

Treatment of Substance Abuse in the Criminal Justice System

Mackenzie Rice

Longwood University

SOWK 300: Social Problems and Development of Social Policy

Professor Danielsen

March 3, 2021

Abstract

This essay explores the downfalls of the criminal justice system as it fails to properly treat the population of individuals with substance use disorder. The essay discusses a variety of factors that emphasize the need for a policy reform. It begins with discussing the use of drug courts and the implications that emphasize the need for more programs that are similar and accessible. Medical treatments are also taken into consideration, and the lack of this type of treatment is discussed as another downfall of the system. Racial and gender inequities are then taken into consideration, as many groups of people who do not fall within the white male population are statistically proven to be at a disadvantage and require amenities that are more specific to their needs. Finally, a study is analyzed which shows the need for reform in prisons and correctional facilities as many are aware of their own downfalls. This essay concludes with an examination of its own relevance to policy practice in social work, as it is imperative that every vulnerable population is assisted, including the population of incarcerated individuals who are reliant on drugs and other substances.

Treatment of Substance Abuse in the Criminal Justice System

The criminal justice system mainly consists of response-oriented efforts when it comes to the deviances that occur within society. However, there are a number of crimes that can be prevented from either initially transpiring or reoccurring if a policy change were to take place. A great number of individuals have been imprisoned due to drug and substance-related charges, and these individuals make up a population who is in need of services for such disorders that lead to these usages. There are programs and policies in place to assist this population, such as various rehabilitation programs, drug courts, and support groups. However, not every individual has access to these programs when receiving drug charges, and there should be programs in place for every person facing addiction and mental illnesses that can be associated with substance abuse. With a treatment-oriented focus on substance-related offenders, such individuals could be better equipped to live in and contribute to society as functioning members.

Drug Courts

Drug courts represent programs that can aim to prevent people from rearrest and rehabilitate them in a treatment setting under the supervision of the court. A study was conducted to answer questions regarding the effectiveness of drug courts as an alternative to prison and whether or not drug courts reduce the rate of future criminal behavior by individuals who participate in such programs (Rempel et al., 2012). This study compared a sample of those who received treatment under the drug court program to a sample of similar offenders who did not qualify for the drug court. The tactics that were used were mostly interviews and records gathered on complying participants, and the data consisted of a variety of variables that described the individuals before and after facing charges. These individuals were tracked for a set amount of time after participating in the program, and it was found that those who

participated in the drug courts were more likely to receive further treatment as well as less likely to face future drug charges or partake in criminal activity (Rempel et al., 2012).

Limitations and Implications

This study did exhibit some limitations as it did not have a large variety of different sites from which they gathered their data, and there could have been undetected criminal activity that was never taken into consideration, which could have influenced the determination of the effectiveness of drug courts (Rempel et al., 2012). Even so, the findings in this study imply that an alternative to prison is highly effective when dealing with individuals who commit drug-related crime and face challenges that are related to substance abuse and addiction. Treating these people has proven to shorten the average time spent incarcerated and decrease the likelihood of further criminal activity taking place (Rempel et al., 2012). If there is a way in which these offenders can redeem themselves from acts that are associated with mental illness, then it seems imperative that they are treated rather than punished. This would not only be beneficial to the individuals committing drug-related crimes, but society in general because of the evidence of reduced criminal activity and recidivism when programs such as drug courts are utilized. Furthermore, it is argued that rehabilitation programs are far more cost efficient than incarceration and could save the nation billions of dollars (Dual Diagnosis, n.d.). The expansion of these programs is greatly emphasized, as they can reap greater benefits to the general population and provide individuals dealing with substance-related issues a more equitable opportunity in life.

Medical Treatment Considerations

Medical treatment for substance abuse is underutilized in prison settings, especially for individuals who are reentering the prison system (Friedmann et al., 2012). Medication is often

used when treating people dealing with addiction in addition to counseling, cognitive behavioral therapy, and other support methods (Friedmann et al., 2012). This is often lacking in prisons, thus reducing the chances of ridding these individuals of their dependence on certain substances. A survey was taken of a sample of prisons, jails, and other correctional facilities in order to discover the extent to which medication is utilized to treat substance-dependent individuals and their reasoning behind this use or lack thereof. It was found that medication is often used only when absolutely necessary, such as for pregnant women facing withdrawals, and this is due to a multitude of reasons such as security risks, lack of medical professionals, and the presence of misperceptions (Friedmann et al., 2012).

Limitations and Implications

Limitations are present within this study, as many of the questions on the survey could have been created with a certain level of bias. The responses could have also been biased, as personal philosophies regarding the treatment methods of a considerably defamed population could elicit such opinions. It is evident, however, that the use of medication to treat individuals who are dependent on substances has been stigmatized. It is clear that the criminal justice system holds a large number of misconceptions of the way in which such individuals should be treated in order to truly receive effective results during the time they are serving. There is statistical evidence that only five percent of those with opioid use disorder are treated with medication when incarcerated, and this shows that there is a lack of evidence-based treatment within these systems as many people are not receiving the necessary treatment (NIDA, 2021). More knowledge is necessary for the integration of pharmacotherapy in prisons, as this population has limited options for treatment and recovery.

Racial Considerations

There is evidence of racial disparities in the criminal justice system, particularly on the subject of drug charges. A study provides evidence of racial inequality when it was found that African Americans make up a larger proportion of individuals to receive charges classified as felonies (Ferrer and Connolly, 2018). This study focuses on systematic racism and the presence of racial bias in law enforcement, which engages the disproportionate drug-related arrests, harsher sentences, and unfair treatment of African Americans. The article addresses other factors that put non-white individuals at a greater risk of drug dependence and its lawful consequences, followed by a discussion of the need for changes in not only law enforcement but other areas where systematic racism is present (Ferrer and Connolly, 2018). It is asserted that these social inequities must be addressed in order to eliminate treatment biases in order to provide every individual with substance abuse disorder the proper resources for recovery.

Limitations and Implications

This article is limited because of its lack of consideration for racial groups other than African Americans. This group of people is clearly at a disadvantage, however more research should be done on racial disparities across the board, as there are likely other groups receiving a significant level of unfair treatment as well. This study implies that there are different levels of injustice when it comes to the arrest and treatment of individuals with substance use disorder, and one of these can be seen in the racial disparities of drug arrests. Many of these offenders are being robbed of the opportunity to a proper recovery, and much of this is due to the system's failure to handle such offenses without racial bias. Criminal justice reforms are necessary for there to be a more equitable distribution of resources and services to those of all races in need of treatment for substance use disorder. It is clear that many people non-white citizens are less

likely to utilize recovery services, and this can be attributed to the faultiness of the system rather than the individual's preference not to recover (Ferrer and Connolly, 2018).

Gender Considerations

Just as there are discrepancies between the treatment of different racial groups in the criminal justice system, there are gender implications to consider. A study was conducted to shine light on the differences between genders and their experiences with prison and treatment needs for substance use disorder. It was found that a larger proportion of incarcerated women experienced mental illness and dependence on drugs than incarcerated men (Fedock et al., 2013). This article emphasized the inequities in the prison systems because of said differences in these proportions, and gender specific interventions were presented as a growing necessity for these incarcerated drug offenders (Fedock et al., 2013). To accentuate this demand, other risk factors related to incarcerated women were presented, such as homelessness, loss of parental rights, and comorbidity of other mental illnesses, all of which point towards the dire need for treatment and recovery (Fedock et al., 2013).

Limitations and Implications

This article presents limitations in its narrow research, as it only addresses gender differences but does not take into account other demographics which greatly affect the population of drug offenders. Apart from that, this study reveals a lack of awareness that there is a greater need for treatment of mental and substance use disorders in women than men. It is crucial that this is made known because such information indicates that there is a severe shortage of services for this subgroup in the population of adults who are dependent on substances. Women are clearly overlooked, as their needs evidently exceed those of men when it comes to the treatment of these disorders. This study places much pressure on the need for policy change

in the criminal justice system for this population of individuals struggling with a disorder that they cannot overcome on their own, and it reveals an even greater need for women who are at higher risk within this population (Fedock et al., 2013).

Need for Change in Prison-Based Treatment

There is an obvious shortage in treatment for people facing the obstacles of drug-related charges and disorders, and to make matters worse, there is evidence that the available treatment is less than adequate. A study was conducted to assess different organizations and their readiness to adopt new treatment programs based on how effective their current programs were (Lehman et al., 2012). The study pointed out a need for more programs due to the indication that only a quarter of offenders were receiving drug treatment services (Lehman et al., 2012). Furthermore, the article addressed that as more information was being gathered on substance use disorder, newer evidence-based interventions should have replaced the old, yet many of these changes were never implemented (Lehman et al., 2012). Many of the facilities that took part in this study were aware of their lack of resources, programs, and information in regards to their substance-abusing population, and the demand for the refinement and growth of these programs continues to increase.

Limitations and Implications

This study utilized a limited sample, as it did not represent the entire population of substance abusers across the nation but only a small geographic portion. Programs in other areas of the country can vary, particularly with different policies and requirements mandated by the states. However, this study implies that this policy issue holds a great amount of weight, and it is likely safe to assume that every area in this country is lacking in some way when it comes to treatment programs for people with substance use disorder. It is clear that new knowledge is

being gathered, and it should be put into practice within prisons in order to provide this population with the treatment they need. Not only should these improved methods replace the old, but these services should be made more accessible, as it is implied that very few within this population actually receive services. The budgets that these facilities limit themselves to are seen as barriers, yet quality treatment can prove to be far more cost effective (Lehman et al., 2012). Incarceration, health care, and crime-related costs would decrease and the contributions that these individuals could then make to society would increase.

Conclusion

The topic of substance abuse and incarceration is extremely important to social work policy practitioners because there is an incredible need for change in the way these individuals receive treatment. There needs to be more awareness of the mental health of these people and their rights to better treatment opportunities. Social workers are ethically inclined to address the social injustices that this population faces as the system has failed to properly supply them with resources and programs that could provide them with improved quality of life. Furthermore, it must be made known that the rest of society would benefit from reduced crime and a more efficient use of the country's monetary resources.

It is an ethical imperative that social workers are constantly working to ensure that the needs of their clients are being met. It is the client's well-being that is priority, and this certainly applies to those who are dealing with substance use disorder and have to face the legal consequences that often come with it. Social work policy practitioners should be aware of the multitude of inequities that are present in the way people are charged and treated in the criminal justice system. There should be a reformation of the system's use of resources, as it currently does not address the problems in the most fair and efficient way possible.

References

Drug Rehab Instead of Prison Could Save Billions. Dual Diagnosis.

<https://dualdiagnosis.org/drug-rehab-instead-of-prison-could-save-billions-says-report-2/>.

Fedock, G., Fries, L., & Pimlott Kubiak, S. (2013). Service Needs for Incarcerated Adults:

Exploring Gender Differences. *Journal of Offender Rehabilitation*, 52(5), 493–508.

Ferrer, B., & Connolly, J. M. (2018). Racial Inequities in Drug Arrests: Treatment in Lieu of and After Incarceration. *American Journal of Public Health*, 108(8), 968–969.

<https://doi.org/10.2105/AJPH.2018.304575>

Friedmann, M. D. . M. P. H. . P. D., Hoskinson, J. ., R. M. A., Gordon, D. P. A. . M., Schwartz, , Robert, M. D., Kinlock, , Timothy Ph.D., Knight, , Kevin Ph.D., Flynn, , Patrick M. Ph.D., Welsh, , Wayne N. Ph.D., Stein, , Lynda A.R. Ph.D., Sacks, , Stanley Ph.D., O’Connell, , Daniel J. Ph.D., Knudsen, , Hannah K. Ph.D., Shafer, , Michael S. Ph.D., Hall, , Elizabeth Ph.D., & Frisman, , Linda K. Ph.D. (2012). Medication-Assisted Treatment in Criminal Justice Agencies Affiliated with the Criminal Justice-Drug Abuse Treatment Studies [CJ-DATS]: Availability, Barriers, and Intentions. *Substance Abuse*, 33(1), 9–18.

Lehman, W. E. K., Greener, J. M., Rowan-Szal, G. A., & Flynn, P. M. (2012). Organizational Readiness for Change in Correctional and Community Substance Abuse Programs.

Journal of Offender Rehabilitation, 51(1), 96–114.

National Institute on Drug Abuse. (2021, January 17). *Criminal Justice DrugFacts*. National Institute on Drug Abuse.

<https://www.drugabuse.gov/publications/drugfacts/criminal-justice>.

Rempel, M., Green, M., & Kralstein, D. (2012). Impact of Adult Drug Courts on Crime and Incarceration: Findings from a Multi-Site Quasi-Experimental Design. *Journal of Experimental Criminology*, 8(2), 165–192.