to determine the level of care needed and after this rigorous process a determination of whether the individual is accepted into the program is made (Fifth Judicial District, n.d.). Once an individual is ordered into drug court by the drug court judge, the participant will travel through five different phases: Phase 1: Stabilization; Phase 2: Recovery; Phase 3: Abstinence; Phase 4: Pre-Release; and Phase 5: Support. As the drug court participant moves through the phases, requirements become less as the participant gains more control over their addiction; however, sanctions are also imposed for rule violations on a gradual and sliding scale (Fifth Judicial District, n.d.). Once a person successfully completes Phase 5, they graduate and move to the alumni group.

Cost Benefit/Effectiveness

As evidenced by the Fifth Judicial District Department of Corrections, cost

benefits do exist to drug courts. The Fifth Judicial District Corrections reported an

average cost of $15.39/day for each participant (2018 Annual Report, n.d.) compared to

the Iowa Department of Corrections average cost to incarcerate an individual of $90.03

(Department of Corrections, n.d.). However, the effectiveness of drug courts is based on

an individual's perspective. For instance, there is a dichotomy between

treatment/rehabilitation and courts. Combining treatment for a disease and the penal

system is at odds with the goals of each. For example, those who support treatment

believe that there has been a war waged against drug addicts, with governmental funding

supporting crime control not rehabilitation (Walsh, 2011). Further, traditionally the

justice system is predicated on conflict, where the prosecution fights for conviction and

the defense fights for the defendant. But in drug courts, the prosecutor and defense

attorney work alongside treatment providers and a drug court judge.

Governmental budgets provide an indication of policy agendas and goals

regarding the cost benefit and effectiveness of drug courts. In May 2017, the White

House released the national drug control budget, providing highlights of 2018's fiscal

year budget (ONDCP, 2017). Drug prevention and treatment, including drug courts, is

included in the budget of $99.9 million set aside for drug courts (ONDCP, 2017). The

money supports prevention, treatment, interdiction, international operations and law

enforcement, with a focus on opioid addiction. Figure 1 shows the increase from 2016 to

2018 in treatment and a slight dip in law enforcement (ONDCP, 2017). Additionally,

interdiction received a slight increase, whereas prevention was reduced (ONDCP, 2017).

Federal Drug Resources by Function

	Prevention	Treatment	Domestic Law Enforcement	Interdiction	International
FY 2016	$1.5	$9.8	$9.3	$4.7	$1.5
FY 2017	$1.5	$10.6	$9.3	$4.6	$1.5
FY 2018	$1.3	$10.8	$9.2	$5.0	$1.4
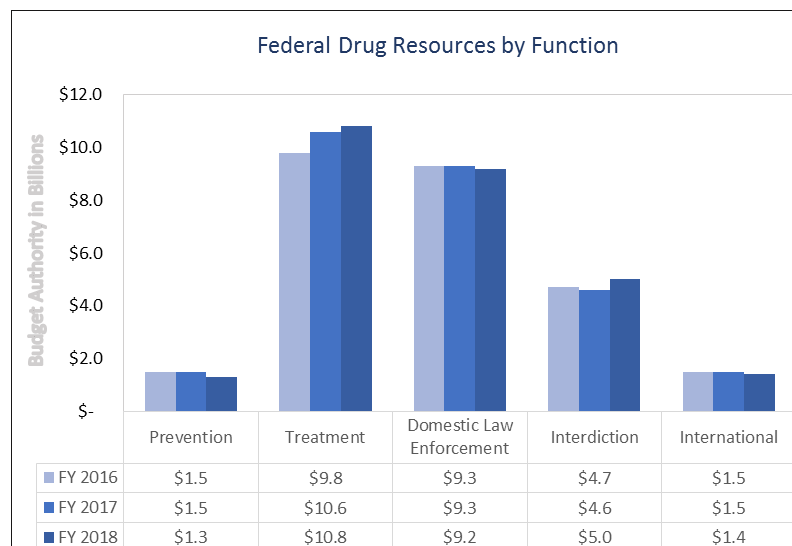
Figure 1. Federal drug resources by function. From ONDCP (2017).

Further, Health and Human Services received $59.9 million, and the Department of

Justice received $40 million to work together to enhance court services, coordination, and

substance abuse treatment for adult and juvenile drug courts (ONDCP, 2017). Funding

for treatment has increased incrementally since 2016, whereas law enforcement has

remained relatively unchanged (ONDCP, 2017). Based on this funding, the federal

government appears to see the benefit of drug courts and the goal to reduce recidivism,

provide treatment to those addicted, and improve the chances of rehabilitation with

"early, continuous, and intense judicially supervised treatment, mandatory periodic drug

testing, community supervision, appropriate sanctions and other rehabilitation services"

(ONDCP, 2017, p. 11). This funding also acknowledges the opioid crisis within the

United States, which has become a priority (ONDCP, 2019).

One reason why drug courts are popular is the availability of federal funding, which is a testament to their viability. Though drug courts can get their funding from private or local entities, the largest segment of funding comes from the Department of Justice, Office of Justice Programs, and Bureau of Justice Assistance. There have been a variety of drug court funding from grants; however, the grant solicitation in 2016 was the Adult Drug Court Discretionary Grant Program. These grants are helpful for implementation of a new drug court program but also enhancement for an already existing program (Bureau of Justice Assistance, 2016). For either category, the maximum funding is $500,000. There are also significant requirements, including evidence-based practices supported by the National Association of Drug Court Professionals and a financial match whether "in-kind or cash" (Bureau of Justice Assistance, 2016). Federal funds awarded under the this grant also cannot cover more than 75% of the program's total costs, and the applicants must disclose who and how the remaining 25% will be funded and how it will match funds (Bureau of Justice Assistance, 2016). Thus, local and state governments must determine if they can provide the remaining funding and whether they want to.

Although research has supported the economic benefit of drug courts, there are questions about whether the results justify funding these programs. In 1998, there were 1,262,546 drug arrests within the United States (Federal Bureau of Investigations, n.d.). The United States reached an all-time high of drug arrests in 2006 and 2007 with roughly 1,420,000 in each year (Federal Bureau of Investigations, n.d.). There was a consistent reduction in drug arrests since 2007; however, the United States saw an uptick in 2016,

with a jump to 1,285,186 (Federal Bureau of Investigations, n.d.). With arrests comes

convictions and incarceration, which significantly increased the prison population and

culminated in many initiatives. The most recent was President Trump signing the First

Step Act in December 2018 (Drug Policy Alliance, 2018), which reduced drug sentences

for certain offenders within the federal system. These initiatives address the prison

population after offenders (i.e. drug addicts) have been sentenced and most likely spent

many years behind bars. Drug courts emerged as another method to prevent prison

overpopulation, but drug courts are not without their own problems.

One argument against drug courts is that probation, otherwise known as

community corrections, does not address the addiction of clients. Some argue that drug

courts do what probation offices did or could do with resources and are limited in their

options for treatment (Walsh, 2011). Though research on a multi-site evaluation of adult

drug courts over a period of 5 years showed positive effects of drug court, there was also

room for improvement. For example, by enlarging the potential population, drug courts

can also include high-risk offenders, who may not be included even though they need

treatment because of the chances of them relapsing or recidivating, which affects positive

statistics (Rempel et al, 2012). Additionally, for a drug court and judicial oversight to be

effective, a judge must focus their time and efforts on those who need extra attention,

though this takes this judge away from regular duties and places additional burden and

cost on other judges (Rempel et al., 2012).

Another argument against drug courts is that the threat of sanctions is the only

thing that ensures the effectiveness of this problem-solving court. Walsh (2011) argued

that front end treatment, pre-arrest, is just as effective, and the need for threat of sanctions was unwarranted. Walsh also argued that research from Substance Abuse and Mental Health Services indicates there is little to no difference between the success of a drug addict referred through the criminal justice system as opposed through other means. In most circumstances, drug court requires a crime to be committed to take advantage of the program, which is also counterintuitive to assisting those who need drug treatment. The Drug Policy Alliance (2011) has also argued that drug courts have not improved public safety because drug court participants must commit a crime to receive the alleged benefits. Further, there are arguments of little cost savings and not reducing the prison population (Drug Policy Alliance, 2011).

Despite arguments against drug courts, for proponents, drug courts have a successful impact on the lives of the addicted. The most important goal is the reduction in recidivism. Katsiyannis, Whitford, Zhang and Gage (2018) conducted a meta-analysis of recidivism studies from 1994-2015 and noted that within 5 years of release in 2005, 77% of offenders were rearrested and of those, 29% were arrested for a violent crime (Durose et al., 2015; Katsiyannis et al., 2018). The main predictor for recidivism of general offenders was substance abuse, which was a strong predictor for sexual offenders and second predictor for violent offenders (Katsiyannis et al, 2018). Therefore, effective treatment strategies must be implemented for offenders to address their controllable predictor, substance abuse (Katsiyannis, et al, 2018). Katsiyannis, et al. (2018) noted there are static predictors, consisting of traits such as age, gender, race, among others; and dynamic predictors, which are factors which can change, such as criminogenic needs.

While this study did not relate to drug courts, it does present an argument of the affect substance abuse does have on an offender.

Though drug courts are intended to reduce recidivism, the other argument for implementation is to provide an alternative to incarceration and reduce the burden on correctional services. A meta-analysis focusing on whether this burden on corrections is alleviated by drug court provided mixed results. Sevigny, Fuleihan and Ferdik (2013) studied the effectiveness of drug courts as an alternative to incarceration and found that drug courts were positive in reducing incarceration compared to other community-based correction interventions. They estimated that drug courts reduced the incarceration rate from a base rate of 50% to 42% for jail, 38% for prison, and 32% overall incarceration (Sevigny et al., 2013). But they also found that drug court participants did not spend any less time incarcerated, which may be due to drug courts using an increase in sanctions for program violations or incarceration for those who fail the program (Sevigny et al., 2013).

Despite a potential benefit of reducing recidivism, research shows the impact on the corrections system may not be realized with drug court. The U.S. Government Accountability Office (GAO) has from 1997 until 2011 collected data and analyzed the effectiveness of drug courts. In 1997, the GAO reported from their survey at the end of 1996 that 48% of drug court participants successfully completed the program (GAO, 1997, p. 56). But the GAO also stated it could not provide conclusions as to effectiveness and recidivism (GAO, 1997). Most of the reason for the inability to provide a conclusion was due to limitations in the evaluations, such as failing to analyze outcomes other than program participation and using any comparison data (GAO, 1997).

However, even when it was difficult to see where the benefits were recognized, the

number of drug courts increased. In 1997, the GAO reported 42 drug courts began

between 1989 and 1994 (GAO, 1997). Since 1994, four drug courts closed and 123 new

drug courts were implemented for a total of 161 drug courts in operation by April 1997

(GAO, 1991). By 2011, when it appears the GAO conducted the last study regarding

effectiveness of drug courts, the GAO reported as of June 2010, there were more than

2500 drug courts nationwide (GAO, 2011). Of the 2,500 drug courts, 1,400 of those

courts were adult drug courts (GAO, 2011).

Federal grant funds were provided for drug courts, and to study the effect of drug

court, the Department of Justice required grantees to provide performance measurement

data (GAO, 2011). In 2005, the GAO used comparison groups and concluded evidence

showed a reduction in recidivism for drug court participants during the time they were

involved in the program and receiving treatment (GAO, 2005). There were questionable

results for recidivism for the time period after a person completed drug court

programming (GAO, 2005). By 2011, more robust data allowed better conclusions. The

GAO reported lower recidivism for those who had participated in a drug court program

(GAO, 2011).

Effectiveness of reducing recidivism was also supported by a meta-analytic

analysis of 154 evaluations, consisting of 92 evaluations of adult drug courts, 34 juvenile

drug courts, and 28 DWI courts (Mitchell, Wilson, Eggers, & MacKenzie, 2012).

Effectiveness depended on the type of drug court. Mitchell, et al, (2012) found drug

court participants recidivate at a lesser rate than non-participants and adult drug courts

were effective in reducing recidivism. Questions were raised as to whether participants continued to follow treatment methods after completion of the drug court program. Some claimed participants were successful during drug court, due to the rigorous oversight while within the program and treatment. Mitchell, et al. (2012) found positive results of reduced recidivism not only during drug court, but also after drug courts, up to three years after drug court.

Even with these reported benefits, the Trump Administration prioritized treatment and prevention, but also heard the former Attorney General Jeff Sessions state general recidivism rates were "unacceptably high" (TCR Staff, 2018). The Trump Administration tasked the director of the National Institute of Justice to address and reduce these high numbers (TCR Staff, 2018). Even with presidential administration financial support, and the reported benefits, cost-effectiveness, and support from the criminal justice system, there is little research on whether the public support tax dollars spent on drug court.

Prior research has shown a shift in thinking as it relates to treatment versus punishment. In 2006, the General Social Survey asked two relevant questions to this research. First, the respondents were asked if the government was spending too much, too little, or about the right amount of money when dealing with drug addiction. The second question asked if the government was spending too much, too little or about the right amount of money on drug rehabilitation (Smith, Davern, Freese, & Morgan, 2019). The same questions were asked in 2016 (Smith et al., 2019).

Table 1

Dealing with Drug Addiction in 2006

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	TOO LITTLE	906	20.1	63.4	63.4
	ABOUT RIGHT	401	8.9	28.1	91.5
	TOO MUCH	121	2.7	8.5	100.0
	Total	1428	31.7	100.0	
Missing	IAP	3026	67.1		
	DK	54	1.2		
	NA	2	.0		
	Total	3082	68.3		
Total		4510	100.0		

Table 2

Dealing with Drug Addiction in 2016

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	TOO LITTLE	918	32.0	65.8	65.8
	ABOUT RIGHT	367	12.8	26.3	92.1
	TOO MUCH	110	3.8	7.9	100.0
	Total	1395	48.7	100.0	
Missing	IAP	1430	49.9		
	DK	40	1.4		
	NA	2	.1		
	Total	1472	51.3		
Total		2867	100.0		

In a decade, respondents reported believing the government was doing too little in dealing with drug addiction, while there was also a small increase in the belief the government was doing too much. When it comes to drug rehabilitation, there was an increase in respondents who believed the government was not doing enough for drug

rehabilitation, but there was also an increase in those who believed the government was spending "about right" and "too much."

Table 3

Drug Rehabilitation in 2006

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	TOO LITTLE	777	17.2	55.7	55.7
	ABOUT RIGHT	463	10.3	33.2	88.9
	TOO MUCH	155	3.4	11.1	100.0
	Total	1395	30.9	100.0	
Missing	IAP	3002	66.6		
	DK	113	2.5		
	Total	3115	69.1		
Total		4510	100.0		

Table 4

Drug Rehabilitation in 2016

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	TOO LITTLE	850	29.6	62.6	62.6
	ABOUT RIGHT	357	12.5	26.3	88.9
	TOO MUCH	151	5.3	11.1	100.0
	Total	1358	47.4	100.0	
Missing	IAP	1437	50.1		
	DK	70	2.4		
	NA	2	.1		
	Total	1509	52.6		
Total		2867	100.0		

Note. from Smith et al. (2019).

In a ten-year span, respondents continued to believe the government was not doing enough dealing with drug addiction. When asked if the government was doing enough with drug rehabilitation, the number of respondents who believe the government

spends too much remained the same, but there was an increase in those who believed there was too little government action.

Pew Research Center (2014) noted about a third of Americans believe drug abuse is a crisis and 55% see drug abuse as a serious problem. Even with many Americans viewing drug abuse as a significant problem, 63% report agreement with states dropping mandatory drug sentences compared to 32% (Pew Research Center, 2014). Older Americans and Republicans are more likely to have concerns about dropping mandatory drug offenses, 49% of Republicans were positive toward eliminating mandatory drug sentences compared to 41% in 2001 (Pew Research Center, 2014). Democrats were supportive of this drug policy change with 66% in 2014 compared to 48% in 2001 (Pew Research Center, 2014). When asked whether the government should focus on treatment as opposed to prosecuting illegal drug users, the consensus was to provide treatment with 67%, compared to just 26% supportive of prosecution (Pew Research Center, 2014). Similar to elimination of mandatory drug sentences, Democrats (77%) and Independents (69%) wanted government policy to reflect treatment, compared to 51% of Republicans (Pew Research Center, 2014).

Public Opinion Influences Criminal Justice Policy

Meithe, Lu, and Reese (2000) discuss the reintegrative shaming of drug court participants as social control to promote conformity over deviance. It is the power of society which controls an individual's behavior; thus, drug court participants want to be part of society, not stigmatized. It is the power of society which makes the individual conform to society's standards. The very same idea or concept of power can be

applicable when seeking public support for drug courts utilizing the same method used for drug court participants to conform their behavior to society's standards.

Power has the capability to effect change or influence one or more in their thought process. French and Raven (1959) define power as influence or influencing psychological change. Change can be thoughts, opinions, ideas, values and behavior (French & Raven, 1959). French and Raven (1959) identify five types of power: referent, expert, reward, coercive, and legitimate power. They note more power is related to having a strong base of power, meaning the stronger the base power, the greater the power one has (French & Raven, 1959). This concept of power is applicable when looking at governmental resources.

Government resources are controlled and funded by executive and legislative branches of government. Obtaining funding is necessary for the judicial branch to continue to function properly. Considering recidivism and the increasing numbers of defendants, especially drug offenders, injecting financial resources into an area which could reduce costs for law enforcement, corrections, and ultimately society.

Legislative funding is a method to ensure drug courts receive appropriate and proper funding. When determining funding, power becomes quite relevant in the legislative body and the public. Power is a word that has a variety of definitions. Dahl (1957) proposed a definition of power as a relation among people. It is a power relation or that someone has "power" over another (Dahl, 1957). Dahl (1957) also suggests there is more, such as the source of power, the means to exert influence, the extent of power and the scope of power. At the most basic level, legislators have the power of the purse

strings over society. However, each legislator is beholden to their respective electorate and districts who hold power over their elected official. With this power over an elected official, the power of the ballot can influence the elected official.

The power of the ballot can influence legislative bodies to determine legislative funding priorities. As a legislator answers to one's electorate, their priorities are also reflective of the priorities of voters. Legislators can be influenced and fund initiatives they see as a better return on their investment, such as choosing funding between education and treatment for drug addicted criminals. The voters have the influence over legislative priorities, which can include new initiatives for the court system.

In November 2016, a survey of 1000 registered voters, followed by 30 interviews, concluded people believe the court system is unique, but need to adapt to new technologies to meet the needs of their customers (Gerstein, Bocian, Agne [GBA] Strategies, 2016). Innovative sentencing options and other methods to reduce the flow of defendants through the justice system would reflect this thought. They also found voters are generally uneducated, misinformed, or misunderstand funding for the courts (GBA Strategies, 2016). Ultimately GBS Strategies (2016) found most voters do not know or understand how tax dollars are spent. This is a troubling concept in that taxpayers and voters are not aware of how their money is being spent and ultimately do not understand or even overestimate where funds are being spent (GBA Strategies, 2016). This would include the areas of being innovative, such as drug courts.

Most drug court programs are left to obtain funding from federal grant programs, which are also limited with funds diverted to other areas, including law enforcement and

crime control. It becomes a fight over the small pool of money. When federal grant

funds are obtained, it is not a guarantee funding will continue, nor a guarantee it will

cover all costs related to the drug court. Many grants implement a requirement of

matching funds, requiring state and local governments to fund drug court as well. The

grant funds are also not guaranteed from year to year.

Public opinion affects policy about three quarters of the time when the impact is

gauged (Burstein, 2003). When an issue is determined to be "important" or "salient,"

public opinion appears to have great influence. (Burstein, 2003). Thus, public opinion

can influence drug court funding if it is determined to be salient. Little has been studied

and published about critical topics of public opinion and public policy, especially as it

relates to drug courts as an alternative to incarceration. Yet, when the public, privately or

in public, argue their voice or vote does not mean anything, this seems to be untrue.

Evidence suggests the more important, or salient, an issue, the more government listens

and the more policy is affected. There is little evidence government responsiveness has

declined when there is public opinion and support (Burstein, 2003). The argument the

government does not listen is far from the truth. The public holds more power than it

believes, and the government tends to be more responsive to public opinion than what the

public believes.

One of the most compelling research projects on public opinion on drug treatment

or incarceration was based out of Pinellas County, Florida. Giordano (2014) wanted to

discover how open the public is to reform on the War on Drugs and whether they support

treatment or incarceration. Because Miami, Florida created the first Drug Court,

Giordano's study was interesting to see whether there was more support for treatment or incarceration. Giordano (2014) found there was very little research in this area, noting there have been several small opinion polls suggesting drug treatment is best. Opinion polls can be questionable especially when the results varied between support for the War on Drug and drug treatment (Giordano, 2014).

In his study, Giordano (2014) assessed the public's views on drug treatment rather than incarceration and whether that answer was influenced by the individual's view of drug addiction. He utilized the Maryland Voter Survey and other questions he developed (Giordano, 2014). Giordano (2014) found slightly over half of the respondents (51.1%) believe drug treatment was better than incarceration, however, this appears to be significantly affected by the respondents view of whether addiction was a choice or a disease. 51.7% of respondents found addiction was a choice, as opposed to 31% seeing addiction as a disease (Giordano, 2014). Those who see addiction as a disease, overwhelmingly viewed treatment, as opposed to incarceration, as the appropriate method (Giordano, 2014). Yet even with the support toward treatment to combat drug addiction, Giordano (2014) also found more respondents supported a reduction in funding for treatment as opposed to money spent on incarceration. Giordano (2014) acknowledges this is interesting and "implausible" especially when there was more support for treatment when the respondent knew the courts were supervising drug offenders in treatment.

There is a "definite deficit in research of this subject" especially considering the support for treatment, yet reduction in support for funding (Giordano, 2014). Little

research has been completed as it relates to the debate on the War on Drugs and the treatment vs. incarceration dilemma. In fact, in the last decade and a half, there has been little research on the War on Drugs and public opinion. This is surprising considering the severe uptick in opioid abuse and overdose deaths. While the Trump Administration has acknowledged the opioid crisis and provided funding toward reduction for this drug abuse, there appears to be little research recently on drug courts, public opinion or the War on Drugs.

Summary

Research shows the American public no longer believes the War on Drugs is effective and they want change. The public also wants the government to do "something" about the drug problem. Previously, the consensus was to send drug offenders to prison. Incarceration was the predominant theme; however, this has changed when the public realized prison populations were continually increasing. The illegal drug problem was not affected by incarceration. The public's views changed to a softer and kinder viewpoint---treatment. While treatment was gaining ground, not everyone was convinced drug abusers should avoid prison; however, treatment and treatment options gained ground.

Problem-solving courts, and in this specific instance, drug courts entered the picture in the 1990's in light of the increase in drug deaths, violence and crime. Drug courts opened across the country in search of a way to decrease the prison population and most importantly, reduce recidivism. In addition to those goals, one of the most vital was cost savings. Drug courts claimed to save taxpayer money and, in most circumstances, it

was less expensive to place a drug offender in drug court as opposed to prison. In some instances, recidivism rates were less for those who entered drug court. There was a sign of cost-benefits for drug courts.

Prior research focused almost exclusively on treatment in general. Drug courts pose an interesting conundrum. While drug court is treatment, it is also court or judicial supervised with the threat of incarceration for rules violations or failing the program. It is not a "get out of jail free" card. Some studies have shown drug court participants might serve more time behind bars than if sent to prison originally.

What support will the public have in a Midwestern state where methamphetamine was a significant problem, as compared to the State where the first drug court was incorporated and suffered through severe cocaine wars, for drug treatment as opposed to incarceration if there is judicial oversight through drug court? The question then becomes what if the policy combines treatment and punishment? Will judicial oversight of treatment via drug courts convert those who believe in incarceration? The next question will be, if there is public support for drug courts and judicial oversight, will judges support drug courts and sentence individuals to this form of judicial oversight treatment?

Chapter 3: Research Method

Introduction

Despite the reported benefits of specialty courts, there is limited research on the public support for these courts, especially considering the current political climate within the United States. Therefore, the purpose of this study was to determine whether political ideology affects support for drug courts and if those who believe in incarceration as the best method change their opinion when they are aware of the threat of incarceration through drug court. This chapter covers information on the design and methodology of the study.

Research Design and Rationale

The nature of this study is quantitative to predict whether the dependent variable was affected by the independent variables. Thus, this study sought to predict whether a person's political party identification indicated whether they support drug courts. Further, this study sought to predict whether judges are in support of drug courts based on public influence and gubernatorial political affiliation. The quantitative research design was nonexperimental, as it attempted to predict or correlate the relationship of the independent and dependent variables. The variables were analyzed for their correlation or predication, but the independent variables were not manipulated in any way.

In this research, the dependent variable in each of the three research questions is support for drug courts. For Research Question 1, the independent variable is political party identification. In Research Question 2, the independent variables are length as a district court judge, prior drug court experience, and preference of treatment vs.

incarceration. In Research Question 3, the independent variable is changed to reflect the political party of the governor who appointed the judge.

Data were collected from judges and the public. For Research Questions 2 and 3, district court judges were studied because they consider a variety of factors in determining the appropriate sentence of a defendant. Judges assess a defendant's ability to maintain oneself within the community in addition to age, prior history, and the seriousness of the crime. Public support is technically not an appropriate consideration, but this research sought to determine whether public support for a program factors into a judge's thought process. This second portion of this study seeks to determine the influence of public opinion and the amount of this influence over a judge when determining sentencing options for a defendant. A quantitative design was chosen to maintain confidentiality of answers and provide the most reliability of responses. Although there is a smaller number of judges in this Midwestern state, indicating that a qualitative design would be best, this researcher was concerned with judges providing full answers with concerns of confidentiality.

Methodology

First, descriptive statistics were analyzed for frequency and percentages of the variables. This provides an overall general view of the sample to review for balance among political party, race, and ethnicity. Logistic regression statistical analysis was chosen to answer the research questions. The dependent variable is dichotomous, and the independent variables reflect categorical and continuous variables. Because there are multiple independent variables, logistic regression is the most appropriate statistical

analysis. There were several statistical analyses that were considered but were determined not appropriate. Analysis of variance and multivariate analysis of variance both require the dependent variable to be measured on a continuous level, so they were not appropriate for this research project, as the dependent variable reflected support or no support for drug court. Based on statistical assumptions, logistic regression statistical test provides the most appropriate statistical analysis.

Population

The population for Research Question 1 consists of adults residing in one judicial district which comprises 11 counties in a Midwestern state. The adults ranged from 18 years of age to higher and registered to vote. This judicial district was chosen because it has a reactivated drug court operating in only one of the 11 counties. The population for Research Questions 2 and 3 consist of all district court judges within the Midwestern state.

Sampling and Sampling Procedure

To ensure the registered voter sample size was sufficient to minimize any error of measurement, G-Power analysis was used to determine the sample pool of registered voters. Based on the statistical testing of a two-tail logistic regression analysis with a Type-I error rate (alpha) being .05, the sample size for statistical significance was $N = 104$. A two-tailed test provides a positive or negative deviation from the hypothesized value can be determined to be significant. For the best chance to obtain 104 responses, 1,000 surveys were mailed to registered voters. Obtaining more than 104 would ensure greater power and statistical significance, while reducing the probability of measurement

error. The sample was drawn from a random sample of 238,000 adult registered voters from within the 11 counties of the judicial district.

In this Midwestern state, there are several levels of judges: magistrates, associate district court, district court, senior judges, and appellate courts. District court judges have general jurisdiction and eligible to be assigned to drug court. Of the eight judicial districts in this Midwestern state, at the time of this study, there are 116 district court judges. All district court judges were surveyed with the support of the state court administrator.

There was a concern about the racial make-up of the judicial district, which may not provide representation across all races. There are several rural communities, with little diversity; however, the rural communities appear to be balanced with the larger metropolitan areas located within the judicial district. There may also be concern about racial and gender make-up of the judicial branch, but district court judges were not asked about demographics because they are held to a higher standard and should not allow demographics to interfere with their judicial decisions.

Procedures for Recruitment, Participation and Data Collection

Registered voter data were obtained from the secretary of state's office for the Midwestern state and was limited to the 11 counties in the judicial district. For general public opinion, a paper survey was mailed to registered voters asking their opinions and thoughts about drug courts along with demographic information pertaining to race, gender, and political party. The survey was mailed with an introduction and consent letter explaining the purpose and process of this study and participants' involvement

rights. This explained the research purpose to determine the public's opinion related to drug court versus incarceration and judicial involvement through drug courts in their judicial district. This letter also noted that the research was not politically motivated or tied to any political agenda. Participants will be provided a copy of the finalized study.

Participant confidentiality was also addressed by instructing the participant to not include any identification markers on the survey, including their name, address, or phone number. However, to track those who participated in the survey, a number was assigned to each survey that corresponded to a master list of names. This prevented repeated mailers from requesting their participation in the study. The list of names was maintained on the researcher's password-protected computer that only this researcher will have access. All paper copies of the letter and survey will be locked in a cabinet for 5 years. After said timeframe, the letter and hard copies of all surveys will be shredded, destroyed and properly disposed.

For the judicial survey, all district court judges for this Midwestern state were provided the survey by the state court administrator, who approved this survey and granted access to the district court judges. Participation for this study was voluntary as noted in the consent letter. The letter also explained the purpose and process of this study, and participants' involvement rights. This notification explained that the purpose of the research is to determine the judicial opinion on issues related to drug court versus incarceration and judicial involvement through drug courts in the state. This letter also assured the participants the research was not politically motivated or tied to any political agenda.

Due to the support of the State court administrator, the judicial survey was administered via online survey. The survey link and consent letter were provided to the state court administrator, who forwarded it to all judges within the Midwestern state. The state court administrator does not have access to the survey results. The finalized study will be provided to the state court administrator who will distribute to all district court judges further ensuring confidentiality.

Instrumentalization and Operationalization Constructs

The survey for registered voters was developed by Dr. Giordano and adapted by this researcher of only one question. The voter survey was designed to measure the level of public acceptance for drug abuse treatment in lieu of incarceration by Dr. Giordano (2014). Dr. Giordano conducted a pilot test to identify issues and resolve any potential problems when the larger population was sampled (Giordano, 2014). The survey was tested for both validity and reliability (Giordano, 2014). Dr. Giordano used probability sampling for internal validity and measured reliability using Cronbach's alpha set at .70, which was met (Giordano, 2014).

The judicial survey was developed by this researcher based on this researcher's personal experience within the criminal justice legal system. The judicial sample survey was more complex as there were only 116 district court judges at the time of this study. However, there are 38 senior status judges throughout this Midwestern state. Judicial sample surveys will be provided to all senior status judges to test for validity and reliability.

For RQ1, "Does an individual's political ideology influence their support for funding of specialty drug courts?," the dependent variable is "support for drug court." This is measured by the survey asking whether the participant supports drug court (treatment) or incarceration. This variable will be scored as 1 for treatment, 2 for incarceration. There is one independent variable, political party identity. This independent variable is defined as the following recognized political parties: Democrat, Republican. The variable will be scored as follows: Democrat (1); Republican (2).

For RQ2, "What affect does public opinion and support for or against drug courts affect judges sentencing defendants to drug court as opposed to prison?" the dependent variable is "support for drug court." This is measured by the survey asking whether the participant supports drug court (treatment) or incarceration. This variable will be scored as 1 for treatment, 2 for incarceration. There are several independent variables in RQ2. The first is length of time as a district court judge. This variable is scored as follows: 0-5 years (1); 6-10 years (2); 11-20 years (3); 21+ years (4). The second variable is prior drug court experience. This variable is yes (1) or no (0). The third variable is prior drug court experience, defined and scored as yes (1) or no (0). The fourth variable is whether public views affect support for sentencing a defendant to drug court. This variable is defined and scored as yes (1) or no (0).

For RQ3, "Are judges affected by public views sentencing a defendant to drug court?," again the dependent variable is "drug court support" utilizing the same question from the judicial survey of treatment (1) or incarceration (0). There are two independent variables for RQ3. First, the independent variable is which political party did the

governor belong to who appointed judge. This is defined and scored as Democrat (1) or Republican (2). The second independent variable is defined as if they are influenced by the gubernatorial administration's policies when making sentencing decisions. This is scored as Yes (1) or No (0). Data were analyzed through SPSS with frequency tables and logistic regression.

Threats to Validity

To eliminate any threats to external validity for the voter survey, this researcher used the judicial district of the Midwestern state consisting of eleven counties. Registered voter data was obtained from the Secretary of State as of April 1, 2019. According to the Secretary of State's website, in the eleven-county district there were 34.45% active Democrats, 28.40% active Republicans, 38.41% active no party, and .0073% active Other. This judicial district is fairly evenly split between Democrats and Republicans and has a large politically independent (no party) population, the sample represents each of the political viewpoints, which will reduce any threats to external validity.

For the voter survey, to reduce any threats to internal validity, probability sampling was used to ensure random selection. Probability sampling is used to ensure every possible member of a study's population has an equal chance of being chosen to participate in this study. To accomplish randomness, a list of random numbers was created listing all possible participants. With this list, a random number was chosen as the starting point with systematic sampling of every third participant.

Because probability sampling is utilized to achieve randomness and the sample size chosen reflects the statistical test chosen, logistic regression, any threats to construct or statistical conclusion validity should be eliminated or significantly reduced.

For the judicial survey, internal validity will be reduced as the sample includes all District Court judges within the Midwestern state. Probability sampling is done to ensure every possible member of a study population has an equal chance to be selected to participate in this study. In this case, every possible member of the study population does have an equal chance to participate as all members of the study population were provided this survey.

For external validity as it relates to the judicial survey, there have been only two recognized political parties a governor can belong to: Democrat or Republican. Thus, all District Court judges have either been appointed by a Democratic or Republic governor, representing the two political outlooks. Reliability was measured via a pilot test. This pilot test was administered to the senior district court judges, which number approximately 38. These surveys were used in the final sample. Reliability was measured using Cronbach's alpha. SPSS was used to determine the coefficient of reliability for this survey instrument with the reliability coefficient (alpha) set at .70, which is acceptable reliability in SPSS.

Ethical Procedures

As this research should remain confidential, but also understanding the researcher needs to track those who participated in the survey, each survey was assigned a number which corresponded to a master list of names. Maintaining a list in the fashion reduces

the chances individuals who have completed and submitted their survey, will not be contacted with follow-up mailings requesting their participation. The master list of names is maintained on the researcher's password-protected computer, of which only this researcher will have access. Because this is an anonymous survey and notice is being provided via letter, a signed letter will not be required to maintain confidentiality of the survey participants; however, as a master list of participants will be kept, the finalized study will be provided to participants. This master list is kept separate from the surveys with no identifying information from the survey to the notecard. All hard copies of the survey will remain in a locked cabinet for 5 years. After 5 years, hard copies of all surveys will be shredded, destroyed, and properly disposed.

The judicial survey was implemented via online survey methods. The link to the online survey was emailed by the State Court Administrator to the district court judges. The online survey had no identifying information as this survey will remain confidential. No identifying information was required, and all survey results are maintained by this researcher with no access by the State Court Administrator to further ensure confidentiality.

Summary

This research sought to predict public support for drug courts based on their political ideology. The analysis is further developed through study of judicial opinion related to drug courts and whether judges feel influenced by the public and gubernatorial administration.

Logistic regression analysis was chosen due to statistical assumptions and in order to properly predict the effect of independent variables on the dependent variable, support for drug courts. Judicial surveys were provided to all district court judges in a Midwestern state; however, public surveys are provided only to registered voters in a specific judicial district consisting of eleven counties. Data provided by the Secretary of State as of April 2019 reflect a balance between Democrat and Republic registered voters to combat threats to validity.

Ultimately, the research seeks to determine if drug courts are an endangered project within the judicial system due to lack of funding. Funding is vital for drug court sustainability. With funding and budgets tightening, what influence will the public have on support for specific drug court programs. As the research has shown, the American people have indicated something needs to be done by the government with the drug problem. Views have changed toward support for treatment, rather than prison; however, this is also split according to political party ideology. For those registered voters who prefer incarceration over treatment, will their view change with the knowledge of judicial oversight?

Chapter 4: Results

Introduction

The purpose of this study was to determine whether political party predicted support for drug courts in a Midwestern state. Further, this study also set out to determine or predict whether public support or the state's gubernatorial policies affected judicial support for drug courts. It was hypothesized an individual's political ideology would influence support for drug court, and for those who previously supported incarceration, their support would increase for drug courts with the knowledge of judicial oversight. Further, it was hypothesized public support for drug courts would influence judges to sentence defendants to drug court and gubernatorial administration policies affect judicial sentencing of defendants to drug court as opposed to prison.

Because this study was focused on dichotomous variables, binominal logistic regression was used to assess whether political party predicted support for drug court and whether drug court would be supported if there was court supervision. Binominal logistic regression analysis was not able to be used for Hypotheses 3 and 4. These hypotheses became research questions as results indicated all judges were supportive of drug court. Hypothesis 4 became a research question as well as the results indicated judges were not affected by the governor's policies. Results of the analysis are presented and analyzed in this chapter.

Pilot Study

Because this researcher developed the survey instrument for judicial data, a pilot study was conducted at the same time as the main study was presented to the judges. No

pilot study was necessary for the public survey, as this survey instrument had been

checked for reliability by Giordano (2014). The judicial pilot study data was provided by

senior status judges in this Midwestern state. At the time of the study, there were 38

senior status judges, and six completed the online survey.

Because the variables were dichotomous, Kuder-Richardson 20 analysis was

used, which measures the internal consistency at the dichotomous level (Allen, 2017).

Cronbach's alpha is used to establish internal consistency when the variables are not

dichotomous; however, SPSS provides data analysis using Cronbach's alpha. Thus, the

Kuder-Richardson 20 analysis utilized Cronbach's alpha for analysis of internal

consistency. With 6 valid cases, Cronbach's alpha was .581 as shown in Table 4.

Table 4:

Pilot Study-Reliability

Cronbach's Alpha	Cronbach's Alpha Based on Standardized Items	N of Items
.581	.640	6

This test, in reviewing reliability, analyzes how well the variables will hold

together and whether the variables have a relationship with each other. This is done by

looking at the Cronbach's alpha. The recommended value for Cronbach's Alpha is .70

(Kline, 2005, p. 92). The results in Table 4, indicated a lower than recommended value

of .581 and .640. This is most likely due to the small sample size ($n = 6$).

An analysis of the relationship between the variables is shown in Table 5. Table 5

presents the correlation matrix, which is used to determine if there is internal consistency

between the variables. This also helps determine whether the items are correlated to each

other to assist in determining reliability and internal consistency (Devellis, 2016).

Analyzing the matrix, a few variables indicated no relationship with the other variables.

For example, the variables *pre- or post-adjudication for drug court* and *ever sentenced a*

defendant to drug court both were below .581. However, these variables do not relate to

whether judges support drug court or are affected by other's views of drug court.

Further, the Cronbach's alpha increased to .719 for pre- or post-adjudication and to .693

for ever sentencing a defendant to drug court (see Table 6). On the other hand, if the

other items are deleted, the consistency is decreased, specifically public views affecting

sentencing and political party of the governor who appointed.

Table 5

Variable Correlation Matrix

	Length of time as a judge	Pre or Post Adjudication for Drug Court	Ever assigned to Drug Court	Ever sentenced def to Drug Court	Public Views affect sentencing	Political Party of Gov who appointed
Length of time as a judge	1.000	-.316	.632	-.200	.316	.632
Pre or Post Adjudication for Drug Court	-.316	1.000	.250	-.316	.500	.250
Ever assigned to Drug Court	.632	.250	1.000	-.316	.500	1.000
Ever sentenced def to Drug Court	-.200	-.316	-.316	1.000	.316	-.316
Public Views affect sentencing	.316	.500	.500	.316	1.000	.500
Political Party of Gov who appointed	.632	.250	1.000	-.316	.500	1.000

Table 6

Cronbach's Alpha If Item Deleted

	Scale Mean if Item Deleted	Scale Variance if Item Deleted	Corrected Item-Total Correlation	Cronbach's Alpha if Item Deleted
Length of time as a judge	4.83	3.767	.210	.575
Pre or Post Adjudication for Drug Court	7.33	2.667	.158	.719
Ever assigned to Drug Court	8.00	2.800	.694	.387
Ever sentenced def to Drug Court	7.83	4.567	-.267	.693
Public Views affect sentencing	8.33	2.667	.791	.344
Political Party of Gov who appointed	7.00	2.800	.694	.387

The data analysis from the pilot test surveys showed no significant concerns with relationship and consistency. The items reflecting no relationship were not controlling in this study. This sample was small, which presents a threat to internal validity. Originally, the threat to internal validity was reduced because the sample included every district court judge within the Midwestern state. But only six of the 38 senior status district court judges responded to the survey, which affected internal validity. However, with the small sample size and the instrument being researcher-developed, it was determined that the survey instrument data could be utilized.

Data Collection

Participants for the public survey were chosen from a list provided by the secretary of state of registered eligible voters in the 11 counties that comprised the specific judicial district. A total of 238,000 registered voters were eligible as

participants. A total of 1,000 surveys were mailed from October 2019 through January

2020. A first mailing of 500 surveys were sent in early October 2019 and a second

mailing of 500 surveys were sent in early November 2019. Of those eligible participants

in the first mailing, reminder surveys were sent in December 2019, and reminder surveys

were mailed to eligible participants in the second mailing in late January 2020.

In total, 107 public surveys were returned. One survey was not usable because it

was returned by a caretaker, indicating the eligible participant was not mentally capable

of completing the survey; thus, a total of 106 viable and completed surveys were used.

For demographics, several of the participants chose not to answer, especially when it

came to political party. For gender, 102 participants responded, most were female

(57.8%, see Table 7). There were 103 participants who reported their race. Table 8

shows that most participants were Caucasian/White 97.1%, with one Hispanic 1%, one

Asian 1%, and Other 1%.

Table 7

Frequency Table for Gender

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Female	59	55.7	57.8	57.8
	Male	43	40.6	42.2	100.0
	Total	102	96.2	100.0	
Missing	System	4	3.8		
Total		106	100.0		

Table 8

Frequency Table for Race

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Other	1	.9	1.0	1.0
	Caucasian/White	100	94.3	97.1	98.1
	Hispanic	1	.9	1.0	99.0
	Asian	1	.9	1.0	100.0
	Total	103	97.2	100.0	
Missing	System	3	2.8		
Total		106	100.0		

Far less participants reported their political party. Of the 106 responses, Table 6 shows only 67 participants reported their political party affiliation (see Table 9). The Democratic party was reported most often with 58.2% of responses, with 41.8% Republicans. Thirty-nine participants chose either no response or marked "none" for political party affiliation.

Table 9

Frequency Table for Political Party

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Democrat	39	36.8	58.2	58.2
	Republican	28	26.4	41.8	100.0
	Total	67	63.2	100.0	
Missing	System	39	36.8		
Total		106	100.0		

At the time of this study, there were 116 district court judges or senior status district court judges within this Midwestern state. The survey was administered via electronic survey and sent via the state court administrator in November 2019. A

reminder email was sent to the chief justices of the judicial districts in January 2020. The

typical demographics of age, gender and race were not used with the judicial participants

as age, gender, and race were not applicable to this portion of the study.

Of the 116 eligible judicial participants, 45 responded. As shown in Table 10, 39

of the respondents were district court judges (86.7%), and six were senior status judges

(13.3%). The length of time as a judge did vary considerably (see Table 11). Table 8

provides the length of time participants had been on the bench as district court judges.

Eighteen judges were relatively new with 0-5 years, followed by 11 judges with 11-20

years of experience, nine with 6-10 years of judicial experience, and seven with 20 years

or more judicial experience. Forty-two of the 45 judicial participants responded to which

political party the governor belonged to who appointed them to the bench. Most (66.7%)

were appointed by a Republican governor (see Table 12).

Table 10

Frequency Table for District Court or Senior Status

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Senior Status Judge	6	13.3	13.3	13.3
	District Court Judge	39	86.7	86.7	100.0
	Total	45	100.0	100.0	

Table 11

Frequency Table for Length of Time as a Judge

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	0-5 years	18	40.0	40.0	40.0
	6-10 years	9	20.0	20.0	60.0
	11-20 years	11	24.4	24.4	84.4
	20+ years	7	15.6	15.6	100.0
	Total	45	100.0	100.0	

Table 12

Frequency Table for Political Party of Governor Who Appointed Judge

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Democrat	14	31.1	33.3	33.3
	Republican	28	62.2	66.7	100.0
	Total	42	93.3	100.0	
Missing	System	3	6.7		
Total		45	100.0		

Results

Hypothesis 1

Hypothesis one states that an individual's political ideology influences their support for funding of specialty drug courts. Binary logistic regression was performed to determine the effects of political party on the likelihood that participants would support drug court/treatment. The logistic regression model was a good fit and statistically significant at .001., $\chi(3) = 11.218$, $p = .001$ (see Table 13).

The Model Summary provided additional information on the usefulness of this model (see Table 14). The Cox & Snell R Square test is .154 and Nagelkerke R square test is .221. These two values, when read as a percentage, suggest the variability of the dependent variable explained by the independent variable, which for this study was between 15% to 22% in variability (see Table 14).

Table 13

Omnibus Tests of Model Coefficients

		Chi-square	df	Sig.
Step 1	Step	11.218	1	.001
	Block	11.218	1	.001
	Model	11.218	1	.001

Table 14

Model Summary

Step	-2 Log likelihood	Cox & Snell R Square	Nagelkerke R Square
1	68.687[a]	.154	.221

Note. a. Estimation terminated at iteration number 5 because parameter estimates changed by less than .001.

Logistic regression attempts to predict whether something will happen and estimates the probability of the event. Political party did add significantly to the model at .002, so it was statistically significant. In this study, when looking at the percentage accuracy in the classification, 71.6% were correctly classified, thus the probability of political party determining treatment or prison was correct 71.6% of the time (see Table 15). Political party also is statistically significant when locating at the Wald test result

(see Table 16). For Political Party, Wald = 9.871, p = .002, this is statistically significant,

hence, it contributes to the equation.

Table 15

Classification Table

			Predicted		
			Treatment v.tougher approach		
	Observed		Tougher approach	Treatment	Percentage Correct
Step 1	Treatment v.tougher approach	Tougher approach	0	19	.0
		Treatment	0	48	100.0
	Overall Percentage				71.6

Note. a. The cut value is .500

Table 16

Variables in the Equation

		B	S.E.	Wald	*df*	Sig.	Exp(B)	95% C.I.for EXP(B)	
								Lower	Upper
Step 1ª	Political Party	-1.917	.610	9.871	1	.002	.147	.044	.486
	Constant	1.917	.479	16.017	1	.000	6.800		

Note. a. Variable(s) entered on step 1: Political Party.

Hypothesis 2

Hypothesis two states an individual who previously supported incarceration, will

support Drug Court when knowing there is judicial oversight. Binary logistic regression

was performed again to determine if court oversight would affect participants would

support drug court/treatment. The logistic regression model was a good fit and

statistically significant at .000., $\chi(3) = 39.367$, *p* = .000 (See Table 17).

The Model Summary provides additional information on the usefulness of this model. The Cox & Snell R Square test is .336 and Nagelkerke R square test is .554. These two values, when read as a percentage, suggest the variability of the dependent variable explained by the independent variable, which for this study was between 33% to 55% (see Table 18).

Table 17

Omnibus Tests of Model Coefficients

		Chi-square	df	Sig.
Step 1	Step	39.367	1	.000
	Block	39.367	1	.000
	Model	39.367	1	.000

Table 18

Model Summary

Step	-2 Log likelihood	Cox & Snell R Square	Nagelkerke R Square
1	50.286[a]	.336	.554

Note. Estimation terminated at iteration number 7 because parameter estimates changed by less than .001.

As shown in Table 19, 85.4% of participants were correctly classified. Court supervision did add significantly to the model at .000, $p = .001$, so it was statistically significant. In this study, when looking at the percentage accuracy in the classification, 85.4% were correctly classified, thus the probability of court supervision determining treatment or prison was correct 85.4% of the time reflected in Table 19. Court supervision also is statistically significant when reviewing the Wald test result (see Table

20). For Treatment or Incarceration, Wald= 16.747, p = .000, this is statistically

significant, hence, it contributes to the equation.

Table 19

Classification Tables

			Predicted		
			If court supervised		
			Prison	Drug Treatment	Percentage Correct
	Observed				
Step 1	If court supervised:	Prison	16	1	94.1
		Drug Treatment	13	66	83.5
	Overall Percentage				85.4

Note. The cut value is .500

Table 20

Variables in the Equation

	B	S.E.	Wald	Df	Sig.	Exp(B)	95% C.I.for EXP(B) Lower	Upper
Step 1ª Treatment v. tougher approach	4.397	1.075	16.747	1	.000	81.231	9.888	667.339
Constant	-.208	.373	.309	1	.578	.812		

Note. a. Variable(s) entered on step 1: Treatment v. tougher approach.

Hypothesis 3 and Hypothesis 4

Hypothesis three states the more public support for drug courts will influence

judges to sentence defendants to drug court. Hypothesis 4 states gubernatorial

administration policies do affect judges sentencing defendants to drug court as opposed to

prison. Binary logistic regression was not able to be used to analyze either hypothesis.

As noted in Table 21, almost all respondents indicated public views did not affect

sentencing a defendant, with 42 of the 45 respondents indicating they were not influenced

by public views of drug court. All respondents agreed they were not influenced by the

gubernatorial administration's policies (see Table 22). Prediction, through binary logistic

regression, would not have been possible, as a high proportion of responses in the

observed variable. With the frequencies, the variables were almost absolute. As

hypothesis was not able to be tested in this method, hypothesis 3 and 4 have now become

research questions: Are judges affected by public views when sentencing a defendant to

drug court? Are judges affected by the gubernatorial policies of the administration who

appointed the judge to the bench?

Table 21

Frequency Table of Public Views Affect Sentencing

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	No	42	93.3	93.3	93.3
	Yes	3	6.7	6.7	100.0
	Total	45	100.0	100.0	

Table 22

Frequency Table if Feel influenced by Governor

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	No	45	100.0	100.0	100.0

The judicial survey also provided an opportunity for participants to write anything

else they were willing to share. While there could be response bias in both questions

about whether drug court is effective and whether they support drug court, the written

responses support a conclusion there was not response bias in this question.

Judicial participants commented drug court was a cost-effective way to

rehabilitate non-violent offenders, it was economical, and proven to save money. One

judicial participant indicated drug courts and other community-based programs were "a

no-brainer regardless of your political affiliation." There seemed to be an overriding

consensus this program worked and was beneficial to society. Further, participants

stating in areas where there was not a drug court, they wished there were. To create and

sustain a drug court, funding is necessary. There was also a consensus from the

respondents, the legislature should fund these programs as they were necessary and were

effective.

Two hypotheses were tested in this research, and the remaining two hypotheses

became research questions. For Hypothesis 1, the overall model, with the independent

variable of political party, was found to be statistically significant using chi-square test

with 1 df, N = 67 and a statistic of 11.218, at a significance level of .002. For Hypothesis

2, the overall model with independent variable of court supervision, was found to be

statistically significant using chi-square test with 1 df, N = 67, and a statistic of 39.367, at

a significance level of .000.

As all respondents indicated there was no effect of public views of drug court,

when it comes to judges sentencing a defendant to drug court, they will not be influenced

by public opinion or thoughts on drug court. Additionally, all respondents indicated that

they were not influenced by the governor when sentencing defendants to drug court, thus

the policies of the gubernatorial office have no effect on judges' decisions to sentence a defendant to drug court. Judicial respondents were supportive of drug courts in general and also, via written responses, felt financial backing would be important to promote and maintain drug courts.

Conclusion

The purpose of this research was to determine whether political party would predict support for drug courts. Results from the data analysis indicated there is a relationship between political party and support for drug courts. Further, the data indicated overwhelming support for drug treatment when there was court supervision and even supported drug treatment for those who indicated prison previously, when there was court supervision. Judges overwhelmingly supported drug courts. Data indicated judges were not influenced at all from the governor's policies, and a significant majority indicated public views on drug court did not affect their support or decisions.

Chapter 5: Discussion, Conclusions, and Recommendations

Introduction

In 2010, the total number of drug arrests in the United States was approximately 1.6 million, where it held steady except for a slight drop of about 5,000 arrests in 2017 ("Drug War Facts," n.d.). The highest number of arrests were in 2005 and 2006, with over 1.8 million arrests ("Drug War Facts," n.d.). Treatment options, especially drug court, were implemented late 1988 continuing to this day (Warren, 2009). The main purpose of this research was to predict whether political party would support drug courts. It also studied whether those who previously supported prison might change to support drug court if court supervision was involved in treatment. Finally, judicial support for drug court was determined, along with whether public and the governor's office affected their support for drug courts. The public were more inclined to support treatment over incarceration to address this problem. The judicial respondents significantly agreed drug court was effective, some had previously been assigned to a drug court, and others had even sentenced a defendant to drug court. Results also indicated political party does predict support for drug court. Further, those who supported incarceration chose to support treatment if it was court supervised. Finally, judicial results indicated unanimous support for drug court, little to no influence by the public, and zero influence by the governor.

Interpretation of the Findings

Drug courts are controversial because they utilize the court system, which requires governmental funding which comes from politicians. Politicians are the elected

body of the federal and state government by registered voters. Drug courts can be economically beneficial, especially when there are large pools of federal grant funds available (Hoffman, 2012). Drug courts provide the ability for federal grant funding, plus using less taxpayer monies by diverting funds from incarceration to these problem-solving courts. However, though programs such as drug court rely on funding to survive and the judicial branch requires funding to function, governmental funding is split among a variety of issues, concerns, and bodies, including education and infrastructure. The difficulty for elected politicians is to determine how to divide this funding; therefore, this study sought to determine whether political party would predict support for drug courts and whether the public viewpoint can assist drug courts and the criminal justice system with their support.

Determining whether governmental bodies find treatment and drug court viable can be done by looking at the National Drug Control Budget released by the current executive branch in May 2017 (ONDCP, 2017). The White House requested a budget of $99.9 million set aside for drug prevention and treatment, including drug courts (ONDCP, 2017). In fact, from fiscal years 2016-2018, funding for treatment has consistently increased while law enforcement funding has remained stagnant (ONDCP, 2017). Included in the funding is the availability of federal grant funds. The largest segment of available grants funds for drug court is the Department of Justice, Office of Justice Programs, and the Bureau of Justice Assistance. For these grants, federal funds cannot cover more than 75% of the program's total costs, thus the funds must be matched

or made "in-kind" some other way (Bureau of Justice Assistance, 2016). The "in kind"

funding must come from some other source, such as local government funds.

To obtain local government funds, drug courts must show a success rate or at least

impact. This allows a politician to point to lower recidivism rates where there is a drug

court program, which could support funding. An analysis of recidivism from 1994-2015

revealed that 77% of offenders were rearrested within 5 years of release, and 29% were

arrested for a violent crime, with a main predictor being substance abuse (Durose et al.,

2015; Katsiyannis, et al, 2018). With substance abuse being a main predictor of

recidivism, drug courts could be a solution, if there can be public support. If there is

public support, funding should follow from the legislative body.

Based on the public's responses in this study, the drug problem is getting worse

and treatment needs to occur. This study further validates Blendon and Young (1998)

and Giordano (2014), who both found most participants believed the drug problem was

getting worse and public support for drug treatment if court supervised. This study also

further supported Giordano's contention of support for treatment over incarceration in the

form of drug court. This study's results showed support for drug treatment with court

supervision both from those who previously supported treatment but also from those who

previously supported incarceration.

Limitations of the Study

The first weakness for the public survey is it was conducted via U.S. mail. Of the

1,000 surveys mailed, few were returned (107), and even fewer were able to be utilized

because participants did not provide information such as which political party they are

registered to vote. There may be several reasons for not completing and returning the surveys. Addresses were provided via the Secretary of State who compiles the list of registered voters, but there was no guarantee the registered voters' addresses were listed correctly when they were provided to the auditor or if the registered voter still resided at the address. Second, eligible participants could have simply thrown away the survey. The data collection process took place the months prior to the primaries and caucuses for the 2020 Presidential election. Individuals may have mistaken the mailing for political advertisements.

Second, of concern, there was little demographic representation of race. While race was not a predictor, it would have been interesting to see how race and political party ideology may have affected the results. The predominant race was Caucasian; therefore, the weakness of this study includes lack of diversity in the participants. This also could have been a result of the research design itself. The participant pool included only registered voters. Diversity of the registered voter pool may be affected by a variety of sociological issues, including certain racial populations who are ineligible to vote due to criminal history and/or choose not to register to vote.

Third, of the participants, only 67 provided their political party. This study was focused on whether political party predicted support for drug court. Failing to provide political party contributed to the weakness of this study. Recommendations for the future, could include obtaining the registered party from the Secretary of State directly and reconfirming through the surveys from the participants' response. This could be an effective method to complete the political party component; however, may not be

accurate. The Secretary of State's information does not include when the registered voter

provided this information; therefore, the registered voter could have changed political

parties and not updated their information. The registered voter information was obtained

prior to the November presidential caucus/primary, which could have provided updated

or confirmed political party information for each voter.

At the time of data collection, there were 116 district court and senior status

district court judges, a response rate of 45 was considerably lower than anticipated.

There may be several reasons for the lack of participation.

First, judges may have been apprehensive sharing their opinions. The notification

of this research and the judicial survey came from the State Court Administrator. This

was done to show potential judicial participants the survey was vetted and approved if

they chose to participate. Unfortunately, this may have had another effect. Potential

judicial participants may not have participated due to concerns of confidentiality.

Despite every attempt at ensuring confidentiality and to reduce any fears of responses

becoming public or shared with the State Court Administrator, judges may have felt the

need to answer a certain way, rather than how they felt or not participate at all.

Second, if the above is true, the study is weakened as every judge indicated

support for drug court. This may or may not be true. This portion of the study was

originally planned as qualitative to obtain individual judge's feeling and provide an in-

depth analysis for or against drug courts. Instead, a quantitative study was developed

which could ensure confidentiality as the judicial participant would be free to answer the

questions due to anonymity as opposed to speaking individually with this researcher.

However, as noted, as the survey was delivered via the State Court Administrator, judges may have felt the survey was not confidential, affecting responses.

Recommendations for Future Research

For future research, continual depth into political party and philosophical views should be studied. This research presents a baseline of political party ideology and affiliation; however, whether political rhetoric affects the public's view of drug court would be most interesting. This study was conducted prior to the race for the 2020 Presidential election, future research could study whether presidential statements, rhetoric and commentary affects public views toward substance abuse treatment in the form of drug courts and incarceration.

Second, surveying a larger registered voter pool would be beneficial. Perhaps the entire state rather than one judicial district for public views or even a judicial district in another state. Research could compare registered voters in two different states. The same would be true for judicial opinion as well. Future research could include a better method to obtain participation, such as attending a judicial conference. This could likely increase the amount of judicial participation and would be completed on paper as opposed to online survey methods.

Future research should include more depth in the survey. While this study focused on drug court support or not, it did not delve into the strength of this support. A qualitative study could provide individualized answers, which could be followed up with further questioning.

The Judicial Branch should provide education to the public about drug court. As French and Raven (1959) noted power as influence or influencing psychological change. The power of the electorate could provide the support for local drug courts if it is educated. There is no power without knowledge. Regardless of state or federal, most judicial branches are not political and shy away from the politics; however, it stands to reason if funding comes from the legislative branch, the judicial branch must use knowledge and power together.

Implications and Conclusions

There is significant potential for positive social change with this study. First, substance abusers have an effect on their family, themselves, and society in general. Forms of substance abuse treatment are necessary to combat drug addiction. This study provides an alternative to prison and provides an alternative for treatment. Drug Courts address addiction. These courts can reduce the prison population and recidivism. It is not perfect, but it is a start to combatting a serious drug addiction that is, according to the public and judges, needs to be addressed. Most importantly, there is strong judicial and public support for treatment and treatment alternatives. Drug Court can fill this void of substance abuse treatment, while still providing oversight and sanctions if one fails to complete treatment.

The legislature should listen to the public and listen to judges, who see firsthand the devastating effects of substance abuse. Substance abuse wrecks families and society is affected by the very criminal nature substance abuse entails. This study shows support for specialty drug courts; however, funding is necessary. If funding is provided, those

who have substance abuse issues may have a second chance by avoiding prison and

becoming a productive member of society.

References

Allen, M. (2017). *The sage encyclopedia of communication research methods* (Vols. 1-
4). doi:10.4135/9781483381411

Bureau of Justice Assistance. (2016). *Adult discretionary grant program fy 2016
competitive grant announcement.* Retrieved from
https://www.bja.gov/funding/ADC19.pdf

Burstein, P. (2003). The impact of public opinion on public policy: A review and agenda.
Political Research Quarterly, 56(1), 29-40. doi:10.2307/3219881

Burke, K. S. (2010). Just WHAT made DRUG COURTS successful? *Judicature, 94*(3),
119-127. Retrieved from
https://ezp.waldenulibrary.org/login?qurl=https%3A%2F%2Fsearch.proquest.co
m%2Fdocview%2F845432439%3Faccoun

Dahl, R. A. (2007). The concept of power. *Behavioral Science*, *2*(3), 201-215.
doi:10.1002/bs.3830020303

Department of Corrections, Iowa. Retrieved from https://doc.iowa.gov/data/quick-facts

DeVeliss, R. F. (2017). *Scale development: Theory and applications* (4th ed.). Thousand
Oaks, CA: Sage.

Drug Policy Alliance. (2011). *Drug courts are not the answer: Toward a health-centered
approach to drug use.* New York, NY: Author.

Drug War Facts. (n.d.). Retrieved from https://www.drugwarfacts.org/node/234

Federal Bureau of Investigations. (n.d.). Crime data explorer. Retrieved from
https://crime-data-explorer.fr.cloud.gov/downloads-and-docs

Fifth Judicial District Department of Corrections. (n.d.). Retrieved from

http://fifthdcs.com/FifthPolicy/index.cfm?policy=DrugCourtGeneralInformation

Fifth Judicial District Department of Corrections (2018). 2018 Annual Report. Retrieved

from http://fifthdcs.com/includes/AnnualReports/2018AnnualReport.pdf

French, J. R. P., Jr., & Raven, B. (1959). The bases of social power. In D. Cartwright

(Ed.), *Studies in social power* (pp. 150-167). Ann Arbor, MI: University of

Michigan.

Gerstein, Bocian, Agne Strategies. (2016). Annual national tracking survey analysis.

Retrieved from

https://www.ncsc.org/~/media/Files/PDF/Topics/Public%20Trust%20and%20Con

fidence/SoSC_2016_Survey_Analysis.ashx

Giordano, V. A. (2014). Public acceptance for drug treatment in lieu of incarceration for

drug offenders in Florida. *Journal of Drug Issues*, *44*(4), 414-429.

doi:10.1177/0022042614542510

Hoffman, M. B. (2002). The rehabilitative ideal and the drug court reality. *Federal*

Sentencing Reporter, 14(3-4), 172-178. doi:10.1525/fsr.2001.14.3-4.172

Horwitz, S. (2017, January 19). Obama grants final 330 commutations to nonviolent drug

offenders. *The Washington Post.* Retrieved from

https://www.washingtonpost.com

It is time to end the war on drugs. (2009). *Judicature, 93*(2), 48-48,83. Retrieved from

https://ezp.waldenulibrary.org/login?qurl=https%3A%2F%2Fsearch.proquest.co

m%2Fdocview%2F274741127%3Facco

Katsiyannis A., Whitford, D. K., Zhang, D. & Gage, N. A. (2018). Adult recidivism in

United States: A meta-analysis 1994-2015. *Journal of Child and Family Studies,*

27(3), 686-696. doi:10.1007/s10826-017-0945-8

Kennedy, E. (2018, July 5). Opioid addiction: How EMS are adapting to frequent

overdoses. *Pensacola News Journal.* Retrieved from

https://www.pnj.com/story/news

Kline, R. B. (2016). *Principles and practice of structural equation modeling* (4th ed.).

New York, NY: Guildford.

Marlowe, D. B., DeMatteo, D. S., & Festinger, D. S. (2003). A sober assessment of drug

courts. *Federal Sentencing Reporter, 16*(2), 153-157.

doi:10.1525/fsr.2003.16.2.153

Miethe, T. D., Lu, H., & Reese, E. (2000). Reintegrative shaming and recidivism risks in

drug court: Explanations for some unexpected findings. *Crime and Delinquency.*

46(4), 522-541. doi:10.1177/0011128700046004006

Miranda, J. (1998). War or pseudo-war? *Social Justice, 25*(2), 65-84. Retrieved from

https://www.jstor.org/stable/29767071

Mirchandani, R. (2005). What's so special about specialized courts? The state and social

change in Salt Lake City's domestic violence court. *Law and Society Review.*

39(2), 379-418. doi:10.1111/j.0023-9216.2005.00086.x

Mitchell, E. (2019, March 25). Pentagon authorizes $1Bin counter-drug money for

Trump's border wall. *The Hill.* Retrieved from https://thehill.com

Mitchell, O. (2011). Drug and other specialty courts. In M. Tonry (Ed.), *Oxford*

handbook of crime and criminal justice (pp. 843-871), New York, NY: University

Press.

Mitchell, O., Wilson, D. B., Eggers, A., & MacKenzie, D. L. (2012). Assessing the

effectiveness of drug courts on recidivism: A meta-analytic review of traditional

and non-traditional drug courts. *Journal of Criminal Justice, 40*, 60-71.

doi:10.1016/j.jcrimjus.2011.11.009

Nolan, J. L., Jr. (2003). Redefining criminal courts: Problem-solving and the meaning of

justice. *The American Criminal Law Review, 40*(4), 1541-1565. Retrieved from

https://www.researchgate.net/publication/286745428_Redefining_criminal_courts

_Problem-solving_and_the_meaning_of_justice

Office of National Drug Control Policy. (2017). *National drug control budget.* Retrieved

from

https://www.whitehouse.gov/sites/whitehouse.gov/files/ondcp/Fact_Sheets/FY20

18-Budget-Highlights.pdf

Office of National Drug Control Policy. (2019). *National drug control strategy.*

Retrieved from https://www.whitehouse.gov/wp-content/uploads/2019/01/NDCS-

Final.pdf

O'Sullivan, E., Rassel, G. R., Berner, M., & Taliaferro, J. D. (2017). *Research methods

for public administrators* (6th ed.). New York, NY: Routledge.

Pew Research Center. (2014, April 2). America's new drug policy landscape. *People

Press*. Retrieved from https://www.people-press.org

Rempel, M., Zweig, J. M., Lindquist, C. H., Roman, J. K., Rossman, S. B., & Kralstein,

D. (2012). Multi-site evaluation demonstrates effectiveness of adult drug courts. *Judicature, 95*(4), 154-157. Retrieved from https://ezp.waldenulibrary.org/login?qurl=https%3A%2F%2Fsearch.proquest.com%2Fdocview%2F929072990%3Facco

Rudestam, K. E., & Newton, R. R. (2015). *Surviving your dissertation: A comprehensive guide to content and process* (4th ed.). Thousand Oaks, CA: Sage.

Sevigny, E. L., Fuleihan, B. K., & Ferdik, F. V. (2013). Do drug courts reduce the use of incarceration? *Journal of Criminal Justice, 41,* 416-425. doi:10.1016/j.jcrimjus.2013.06.005

Shafritz, J. M., Ott, J. S., & Jang, Y. S. (Eds.). (2016). *Classics of organization theory.* (8th ed). Belmont, CA: Wadworth, Cengage Learning.

Shepard, R. T. (2010). The great recession as a catalyst for more effective sentencing. *Federal Sentencing Reporter, 23*(2), 146-149. doi:10.1525/fsr.2010.23.2.146

Smith, T. W., Davern, M., Freese, J., & Morgan, S. L. (2019). General social surveys, 1972-2018: Cumulative codebook. Retrieved from http://gss.norc.org/documents/codebook/gss_codebook.pdf

TCR Staff. (2018, April 9). Recidivism rates "unacceptably high," says Sessions. *The Crime Report*. Retrieved from https://thecrimereport.org

U.S. Department of Justice, Office of Justice Programs. (2015, June). Drug Courts. (NCJ Publication No. 238527). Retrieved from Bureau of Justice Assistance website: https://www.ncjrs.gov/pdffiles1/nij/238527.pdf

U.S. General Accounting Office. (1997). *Drug courts: Overview of growth, characteristics, and results.* Washington, DC: Author.

U.S. General Accounting Office. (2005). *Adult drug courts: Evidence indicates recidivism reductions and mixed results for other outcomes.* Washington, DC: Author.

Walsh, N. (2011, March 22). Addicted to courts: how a growing dependence on drug courts impacts people and communities. *Justice Policy Institute.* Retrieved from http://www.justicepolicy.org

Warren, R. (2009). A tale of two surveys: Judicial and public perspectives on state sentencing reform. *Federal Sentencing Reporter, 21*(4), 276-287. doi:10.1525/fsr.2009.21.4.276

Web Center for Social Research Methods. (n.d.). *Research methods knowledge base.* Retrieved from http://www.socialresearchmethods.net/kb/index.php