



Alternate policing strategies: Cost-effectiveness of cautioning for cannabis offences



Marian Shanahan^{a,*}, Caitlin Elizabeth Hughes^a, Tim McSweeney^{a,b}, Beth Ann Griffin^c

^a Drug Policy Modelling Program, National Drug and Alcohol Research Centre, UNSW, Sydney, NSW 2052, Australia

^b Department of Criminology and Sociology, Middlesex University, The Burroughs, London NW4 4BT, UK

^c RAND Center for Causal Inference, 1200 South Hayes Street, Arlington, VA 22202-5050 USA

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ABSTRACT

Background: There is increasing international interest in alternatives to the use of arrest for minor drug offences. While Australia has been at the forefront in the provision of diversionary programs for minor drug offences there remain key gaps in knowledge about the cost-effectiveness of different approaches. Here we set out to assess the cost-effectiveness of cannabis cautioning schemes whereby police refer minor cannabis use and possession offenders to education and/or treatment instead of arresting and charging them.

Methods: This study used a purpose built nation-wide online survey to evaluate cost-effectiveness of cannabis cautioning versus a traditional response for minor cannabis offences (arrest). The survey was completed by a self-selected group of detected cannabis offenders. The outcome measure was self-reported cannabis use days in the previous month post-intervention. Cost data included costs of policing, court, penalties, assessment, treatment and educational sessions. Propensity score weighting and doubly robust regression analyses were utilised to address differences between the groups.

Results: There were 195 respondents who reported being arrested for a cannabis possession/use offence and 355 who reported receiving a formal cannabis caution. After matching on a range of characteristics (age, prior criminal conviction, cannabis consumption, employment status, self-reported criminal activity prior to detection, severity of dependence) there was no statistically significant difference in cannabis use pre- and post-police intervention between the two groups (N = 544). After matching and bootstrapping the costs there was a significant difference in costs; the mean cost for the charge group (net of fines) was \$733 (SD 151) and \$388 (SD 111) for the caution group.

Conclusion: These results indicate that after matching on a range of relevant characteristics there were no differences across groups in the change in self-reported cannabis use days, but cannabis cautioning was less costly than charge/arrest. These results add to the evidence about the efficacy and desirability of alternatives to arrest both within Australia and abroad.

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Introduction

Internationally the calls for alternatives for both arrest and imprisonment for minor drug offences is increasing (Bright & Matire, 2012; Commission on Narcotic Drugs, 2012; Commission on Narcotic Drugs, 2015; Eastwood, Fox, & Rosmarin, 2016; EMCDDA, 2015; Fan, 2013; Payne, Kwiatkowski, & Wundersitz, 2008; Strang et al., 2012). Of particular note in 2015, the Commission on Narcotics Drugs (CND) encouraged member states “to use a wide range of alternative measures to conviction or

punishment for appropriate drug-related offences of a minor nature”.

The motivations for implementing alternatives to conviction or punishment for drug and drug-related offences vary considerably, and include seeking to deliver a more proportionate response for minor drug offences (EMCDDA, 2015); an increasing emphasis on public health outcomes (Fan, 2013; Royal Society for Public Health, 2016); a response that decreases stigma and the negative consequences of a criminal record (EMCDDA, 2015; Fan, 2013); less prison overcrowding and shorter wait times for courts (Fan, 2013); and cost savings (Eastwood et al., 2016; EMCDDA, 2015; Fan, 2013).

Just as motivations vary so do alternatives (Eastwood et al., 2016; Monaghan & Bewley-Taylor, 2013; Strang et al., 2012) from

* Corresponding author.

E-mail address: m.shanahan@unsw.edu.au (M. Shanahan).

court-mandated programs (i.e. drug courts), pre-trial programs (i.e. treatment pre-trial) and pre-arrest (i.e. police diversion, street diversion, cautioning, and civil penalties). While a substantial literature exists on court-mandated programs, demonstrating their positive effect on drug use, recidivism and cost-effectiveness (see (Mitchell, Wilson, Eggers, & MacKenzie, 2012; Shaffer, 2011), for reviews) pre-arrest programs for minor drug offenders remain much less evaluated (EMCDDA, 2015; Hughes & Ritter, 2008).

In Australia, police diversion programs are a well utilised policy intervention in the response to drug-related offences (Hughes & Ritter, 2008). Police have long had discretion over the enforcement (or not) of drug laws (Sponner, McPherson, & Hall, 2014) but following the 1999 adoption of a national agreement to provide diversion to minor drug offenders via both the police and courts (Hughes, 2009) diversion of drug and drug-related offenders has become increasingly mainstream and formalised. The number of programs that diverted drug and drug-related offenders in Australia increased from 7 pre 1999 to 51 by 2008 (Hughes & Ritter, 2008). The most common form of police diversion for minor cannabis offenders is ‘cannabis cautioning’ (focus of the current analysis).

Consistent with the international literature, research attention in Australia has focused on evaluating court drug diversion programs to the neglect of police drug diversion programs (Hughes & Ritter, 2008; Wundersitz, 2007). The strongest evidence on police drug diversion programs in Australia addresses their impact on recidivism. A national study of police diversion programs, using administrative data, assessed criminal histories and recidivism of offenders diverted through police diversion programs and demonstrated that most diverted offenders did not have a recorded criminal history nor did they return to the criminal justice system (Payne et al., 2008).

A major gap in knowledge surrounding pre-arrest programs for minor drug offenders is cost-effectiveness evidence (EMCDDA, 2015; Monaghan & Bewley-Taylor, 2013). Such studies are necessary for informed decision making on programs which offer the best value for money. Providing effective and efficient interventions is particularly important in the current economic climate. A recent review of the literature failed to identify any economic evaluations of police programs for minor drug offences (Hayhurst et al., 2015). Subsequently, one study which assessed arrest referral or pre-arrest programs for drug offenders (Collins, Cuddy, & Martin, 2016) in the UK was published. The authors constructed an economic model using before and after data supplemented with treatment outcome data from other research. They reported that the intervention program was cost-effective however even with the use of a modelling approach, the lack of data from a valid comparator group does limit the ability to establish cost-effectiveness. The lack of a counterfactual is a common methodological shortcoming in studies of alternatives to arrest for minor drug offenders (European Monitoring Centre for Drugs and Drug Addiction, 2015; Hughes & Ritter, 2008). This is often due to difficulty in recruiting study participants (Hales, Mayne, Swan, Alberti, & Ritter, 2004) or due to gaps in administrative data (Payne et al., 2008).

There have been no economic evaluations conducted of Australian police drug diversion programs. Two studies have assessed the costs of cannabis police diversion programs (Baker & Goh, 2004; Brooks, Stothard, Moss, Christie, & Ali, 1999) and another assessed the cost per referral for different police diversion programs (Hughes, Shanahan, Ritter, McDonald, & Gray-Weale, 2014); none involved a full economic evaluation.

This current paper specifically addresses the call for cost-effectiveness analysis (CEA) of police diversion (pre-arrest) programs by assessing the cost-effectiveness of Australian cannabis cautioning schemes (whereby police refer minor cannabis use

and possess offenders to education and/or treatment) versus a traditional arrest. In order to try to overcome shortfalls in administrative databases this paper used a novel approach of an online survey of self-selected diverted and non-diverted offenders and propensity score weighting (PSW) to account for group differences.

Methods

This paper uses a subset of data from an existing study which examined outcomes and costs for three forms of police diversion (caution, warning or civil penalty) for minor cannabis offenders (Shanahan, Hughes, & McSweeney, 2016 (In Press)). The existing study created an on-line purpose built nation-wide survey and recruited a self-selected sample of persons recently detected by police for a cannabis use/possess offence and who received either a traditional police response or a pre-arrest alternative. It also collected demographics, outcome data (pre/post) and resource utilisation for the diverted and non-diverted groups. The original study found that there were no differences across groups in the change of cannabis use days or self-reported criminal behaviours post-police intervention, and that diversion was less expensive than charge/arrest. However (and importantly), there were significant demographic and criminogenic differences between the groups—particularly between those who were charged and those who were cautioned. Given the non-random nature of the original study, the demographic differences, and the self-selected nature of the sample, it left unanswered whether the observed finding of diversion being less costly and equally effective was “real” or was a reflection of the differences in the self-selected groups. While the previous analyses included three forms of police diversion programs provided in Australia for minor cannabis offenders, here the focus is on the most common approaches, ‘cannabis cautioning’ versus a ‘charge’. Limiting the analysis to these two groups permitted additional complex analyses.

Definitions cannabis caution versus charge

Cannabis cautioning was defined as police diverting offenders away from the criminal justice system and into education and/or treatment programs. One complexity in assessing cannabis cautions in Australia is that there are state/territory differences in program design and eligibility criteria. For example, programs differ in terms of whether they are voluntary or compulsory, whether there are punishments for non-compliance, and in the mode of caution (Hughes & Ritter, 2008). All have the intent of providing a therapeutic response, but some refer offenders to a cannabis telephone information helpline, others to drug education and others to assessment and/or drug treatment. These differences were captured through the survey instrument (see below). In all instances receiving a cannabis caution meant that the cannabis was confiscated and destroyed but no criminal record was recorded if the offenders complied with the caution.

A charge was defined as when a cannabis use/possess offender was charged by police and sanctioned through the traditional criminal justice system. A criminal charge typically involves police confiscating the cannabis and the defendant being required to appear in court. If they are determined to be guilty, they may or may not have a conviction recorded, or they may receive a sentence that can vary from a good behaviour bond, to a fine, or imprisonment.

Survey and recruitment

The primary source of data was a nation-wide online survey that asked about cannabis use among a self-selected sample of

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