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## Public perceptions of the Perth Drug Court as a mechanism for dealing with drug related crime

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PERCEPTIONS OF DRUG COURT

Public Perceptions of the Perth Drug Court as a Mechanism for Dealing  
with Drug Related Crime.

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A thesis submitted as partial fulfilment of the requirement for the Degree of Bachelor of  
Criminology and Justice Honours at the School of Law and Justice, Faculty of Business  
and Law, Edith Cowan University, Western Australia.

Supervisors: Dr Natalie Gately & James McCue

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**Abstract**

In the last two decades, drug courts have been introduced throughout Australia, to address the issue of drug related crime. Drug courts aim to reduce criminal recidivism by placing drug dependent offenders into intensive supervision and treatment programs. Research has revealed that drug courts, including the Perth Drug Court, can reduce criminal recidivism in offenders for whom drug use is a dynamic risk factor for their criminal behaviour. Currently however, little is known about the public's knowledge and perceptions of drug courts. The aim of the current study was to determine the perceptions of a sample of the Western Australian public, in relation to the Perth Drug Court as a way of dealing with drug related crime.

The current study was exploratory and qualitative, and involved an inductive thematic analysis of secondary data collected as part of an undergraduate research unit at Edith Cowan University. A semi-structured interview approach was applied to explore participants' (n= 33) perceptions about drug use, crime and the Perth Drug Court in-depth. During the interview participants were provided with some brief, contextual information regarding the Perth Drug Court, in order to place their perceptions in a more accurate context. The findings revealed that members of the public have punitive attitudes towards drug dependent offenders and lack knowledge about alternative justice strategies such as the Perth Drug Court. However, despite this, many participants felt that the Perth Drug Court would be effective in reducing drug related criminal recidivism, thus showing some support for the concept. The findings of the current study provide an understanding of how a sample of the Western Australian public view the Perth Drug Court, which can inform further research regarding public perceptions of drug courts, and other alternative justice strategies.

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## Chapter 1: Introduction

Drug use is a complex and pervasive issue often associated with negative outcomes for individual users and society (Caulkins, Kasunic & Lee, 2014; Dalgarno & Shewan, 2005; Gossop, 2013; Holt & Treloar, 2008; Reinerman, 1989; Ryder, Salmon & Walker, 2006). There are different forms of drug use ranging from casual to problematic with problematic being described as the psychological desire for, or physiological reliance on a chemical substance or substances (World Health Organisation, 2015). Assisting individuals for whom drug use is a major issue (herein referred to as dependent drug users) in overcoming their drug related problems is considered important for both policy makers and members of the general public (Gossop, 2013; Roberts & Indermaur, 2003; Ryder et al., 2006).

A range of drug treatment services, provided predominantly within the community, are available to dependent drug users across Australia ((Australian Institute of Health & Welfare, (AIHW), 2013). Reducing problematic drug use and dependency is important as there appears to be an association between these behaviours and criminal activity (Dickenson, 2015; Goldstein, 1985). Unlike drug use, drug related crime cannot be solely addressed within the community and also requires a judicial response (Dickenson, 2015; Harrison, 1992). However, traditional judicial responses to drug related crime, such as imprisonment have been found to be mostly ineffective in preventing both drug use and criminal recidivism (Kopak & Hoffman, 2014; Makkai, 2002; Roberts & Indermaur, 2003). Therefore, both academic and political support for alternative justice strategies, such as drug courts, has grown substantially in recent decades (Belenko, 2000; Crime Research Centre, 2003; Freiburg, 2003a; Goldkamp, 2003; Rigg & Indermaur, 1996).

Alternative justice strategies, which operate within a rehabilitative rather than punitive framework, attempt to solve the underlying causes of criminal behaviour so that criminal recidivism can be reduced. Drug courts seek to do this by directing offenders, for whom drug use is a dynamic risk factor for their criminal behaviour (herein referred to as drug dependent offenders), into intensive, judicially supervised, drug treatment programs (Crime Research Centre, 2003; Department of the Attorney General Western Australia, 2006; The National Association of Drug Court Professionals, 1997).

In Western Australia (WA), the Perth Drug Court serves the purpose of diverting drug dependent offenders into treatment (Crime Research Centre, 2003; Department of the Attorney General WA, 2006). The Perth Drug Court began operating in 2001, yet little is known about the public's knowledge or perceptions of the drug court. Public perceptions are important to consider as the attitudes held by the public can influence policy in areas such as criminal justice (Doob, 2000; Frost, 2010; Jackson et al., 2011). The current research determined the perceptions of a sample of the WA public, in relation to the Perth Drug Court as a way of dealing with drug related crime. The findings are of value as they provide an initial, in-depth understanding of how a proportion of the public views the Perth Drug Court.

An exploratory, qualitative methodology was used for the current project. The study involved secondary data analysis, and utilised a pre-existing data set comprised of 33 semi-structured interviews, conducted as part of an undergraduate research unit at Edith Cowan University. An inductive, thematic analysis was used for the current research, with participant responses coded using a question-ordered matrix. Emerging themes drawn from the data were categorised with the purpose of determining each participants' knowledge and perceptions of the Perth Drug Court.

This review discusses the history, purpose and principles of the drug court. The components essential to the operation of all drug courts are acknowledged and current research pertaining to drug court effectiveness both in the United States (US) and Australia is explored. This review discusses the literature regarding public attitudes and perceptions to criminal justice. Although research has been conducted in the area of public attitudes on sentencing and the criminal justice system, it appears that there is a paucity of existing research addressing public perceptions of alternative justice strategies such as the Perth Drug Court.

## Chapter 2: Review of the Literature

### History and Purpose of the Drug Court

The first drug treatment court was established in Dade County, Florida in 1989 (Harrison & Scarpitti, 2002). In the decade prior to drug courts being introduced, the number of offenders arrested in the US for drug related crimes more than doubled (Harrison & Scarpitti, 2002). Such a large increase in drug related arrests was influenced by the introduction of harsher drug policies across the US, which placed severe penalties on low level drug dependent offenders (Goldkamp, 2003; Harrison & Scarpitti, 2002). The vast influx of drug dependent offenders into the criminal justice system created a number of issues for policy makers as the courts and correctional institutions became increasingly overcrowded (Goldkamp, 2003; Harrison & Scarpitti, 2002). Harrison and Scarpitti stated that the average time a drug dependent offender was remanded in custody while awaiting trial in 1988, was 211 days. The drug court provided an avenue through which low level drug dependent offenders could be diverted away from the criminal justice system and into treatment (Harrison & Scarpitti, 2002). The Dade County Drug Court therefore was developed for the practical purpose of reducing prison overcrowding and the growing backlog of drug related cases appearing in traditional courtrooms (Deschenes, Peters, Goldkamp & Belenko, 2003; Goldkamp, 2003; Harrison & Scarpitti, 2002).

The Florida Drug Court's success in reducing systematic overcrowding led to the widespread establishment of drug courts across the US in the following decade (Harrison & Scarpitti, 2002). Over time, policy makers began to recognise that drug courts not only reduced system overcrowding but also provided the criminal justice system with an effective mechanism for reducing criminal recidivism amongst drug dependent offenders (Belenko, 2000; Goldkamp, 2003). The development of drug courts in countries outside of North America, like Australia, was due to their perceived effectiveness for reducing drug use and criminal recidivism amongst offenders (Bentley, 1999; Crime Research Centre, 2003; Freiburg, 2003b).

In Australia, drug courts were introduced as a response to growing levels of public concern about drug use and crime (Freiburg, 2003b). Throughout the 1990's drug related crime increased across all Australian states (Makkai, 2002; Maxwell, 2001). Statistics from the National Drug Strategy Household Surveys of 1995 and 1998

indicated that amongst the Australian public, lifetime illicit drug use increased significantly during this three year period (Maxwell, 2001). In 1998, 48% of the Australians surveyed continued to use illicit drugs after an initial period of experimentation, compared with 31% of the population surveyed three years earlier (Maxwell, 2001). During this time the Australian public's consumption of "harder" drugs, most notably heroin and cocaine, also increased significantly (Maxwell, 2001). Moreover, between 1993 and 2000 increases in property offences and other acquisitive crimes occurred nationwide, which were directly related to the growth in illicit drug use during this period (Australian Bureau of Statistics (ABS), 2002; Makkai, 2002; McRostie & Marshall, 2001).

The media focus on drug use and crime prompted members of the community to question the effectiveness of traditional justice methods for reducing criminal recidivism amongst drug dependent offenders (Freiburg, 2000; Freiburg, 2003b; Makkai, 2002; Payne, 2008; Roberts & Indermaur, 2003). Policy makers across a number of Australian States viewed drug courts as being a possible alternative to traditional justice. This was based upon their perceived effectiveness in the US (Freiburg, 2003b; Roberts & Indermaur, 2003). The first Australian drug court was established in New South Wales (NSW) in 1999, with the Perth Drug Court being opened in 2001 (Freiburg, 2003a; Makkai, 2002).

The US evidence that drug treatment courts could be both tough and effective assisted their establishment across Australia (Crime Research Centre, 2003; Lind et al., 2002). Traditional sentencing practices focused on the punishment of offenders, whereas drug courts sought to address the major societal issue of the link between illicit drug use and criminal behaviour (Crime Research Centre, 2003; Doob, 2000; Lind et al., 2002; Mitchell, Wilson, Eggers & Mackenzie, 2012). Drug dependent offenders involved in the Perth, Drug Court Regime program (herein referred to as the Perth Drug Court program) are provided with treatment believed to directly target the underlying causes of their criminal behaviour, most notably drug use (Crime Research Centre, 2003; Ward & Marshall, 2007). Offender accountability remains important however, as the Perth Drug Court does not negate criminal responsibility (Crime Research Centre, 2003). Graduation from the Perth Drug Court program does not result in the dismissal of charges. Program graduates (those offenders who successfully complete the entire program), and program terminates (participants who failed to complete the program) are

still sentenced traditionally, although their accomplishments during the program can act as mitigating factors in sentencing (Crime Research Centre, 2003).

### **Principles and Operation of the Drug Court**

The theoretical principles of therapeutic jurisprudence have informed the development and operation of both Australian and US drug courts (Burke, 2010; Eckley, 2006; Freiburg, 2003b; Jones, 2013; Roberts & Indermaur, 2003; Schaffer, 2011). Therapeutic jurisprudence is based upon the premise that the law and legal actors have a strong influence upon the emotional and psychological experiences of offenders (Wexler, 2000; Wexler & Winick, 2003). Therapeutic jurisprudence works on the assumption that the law and its representatives where possible should promote offenders' health and wellbeing by providing support and encouragement throughout the judicial process (Freiburg, 2003b; Wexler & Winick, 2003). The literature indicates that drug courts can be viewed as a natural application of therapeutic jurisprudence as the court and its actors, such as the judiciary, prosecution and defence all work to assist offenders in overcoming drug use and criminal behaviour (Freiburg, 2003b; Roberts & Indermaur, 2003; Schaffer, 2011). Drug court programs are used to promote positive treatment, and criminal justice outcomes for offenders, through a mixture of judicial interaction and community based treatment (Freiburg, 2003a; Hora & Schma, 1998; Swain, 1998).

The Perth Drug Court like drug treatment courts is informed by the principles of therapeutic jurisprudence. All drug courts also share a number of operational components (Belenko, 2000; Burke, 2002; Eckley, 2006; Freiburg, 2000; Fulkerson, 2009; Makkai, 2002; Marlowe, Festfinger, Lee, Dugush & Benasutti, 2006; The National Association of Drug Court Professionals, 1997). The main components crucial to the operation of the drug courts are judicial supervision, immediate intervention, and team work. Offender accountability (determined through the use of rewards and sanctions), frequent and random drug testing and the monitoring and evaluation of goals and outcomes are also components shared through the operation of all drug courts (Belenko, 2000; Freiburg, 2000; Fulkerson, 2009; Makkai, 2002; Marlowe et al., 2006; The National Association of Drug Court Professionals, 1997). While each of these components is essential to the successful operation of all drug courts, differences between Australian and US drug courts are evident (Freiburg, 2003a, 2003b; Jones, 2013).

A key differentiation between Australian and US drug courts can be found in the eligibility criteria (Freiburg, 2003a). US drug courts, as they developed, were open only to first time, non-violent offenders (Saum & Hiller, 2008; Saum, Scarpitti & Robbins, 2001). In contrast, Freiburg (2000) suggested that Australian drug courts have targeted more serious, high risk offenders, from the outset. Drug courts are considered to be the last resort prior to incarceration. It is important to consider the purpose of Australian and US drug courts when discussing differences in eligibility criteria. The US drug courts have the primary goal of reducing systematic overcrowding and focus on offenders who are the least likely to cause harm within society (Belenko, 2002). Conversely, Australian drug courts, including the Perth Drug Court, work to reduce criminal recidivism, by targeting high risk offenders who are most likely to benefit from treatment (Freiburg, 2000; Marlowe et al., 2006; Ward & Marshall, 2007).

Australian drug courts are informed by the conceptual framework provided by the Risk, Need, Responsivity literature, that suggests drug courts are likely to produce greater positive outcomes in high risk offenders (Andrews & Bonta, 2003; Marlowe et al., 2006; Saum & Hiller, 2008; Saum et al., 2001; Sevigny, Fuliehan & Ferdick, 2013). Risk, Need, Responsivity is a conceptual framework that posits the level of treatment an offender receives should reflect the level of risk they pose of reoffending (Andrews & Bonta, 2003; Lowenkamp, Latessa & Holsinger, 2006; Marlowe et al., 2006). High risk offenders, including those with extensive criminal histories, require intensive treatment if recidivism is to be significantly reduced (Andrews & Bonta, 2003; Marlowe, et al., 2006). Andrews and Bonta further stated that providing high intensity treatment options for low level offenders may actually increase the likelihood of reoffending. As a result, in WA, low level drug dependent offenders are diverted into less intensive programs like the Supervised Treatment Intervention Regime, as opposed to the Perth Drug Court program (Crime Research Centre, 2003; Freiburg, 2000; Law Reform Commission WA, 2008).

### **Evaluation of the Drug Court**

Since the inception of the drug court, a plethora of research has been used to evaluate effectiveness (Brown, 2011; Gallagher, 2014; Mitchell et al., 2012; Somers, Rezanoff & Mouriuzzaman, 2014). Drug court effectiveness has been based on a number of different factors, including program suitability for offenders of different risk types (Saum & Hiller, 2008; Saum et al., 2001), cost effectiveness (Guydish, Wolfe,

Tajima & Woods, 2001; Lind et al., 2002), and the influence of the drug court on incarceration levels (Sevigny et al., 2013; Sevigny, Pollack & Reuter, 2013). The most commonly measured variable of drug court effectiveness however, has been the criminal recidivism of program participants (Brown, 2011; Mitchell et al., 2012; Peters & Murrin, 2000; Rempel, Green & Kralstein, 2012; Schaffer, 2011; Somers et al., 2014).

Research focused on drug court effectiveness mostly indicates that participation in drug court programs can reduce criminal recidivism and delay rearrest (Brown, 2011; Guydish et al., 2001; Kalich & Evans, 2006; Mitchell et al., 2012; Mullany & Peat, 2008; Payne, 2008; Peters & Murrin, 2000; Rempel et al., 2012). The majority of research conducted in the US, based on the first ten years of results found that participation in drug court programs could result in significant reductions in criminal recidivism amongst drug dependent offenders (Guydish et al., 2001; Meyer & Ritter, 2001; Peters & Murrin, 2000).

Peters and Murrin (2000) compared the recidivism and rearrest rates of drug court participants with drug dependent offenders serving community orders. The study found that greater reductions in recidivism were directly correlated with the duration of drug treatment. The completion of a 12 month drug court program reduced the incidence of criminal recidivism by 15% amongst drug dependent offenders. Guydish et al. (2001) produced similar results as a review of 23 Californian Drug Courts found that program completion could reduce criminal recidivism by 11-14% amongst drug dependent offenders.

The findings of both Peters and Murrin (2000), and Guydish et al. (2001) contrast with research conducted by Meithe, Lu and Reese (2000). Meithe et al. found that drug court participants from the Las Vegas Drug Court were more likely to engage in criminal behaviour than a traditionally sentenced group of offenders. The research by Meithe et al. appears to be the only published work to definitively find that drug courts produced worse criminal justice outcomes than traditional sentencing procedures. The authors however did acknowledge that the Las Vegas Drug Court did not appear to be operating in accordance with the principles of therapeutic jurisprudence (Meithe et al., 2000). Rather the Las Vegas Drug Court, and in particular its legal actors, were seen to have an anti-therapeutic effect on the offenders, as overt judicial hostility and constant offender degradation were common practice (Meithe et al., 2000). The authors argued

that if the Las Vegas Drug Court had been operating under principles of therapeutic jurisprudence then it may have been more effective in reducing criminal recidivism (Meithe et al., 2000).

Early evaluations of drug court effectiveness in the US produced mixed results. Recent studies into the effectiveness of US drug courts have also predominantly indicated that drug court participation may produce significant reductions in criminal recidivism (Brown, 2011; Mullany & Peat, 2008). Brown found, that when compared with a group of drug dependent offenders who chose to be sentenced in traditional courts, drug court participants were much less likely to reoffend over a significantly longer period of time. Among traditionally sentenced offenders 46% committed a new offence within an average time period of 463 days (Brown, 2011). In comparison, only 30% of drug court participants were found to reoffend within an average time period of 614 days (Brown, 2011). The findings of Brown's study are consistent with research by Peters and Murrin (2000) as both indicated that reductions in recidivism were linked to the length of time offenders spent in the drug court program.

That longer periods of drug treatment lead to greater reductions in criminal recidivism amongst offenders is a consistent finding throughout the literature (Deschenes, Ireland & Kleinpeter, 2009; Gallagher, 2014; Makkai & Veraar, 2003; Mitchell et al., 2012; Mullany & Peat, 2008; Passey, Bolitho, Scantleton & Flaherty, 2007; Payne, 2008; Peters & Murrin, 2000). Rempel et al. (2012) in their evaluation of 23 US drug courts found that drug court graduates experienced significantly greater reductions in recidivism than terminate or traditionally sentenced comparison groups. Across an 18 month follow up period 51% of drug court participants reoffended compared with 62% of traditionally sentenced drug using offenders. Although this represents an improvement in the reduction of criminal recidivism, the reduction was more significant amongst drug court graduates where 26% were rearrested for a new offence during the follow up period (Rempel et al., 2012).

A number of other studies have also found that program completion is essential to achieving significant reductions in criminal recidivism (Gallagher, 2014; Schaffer, 2011; Somers et al., 2014). Research conducted by Gallagher found evidence to suggest that program graduation rather than participation was the major predictor of significant reductions in recidivism and rearrest. Based on a sample of 376 participants who entered the Texas Drug Court between 2007-2009, Gallagher found that only 6%



of program graduates reoffended compared with 44% of program terminates over a 3 year average follow up period. Gallagher concluded based on these findings that if drug court programs are to be optimally effective for reducing criminal recidivism, greater effort is required in the area of program retention.

Program retention has been cited as a major concern in a number of Australian studies pertaining to the drug court (Lind et al., 2002; Makkai & Veraar, 2003; Rysavy, Cunningham & O'Reilly-Martinez, 2011). Lind et al. conducted an evaluation into the effectiveness and cost benefits of the NSW Drug Court. This evaluation concluded that the NSW Drug Court represented a cost-effective alternative to traditional justice for drug dependent offenders. Consistent with the findings of research into US drug courts, Lind et al. concluded that significant reductions in recidivism were strongly associated with program graduation. The findings did suggest that program terminates often displayed high levels of criminal recidivism. Lind et al. suggested that this is problematic as rates of failure amongst participants of the NSW Drug Court were extremely high.

Makkai and Veraar (2003) produced similar findings in their evaluation of the South East Queensland Drug Court. Although drug court graduates demonstrated significantly lower rates of recidivism over a long period of time when compared with traditionally sentenced offenders, drug court program terminates exhibited high levels of recidivism. Similarly to Lind et al. (2002), Makkai and Veraar found that rates of failure amongst participants were high and that drug court terminates actually reoffended more frequently than traditionally sentenced offenders (Makkai & Veraar, 2003). These findings further support the idea that program duration is a predictor of success and that program retention is a major obstacle to effectiveness.

Since the establishment of the Perth Drug Court in 2001, two separate evaluations have been conducted to determine effectiveness (Crime Research Centre, 2003; Department of the Attorney General WA, 2006). Both studies examined the effect of the Perth Drug Court on rates of criminal recidivism amongst drug dependent offenders (Crime Research Centre, 2003; Department of the Attorney General WA, 2006). The findings from the original evaluation of the Perth Drug Court were mostly inconclusive (Crime Research Centre, 2003). The authors found no statistically significant results to suggest that the Perth Drug Court was more effective for reducing recidivism amongst drug dependent offenders than traditional methods (Crime Research

Centre, 2003). Although not statistically significant, the authors argued that the results indicated that drug court graduates were less likely to reoffend over a longer period of time than drug dependent comparison groups. Therefore, the researchers were hesitant to conclude that the Perth Drug Court was ineffective for reducing criminal recidivism (Crime Research Centre, 2003). Rather, a number of methodological limitations were cited as possible reasons for the lack of statistically significant results, including the small sample size and the time available for recidivism analysis.

The second evaluation into the Perth Drug Court's effectiveness, conducted in 2006, found that program completion could significantly reduce the incidence of drug related crime (Department of the Attorney General WA, 2006). The findings indicate that drug court graduates are significantly less likely to reoffend over a significantly longer period of time when compared with community based drug dependent offenders and drug dependent offenders serving a prison sentence (Department of the Attorney General WA, 2006). This is consistent with much of the previous research into drug court effectiveness.

Research into the effectiveness of drug courts has predominantly found that substance use and criminal recidivism can be reduced amongst drug using offenders (Gallagher, 2014; Lind et al., 2002; Makkai & Veraar, 2003; Payne, 2008). Evaluations of drug courts in both the US and Australia have consistently found that the most significant predictor of reduced recidivism amongst drug using offenders was program graduation (Gallagher, 2014; Lind et al., 2002; Makkai & Veraar, 2003; Payne, 2008; Passey et al., 2007; Rempel et al., 2012; Rysavy et al., 2011). Further research supports the results of the second evaluation of the drug court, indicating that drug courts can reduce criminal recidivism amongst substance dependent offenders (Department of the Attorney General WA, 2006; Lind et al., 2002; Rempel et al., 2012). However, some studies including the initial evaluation of the Perth Drug Court, have produced inconclusive findings (Crime Research Centre, 2003; Meithe et al., 2000). Given that the majority of literature has found that drug courts can reduce criminal recidivism it may be argued that in the absence of further evaluation, the Perth Drug Court in some cases can be deemed as an effective alternative to traditional justice measures for drug dependent offenders.

### **The Influence of Public Perceptions on Justice Policy**

In democratic societies such as Australia the attitudes and perceptions of the general public are associated with legislative and executive changes (Finlay, 2002). Finlay stated that the influence of public opinion on policy is substantial as Governments are obliged to act on behalf of the electorate if they are to retain office. One area in which public perceptions are viewed as being particularly influential is criminal justice (Frost, 2010; Mandraccia, Shaw & Morgan, 2013; Roberts & Stalans, 2004). Jackson et al. (2011) contend that justice providers must maintain public support, as without it, the legitimacy of the criminal justice system can be questioned. If justice policies are at odds with the perceptions of the general public, opposition to government may increase until such policies are changed to better reflect the attitudes held by the public (Cullen, Fisher & Applegate, 2000; Effers, De Keijser, Van Koppen & Van Haeringen, 2007, Jackson et al., 2011).

International research has found evidence to suggest that public attitudes towards criminal justice tend to be highly punitive (Cullen et al., 2000; Demker, Towns, Duns-Otterstrom & Sebring, 2008; Frost, 2010; Indermaur, 1994; Mackenzie, 2012; Roberts & Indermaur, 2009; Verbrugge, Crutcher & Roberts, 2007). Effers et al. (2007) and Malcolm (2005) both stipulated that public perceptions shape government spending on justice policies and therefore negative perceptions of the criminal justice system may result in the implementation of punitive policies. This is potentially an issue for policy makers as empirical research has consistently found that, although publically popular, punitive policies fail to address the underlying causes of criminal behaviour and are mostly ineffective for reducing criminal recidivism (Andrews & Bonta, 2003; Russell, 2002; Ward & Marshall, 2007).

The implementation and maintenance of alternative justice strategies such as drug courts, which function within a rehabilitative rather than punitive framework, may be negatively influenced by public perceptions (Fulkerson, 2009; Gerber & Jackson, 2013; Harrison & Scarpitti, 2002; Malcolm, 2005). If the public demonstrate highly punitive attitudes and do not support the mandate of drug courts, policy makers may choose to implement a more punitive justice policy as a response (Jackson et al., 2011). Although research has demonstrated that drug courts can be effective for reducing recidivism (Brown, 2011; Gallagher, 2014; Somers et al., 2014), if public support for the practice does not exist, reductions in funding, changes to the operational mandate of

the drug court and their eventual abolishment may result (Jackson et al., 2011). A more positive public perception of the Perth Drug Court may influence policy makers to consider making changes to improve and increase the effectiveness of drug courts.

The Perth Drug Court for example is currently informed by the *Sentencing Act 1995* (WA) and *Bail Act 1982* (WA) rather than its own specific legislation (Crime Research Centre, 2003; Law Reform Commission WA, 2008). This has created a number of issues as current legislation restricts the length of the Perth Drug Court program to a maximum of six months (Crime Research Centre, 2003; Law Reform Commission WA, 2008). Research into drug court effectiveness indicated that reductions in recidivism were significantly more likely to occur if offenders remained in treatment for a substantial period of time, typically 12-18 months (Gallagher, 2014; Makkai & Veraar, 2003; Payne, 2008; Rempel et al., 2012; Somers et al., 2014). The Crime Research Centre argued that six months is too brief a period to be optimally effective for reducing criminal recidivism. If the public show high levels of support for the Perth Drug Court, policy makers may be pressured to amend legislation which ultimately may result in a more effective drug treatment court.

### **Research on Public Perceptions and the Criminal Justice System**

The influence of public perceptions on justice policy is substantial; therefore attention has been afforded to public perceptions of crime and the criminal justice system (Demker et al., 2008; Giordano, 2014; Jones & Weatherburn, 2011; O'Connor, 2008; Roberts & Stalans, 2004). Whilst research has focused on public attitudes towards sentencing (Roberts & Indermaur, 2009; Mackenzie et al., 2012), there is a lack of research focusing on public perceptions regarding alternative forms of justice. The majority of studies have been conducted to determine citizens' attitudes towards other areas of criminal justice, such as law enforcement, crime, and offender rehabilitation (Giordano, 2014; Indermaur, 1994; Jones & Weatherburn, 2011; O'Connor, 2008; Roberts & Doob, 1989; Roberts & Indermaur, 2009; Roberts & Stalans, 2004). A consistent finding throughout the literature is that members of the public are dissatisfied with many justice initiatives (Indermaur, 1994; Roberts & Doob, 1989; Roberts & Indermaur, 2009; Roberts & Stalans, 2004). It was suggested that dissatisfaction may be linked to a lack of factual knowledge about crime and the criminal justice system (Cullen et al., 2000; Doob, 2000; Falco & Turner, 2014; Roberts & Indermaur, 2009).

Public perceptions of crime and criminal justice are often informed by (mis)information presented by the media (Cullen, et al., 2000; Demker et al., 2008; Doob, 2000; Efficers et al., 2007; Finlay, 2002; Roberts, Spiranovic & Indermaur, 2011; The findings of Roberts et al. indicate that knowledge of the criminal justice system, for more than 80% of the Australian public is based on news media reports. Cullen et al. further suggested that the information presented by the media about crime and justice has created a degree of public ignorance about the actual operations of the criminal justice system. Acknowledging the implications of misleading or inaccurate information on public perceptions is important. Punitive public attitudes have been strongly associated with a lack of factual knowledge about crime and the criminal justice system (Cullen et al., 2000; Chapman, Mirrless-Black & Brown, 2002; Doob, 2000; Falco & Turner, 2014).

A number of studies have attempted to determine if the provision of small amounts of factual information regarding the criminal justice system can increase public support for less punitive policies (Chapman et al., 2002; Doob, 2000). The findings suggest that the public may support rehabilitation over retribution when provided with factual information about crime and the criminal justice system (Cullen et al., 2000; Doob, 2000; Falco & Turner, 2014). This is supported by research conducted by Chapman et al. which found that punitive public attitudes change when participants were provided with even a small amount of factual information about the criminal justice system. More recently Falco and Turner investigated public levels of support for rehabilitation. They found that, while many people hold punitive attitudes, rehabilitation is considered to be an important outcome of criminal justice policies. Such findings indicate that members of the general public tend to have little factual knowledge of the criminal justice system. Moreover, these studies suggest that providing even basic knowledge to the public can result in changes to their perceptions of the criminal justice system.

An Australian study by Mackenzie et al. (2012) found evidence to suggest that the public may be willing to support rehabilitation over punishment for some types of offenders. They discovered that the public possess punitive attitudes and in general are dissatisfied with many court imposed sentences, particularly those for drug dependent offenders. Amongst a participant sample of 6,005 people, 51% believed that sentencing for non-violent drug offenders was too lenient (Mackenzie et al., 2012). However, despite this view Mackenzie et al. also found that 66% of the sample supported

intensive rehabilitation and counselling as a more appropriate response to non-violent drug dependent offenders than imprisonment. These somewhat contrasting viewpoints may indicate that the general public desire retribution but are aware that it is ineffective for preventing the incidence of future crime.

Research has been conducted to determine how the public perceive criminal justice policies (Gerber & Jackson, 2013; Mackenzie et al., 2012; Roberts & Gebotys, 1989; Roberts & Indermaur, 2007, 2009). Thus far the majority of literature indicates that members of the general public tend to favour punitive responses to crime (Demker et al., 2008; Roberts & Indermaur, 2009; Verbrugge et al., 2007). However a growing area of research suggests that the public may also support some forms of rehabilitation (Doob, 2000; Falco & Turner, 2014; Indermaur, 1994; Mackenzie et al., 2012). The provision of small amounts of factual information appear to be essential in reshaping public perceptions of crime and the criminal justice system (Cullen et al., 2000; Doob, 2000; Falco & Turner, 2014). Although there is evidence to suggest that public perceptions towards rehabilitation may be positive there is currently little existing research that has addressed public perceptions relating to the drug courts. This research will therefore address this gap in the literature by investigating an area that has previously received little empirical attention.

## Chapter 3: Research Rationale

This literature review has established that research into public perceptions of alternative justice strategies is required. Currently little is known about public perceptions of alternative justice strategies such as the Perth Drug Court. The current research has addressed this gap in the literature by conducting an in-depth analysis of the perceptions of a small sample of the WA public, about the Perth Drug Court. The current research is valuable as it provides future researchers with an initial understanding of how some members of the WA public view alternative justice strategies. This may be explored further in prospective qualitative and large scale quantitative studies. The research served the purpose of increasing understanding of the public's views towards the Perth Drug Court. This provides insight regarding public support for alternative and diversionary forms of justice, which may be useful for policy makers.

Research on public attitudes towards criminal justice has almost exclusively utilised quantitative methodologies (Frost, 2010). The present study used an exploratory, qualitative methodology to gain an understanding of the perceptions of a sample of the WA public, in regards to the Perth Drug Court. Specifically this research sought to determine:

*What are the perceptions of a sample of the Western Australian public in relation to the Perth Drug Court as a way of dealing with drug related crime?*

## **Chapter 4: Method**

### **Design**

This study explored the perceptions of a sample of the WA public about the Perth Drug Court as a process for dealing with drug related crime. A qualitative research methodology was utilised. Qualitative research allows a researcher to identify the meanings and interpretations individuals form as a result of personal social experience (Denzin & Lincoln, 1998; Liamputtong & Ezzy, 2005, Merriam, 2009; Miles & Huberman, 1984; Stebbins, 2001). Thorough interview techniques allow a qualitative researcher to get close to participants and gain a comprehensive understanding of their perspectives in regards to the phenomena being studied (Denzin & Lincoln, 1998). A semi-structured interview approach, which in the latter part of the interview involved providing participant's with small amounts of contextual information about the Perth Drug Court, was used to enable participants to fully explore their thoughts and opinions about drug use, crime and the Perth Drug Court.

The current study may be viewed as exploratory as it involved an investigation into an area of research which had previously received little scholarly attention (Stebbins, 2001). This research was therefore inductive, meaning that themes were drawn from the data collected (Merriam, 2009). This research was interpretive as there were no definite answers to the questions asked; rather the researcher formed interpretations based upon the perceptions of participants (Denzin & Lincoln, 1998; Merriam, 2009; Stebbins, 2001).

### **Participants**

A sample of 33 participants was used in this research. Each member of a qualitative research methods class from Edith Cowan University interviewed a member of the WA community. Participants were all over 18 years of age and were selected for convenience by the researchers. A convenience sample is non-random and involves selecting participants based upon the ease with which they can be accessed (Kraska & Neuman, 2007; Liamputtong & Ezzy, 2005). Although the literature widely agrees that convenience sampling is the least desirable and rigorous sampling technique used in qualitative research, it holds the benefits of being cost effective and timely (Liamputtong & Ezzy, 2005; Marshall, 1996; Strauss & Corbin, 2008). Strauss and



Corbin (2008) suggested that convenience sampling is the most common technique utilised in qualitative research as it is the most practical way to collect data. This study utilised a convenience sample for the purposes of practicality. Participants represented a broad range of age, gender, employment and social demographics. All participants volunteered and were offered no reward.

### **Paradigms & Assumptions**

The current research used a general inductive approach to data analysis (Thomas, 2006). A general inductive approach to qualitative research is often used when a paucity of empirical findings exists within an area (Elo & Kyngas, 2008). Inductive reasoning was used so that themes or concepts could be drawn from the data (Thomas, 2006). This contrasts with deductive research where hypotheses would be drawn from existing theories and then used to test the consistency of the data (Jacelon & O'Dell, 2005; Khan, 2014; Thomas, 2006). The lack of previous research in this area allowed this exploratory study to combine theories and concepts based upon the themes observed and derived from the collected data (Elo & Kyngas, 2008; Thomas, 2006).

### **Instruments and Procedure**

The data used in this study was collected by the researcher and students in an undergraduate qualitative research unit in 2012. The class assisted in designing the semi-structured interview schedule under the supervision of experienced researchers. The students were all trained to use the interview schedule before data collection. Interviews were conducted in a setting comfortable for the participant. Because interviewers and participants already had good rapport, participants answers to the interview questions were thought to be honest and thoughtful (Hagan, 2009).

Participants were provided with information sheets outlining the purpose of the study and what their participation involved prior to the interview (see Appendix A). Participants were asked to consent to the interview being recorded during the interview and consent forms were provided and signed (see Appendix B). Participants were required to sign consent forms using their real names, but to ensure anonymity a pseudonym was assigned on transcription. In the current study the anonymity of participants was preserved by continuing to use the pseudonyms on the interview transcripts. Prior to the commencement of the interview participants were required to complete a demographic questionnaire (see Appendix C), allowing the interviewer and

interviewee to converse prior to the actual study which assisted in rapport building. Participants were advised when recording was going to commence and were advised that they could stop or terminate the interview at any time. A digital recorder was placed between the participant and the interviewer for the duration of the interview. Interviews varied in length but averaged approximately 30 minutes.

Open ended, probing questions were used within the framework of a semi-structured interview (see Appendix D) so that participants could fully explore and explain their thoughts and feelings (Hagan, 2009; Liamputtong & Ezzy, 2005). Example questions included “*what do you think about people who use drugs?*”...“*what are your thoughts about people who use alcohol?*”...and “*what makes you view alcohol and illicit drug use differently?*”. As part of the semi-structured interview schedule, questions were asked in a specific order.

The first set of questions focused specifically on drug use and responding to drug use within society. Punitiveness has been found to exist amongst members of the public (Gerber & Jackson, 2013). Starting the interview with questions not directly related to crime was viewed as a way of directing participants’ thoughts away from criminal activity to allow an in-depth discussion about all aspects of the topic. Structuring the interview in this way also ensured that differences between participants’ perceptions of dependent drug users and drug dependent offenders could be identified.

The next set of interview questions addressed two things: the drug-crime association and potential justice responses to drug related crime. It was important to consider participants views towards drug related crime prior to receiving information about the Perth Drug Court for consistency purposes. Subsequent questions all related specifically to the Perth Drug Court. Previous research suggests that members of the public often lack knowledge about justice initiatives (Chapman et al., 2002; Doob, 2000). Participants were provided with some brief, contextual information about the Perth Drug Court as part of the final set of interview questions to facilitate more insightful responses (see Appendix D).

### **Data Analysis**

In order to analyse participant responses to questions accurately, all interviews were transcribed verbatim by the interviewers. The current study involved some secondary data analysis. Each interview underwent thematic analysis with major themes

drawn out. Essential to the practice of thematic analysis is the process of coding text (Liamputtong & Ezzy, 2005). Participant responses were coded using a question-ordered matrix where rows contained participant answers and columns listed the questions. Emerging themes were categorised and sub-categorised with the purpose of determining each participant's knowledge and level of support for the Perth Drug Court (Liamputtong & Ezzy, 2005).

### **Theoretical Frameworks**

Theoretical principles and concepts relevant to the drug court literature were used to interpret aspects of the collected data. Theories and models that were relevant include Goldstein's Tripartite Conceptual Framework, Rational Choice Theory and Empathetic Identification Theory.

Responses from the interviews indicated that many participants believed an association between drug use and crime existed. Economic factors and the pharmacological influence of drug use on behaviour were cited as being the two most common ways participants viewed drug use and crime as being related. This supports Goldstein's (1985) Tripartite Conceptual Framework.

Goldstein's (1985) work originally focused on how drug use could lead to violent behaviour. In the decades since its inception Goldstein's framework has been widely used throughout the literature to describe the relationship between drug use and criminal behaviour (Deitch, Koutsenok & Ruzi, 2000; Dickenson, 2015; Forsythe & Adams, 2009; Harrison, 1992). Goldstein conceptualised three models, the Psychopharmacological, Economic Compulsive and Systemic to explain the association between drug use and crime.

The first model of Goldstein's (1985) tripartite framework is the Psychopharmacological model. The Psychopharmacological model posits that, drug use or dependence alters the cognitive functioning of users which often results in the engagement of deviant, antisocial and criminal behaviour (Dickenson, 2015; Goldstein, 1985). The second model, the Economic Compulsive, suggests that: the primary motivation behind most drug dependent offenders' criminal behaviour is to attain enough money to support the high costs of illicit substance use (Goldstein, 1985). The third model, the Systemic, postulates that criminality is directly related to the distribution of illicit drugs (Dickenson, 2015; Goldstein, 1985). Participants' responses

to how drug use and crime were linked were supported by the first two models of Goldstein's tripartite framework.

Rational Choice Theory postulates that deviant behaviours such as drug use and crime are voluntary and intentional (Skog, 2000; Torres, 1996). Therefore, perpetrators should be responsible for their actions (Giordano, 2014; Russell, Davies & Hunter, 2011; Skog, 2000; Torres, 1996). Individuals who choose to consume drugs are viewed as being accountable for any resulting behaviour, even if the drugs had a substantial influence upon their decision making (Giordano, 2014). The role of individual choice in the provision of drug use and crime was discussed by several participants in the current study. Some participants perceived drug use to be a choice and believed that any resulting behaviours, such as crime, were not excusable. This view is supported by Rational Choice Theory.

Retributive attitudes were evident in the current study, yet providing both dependent drug users and drug dependent offenders with some form of rehabilitation appeared to be important to most participants. Support for rehabilitation was evidenced by suggestions that participants' could empathise with dependent drug users and to a lesser extent drug dependent offenders.

The views of participants who demonstrated empathy are supported by Unnever and Cullen's (2009) Empathetic Identification Theory. Empathetic Identification theory posits that punitiveness and leniency are two opposite dimensions on a spectrum measuring empathy (Lovegrove, 2013; Unnever & Cullen, 2009). Unnever and Cullen characterise empathy by stating that it involves the subversion of retaliatory emotions. Retaliation is both a common and desired response to wrong doing in society (Gerber & Jackson, 2013). Individuals who are not empathetic are more likely to want illicit drug users and drug dependent offenders to be punished (Lovegrove, 2013; Unnever & Cullen, 2009). In contrast, empathetic individuals are more likely to help and forgive individuals who have engaged in behaviours that are not socially accepted, such as illicit drug use and crime (Lovegrove, 2013). Most participants in the current study showed that they could empathise to some extent with dependent drug users and drug dependent offenders.

## Chapter 5: Findings and Interpretations

This study explored the perceptions of a sample of 33 members of the WA public regarding the Perth Drug Court as a way of dealing with drug related crime. The thematic analysis of responses to the semi-structured interview questions yielded five overarching themes: Knowledge, Assistance, Accountability, Retribution and Preventing Recidivism. Each of the themes will be explored separately utilising relevant literature, and theories including Goldstein's Tripartite Conceptual Framework, Rational Choice Theory and Empathetic Identification.

### **Knowledge**

#### ***Rehabilitation***

The first set of interview questions prompted participants' views on drug use and responding to drug use in society. Most were sympathetic towards dependent drug users, and felt that drug treatment would be the best option for preventing and reducing the incidence of illicit drug use. In Australia, drug treatment services are provided within the community and seek to address the issue of illicit drug use for dependent drug users (AIHW, 2013). All of the participants were aware of some drug treatment options within the community that dependent drug users could access. Some participants, acknowledged awareness of drug treatment services such as counselling and education. However, their knowledge regarding the content and availability of treatment options within the community were vague. For example, many could not provide details regarding the operations and practices of drug treatment programs. Moreover, participants mostly discussed drug treatment by using the ambiguous term, "rehab". Responses included,

"Rehab...it's a good way to give [dependents] an opportunity to get better".

"I can see rehab...as a benefit for [drug] users".

Participants who used the term rehab to describe drug treatment appeared to believe that drug treatment occurred in readily available residential treatment facilities. Comments about rehabilitation "clinics", "facilities" and "institutions" were found in many interviews, with other responses including,

"They should do a stint in rehab".

“If [users are sent] to a real rehab institution...they can recover”.

“Why put the community at risk...send them to [a] rehab clinic”.

The collective views indicate that most of these members of the public lacked knowledge about the intricacies of drug treatment. Residential treatment services are not readily available throughout Australia, and recent trends suggest that their numbers are in decline (AIHW, 2013). In WA, few dependent drug users are afforded the opportunity to attend residential treatment, with most treatment opportunities provided through out-patient services (AIHW, 2013). The AIHW’s annual report on Australian drug treatment programs, stated that more than 60% of the treatment services provided in WA comprised of out-patient counselling. Comparatively, less than 10% of dependent drug users received treatment through residential treatment services (AIHW, 2013). These figures demonstrate that most of these participants’ perceptions of rehabilitation were inaccurate.

Participants’ lack of knowledge was not limited to their understanding of the availability and intensity of rehabilitation services. Few participants gave consideration to the issues associated with providing treatment to dependent drug users. For example, most did not discuss the financial costs associated with drug treatment services. Only two participants discussed the financial impact of drug treatment programs with one participant stating:

“The [financial] cost of treating drug addiction...is severe”.

Almost all participants felt that drug treatment was an important component in addressing drug use in society. Few, however, considered how treatment services are financed or who pays for them. Participants identified characteristics such as unemployment and homelessness as being prevalent in drug using populations. This indicates the belief amongst participants that many dependent drug users would not be capable of paying for their own treatment. Inferred from these responses is the participant belief that drug treatment services in WA would be widely available and publicly funded.

As discussed previously, drug treatment services are not widely available throughout WA. In 2013, there were only 63 publically funded treatment agencies operating in WA, the least of any mainland Australian State (AIHW, 2013). Many of the treatment services in WA are privately funded and must be paid for by the

individual user (AIHW, 2013). This further highlights the lack of understanding shown by participants concerning the realities associated with drug treatment, potentially emphasising the limited knowledge possessed by members of the public about this topic.

Furthermore, participants held the view that dependent drug users would want to be treated if provided with an opportunity to engage in treatment. The following quote is demonstrative of several comments made by participants:

“I’m sure they don’t want to be [dependent on drugs]...if there is a chance for them to be rehabilitated [give it to them]”.

This view contrasts with research, which has shown that many dependent drug users resist the opportunity to attend drug treatment (Garrett, Landau-Stanton, Stanton, Stellato-Kabat & Stellato-Kabat, 1997; Waldron, Kern-Jones, Turner, Peterson, & Ozechowski, 2007). According to Waldron et al. many dependent drug users will ignore court mandated orders and risk imprisonment rather than attend treatment. This may indicate that individuals for whom drug use is a serious problem will not willingly accept treatment even if the services were widely available. The contrast between participant views and the literature perhaps indicates the vague knowledge members of the general public have about drug treatment.

In the current study most participants did not possess a detailed understanding of the cost, content and availability of drug treatment services in the WA community. Previous research indicates that members of the public who lack knowledge about drug treatment do not generally support the rehabilitation of dependent drug users (Gideon & Hsiao, 2014; Matheson et al., 2014). The findings of the current study contrast with the results of previous literature as most participants supported the concept of rehabilitation despite lacking knowledge about drug treatment. Support for rehabilitation throughout the current sample may be associated with their misperceptions about the availability and intensity of drug treatment services.

### ***Justice***

Participants supported the treatment of dependent drug users, however most acknowledged that responding to drug dependent offenders required a separate, judicial response. Prior to receiving contextual information about the Perth Drug Court, participants identified a number of justice initiatives that could be used to address the

issue of drug related crime. Imprisonment, community service and financial restitution were all discussed as being options available to the criminal justice system in responding to drug dependent offenders. A number of participants' were aware of alternative justice initiatives with 18 aware that a drug court existed in Perth at the commencement of the interview.

Although a number of the participants were aware of some possible responses to drug dependency and drug related crime, it appeared that most lacked knowledge about the workings of, the principles and content of justice strategies such as the Perth Drug Court. Approximately half of the participants in the current study were unaware of the existence of the Perth Drug Court and subsequently had no knowledge about the concept in general. Moreover, relatively few participants (n= 6) from the total sample possessed enough knowledge about the Perth Drug Court to give an informed opinion without receiving more information. Amongst those participants who were aware of the existence of the Perth Drug Court, the majority admitted that they knew very little about the concept:

“I know it exists. Beyond that I have no idea what they do or how they work”.

“Yes [I am aware]...but I couldn't tell you a lot about [Drug Courts]. I know of them but not their processes”.

“Yeah [I am aware of the Drug Court]. I don't know how it works or anything though”.

The responses of other participants who admitted to having some knowledge of the Perth Drug Court indicate that their knowledge was not extensive. For example:

“Yes I am aware [of the Drug Court]...if people commit crimes related to drugs [a Drug Court is] where they go to be tried”.

“I am aware [of the Drug Court]...I know it's a court that deals with people who use drugs”.

Most participants were unable to provide specific details about the principles and operations of the Perth Drug Court. Only one participant who had worked voluntarily at the Perth Drug Court acknowledged that the process involved intensive supervision. Additionally, participants were not aware that the Perth Drug Court involved a judicial team working in accordance with the principles of therapeutic



jurisprudence; that is promoting the health and well-being of the offender (Wexler & Winick, 2003). Many of the participants who were aware of the Perth Drug Court also appeared to have no knowledge of core program components such as the use of rewards and sanctions, the frequent and random drug testing or the monitoring and evaluation of goals and outcomes. Responses may indicate that participants' knowledge of the Perth Drug Court is vague, even amongst those that were aware of the concept. This demonstrates that some members of the public are aware of alternative justice strategies such as the Perth Drug Court but also suggests that public knowledge about the operations of criminal justice responses is limited.

It has been widely documented throughout academic literature that the general public lack knowledge about crime and criminal justice (Chapman et al., 2002; Cullen et al., 2000; Doob, 2000; Gideon & Hsiao, 2012). Chapman et al., Cullen et al. and Doob all found evidence to suggest that the majority of the public know little about crime, sentencing or justice policy. Research indicates that support for justice strategies is often associated with the amount of factual knowledge members of the public have regarding crime and justice (Cullen et al., 2000; Gideon & Hsiao, 2012; Roberts & Indermaur, 2007; Roberts et al., 2011). Therefore, enhancing the public's knowledge about alternative justice strategies such as the Perth Drug Court may be important in establishing greater support for the initiative amongst members of the public.

Despite lacking knowledge about the content and principles of the Perth Drug Court, most participants demonstrated an understanding of drug use and its link to crime. Almost all displayed some knowledge of the drug crime nexus, and believed that the two behaviours were linked. This area of questioning elicited much discussion and participants readily communicated their views. Once prompted, common responses included,

“Absolutely a link [between drug use and crime] exists”.

“It's fairly evident...there has to be a link [between drug use and crime]”.

“[Drug use and crime] go hand in hand”.

Participants perceived the relationship between drug use and crime as being substantial. Several believed that drug use was a causal factor leading to criminal behaviour.

“I’m sure people would never commit crime if they weren’t on drugs”.

“I don’t believe [users] would intentionally go out committing crimes if they weren’t [dependent] on drugs”.

Several participants reasoned that drug use and crime had to be related due to the high prevalence of drug use amongst offender populations. One emphasised:

“Prisons are full of people who take drugs”.

Another suggested that,

“50-60% of crime committed would be drug related”.

The majority of participants gave specific examples of how they thought drug use could influence or lead to criminal activity. Amongst the sample, half of the participants suggested that the chemical properties of drug use often led to negative changes in behaviour. Participants viewed drug users as emotionally unstable and unaware of the consequences of their behaviour. Each of these participants inferred that the impaired cognitive functioning of drug dependent offenders was a factor resulting in criminal behaviour.

“Drugs alter functioning...impair judgement...[users] can lose control and do things they normally wouldn’t”.

“People change their behaviours when they are on a drug...people are more violent, more willing [to commit crime] and less aware of the consequences [of their actions]”.

“Drugs have the ability to make people feel powerful, even superhuman...people who become addicted [to drugs], they’ll do anything”.

The work of Goldstein (1985), is consistent with the views of participants who suggested that the pharmacological properties of drug use are causally associated with offending behaviour. The Psychopharmacological model postulates that drug use can lead to the provision of criminal behaviour because the chemical properties of a drug compromise an individual user’s cognitive functioning (Dickenson, 2015; Goldstein, 1985). Several of the participants in the current study, talked specifically about how drug use leads individuals to engage in criminal activity because they lack the ability to function normally.

The pharmacological influence of drug use on behaviour was not the only factor recognised by participants as linking drug use and crime. Many participants (n= 22) in the current study discussed the economic impact of drug dependency and how this may lead some individuals to engage in criminal behaviour. More than half of the participants reasoned that the economic cost of illicit drugs resulted in drug users engaging in criminal behaviour. Some responded by saying,

“They can’t sustain the cost of their habit...the choice is simple, crime is the easiest option”.

“Most won’t have the financial capacity to support their habit, so they will turn to theft”.

“People who take illegal drugs...need to find money to sustain their addiction...the only way they can get it is to turn to crime”.

The views of these participants are also supported by the Economic Compulsive model of Goldstein’s (1985) tripartite framework. The Economic Compulsive model posits that drug dependent offenders commit crime to acquire the money needed to support the cost of their illicit drug use (Goldstien, 1985). A number of participants mentioned that money was the major motivation for dependent drug users to commit crime. They also believed that drug dependent offenders were likely to commit acquisitive crimes such as burglary and robbery to attain money for their drug use.

Australian research that has explored the relationship between illicit drug use and crime supports the collective views of participants (Crime & Misconduct Commission Queensland, (CMC), 2005; McRostie & Marshall, 2001). A number of studies have concluded that a substantial association between drug use and acquisitive property crimes exists (CMC, 2005; McRostie & Marshall, 2001). Figures indicate that in Australia trends in illicit drug use are often reflected in the incidence of property crimes (ABS, 2002; Maxwell, 2001). In Queensland, research has revealed that as many as 80% of offenders caught in the provision of an acquisitive offence were attempting to fund their drug habit (CMC, 2005). The consistency between participants’ views and the literature suggests that members of the public possess an understanding of the association between drug use and crime.

Almost all of the participants in the current study acknowledged that drug use and crime were associated and could provide examples of how the behaviours were

linked. Most also held the view that if drug use and dependency were reduced then criminal recidivism should decline.

“If you [treat drug use] you certainly will have a marked impact on crime”.

“If [drug] treatment is successful then the user will no longer need to commit crime”.

“If there was less drug use, there would be less crime and less violence”.

“If we address the drug problem we would address a lot of the crime issues”.

Participants’ perception that a relationship between drug use and crime exists shows support for the mandate underpinning the operation of the Perth Drug Court (Belenko, 2002; Crime Research Centre, 2003; Fulkerson, 2009). All drug courts, including the Perth Drug Court, work on the basis that criminal behaviour is strongly associated with drug use and dependency (Fulkerson, 2009; The National Association of Drug Court Professionals, 1997). Drug courts work upon the assumption that drug treatment can effectively reduce the incidence of recidivism for offenders with drug dependency problems, or those who committed an offence while under the influence of a drug (Department of Attorney General WA, 2006).

In summary, the participants were aware of some initiatives that addressed dependent drug use and drug related crime. However, knowledge about the working realities of drug treatment services and the Perth Drug Court were limited. Despite this, almost all participants were able to identify ways in which drug use could influence or lead to the provision of criminal behaviour. Many of the participant’s views on how drug use and crime were associated are consistent with Goldstein’s (1985) tripartite framework. Underpinning Goldstein’s framework, is the idea that drug use leads to crime which was supported by most of the participants in the current study. Furthermore, even though the participants held little knowledge of the Perth Drug Court most appeared to agree with the principles that led to the implementation of drug courts throughout Australia, that is, treating drug use can reduce drug related crime. This potentially highlights support for the operational mandate of the Perth Drug Court.

## Assistance

Participants viewed the prevention of illicit drug use and crime as important goals for society and the criminal justice system. Participants accepted that drug use and crime were associated but displayed different attitudes towards the two behaviours. Participants' perceptions of dependent drug users for example were generally favourable with many demonstrating empathetic statements toward them.

“I don't judge drug users...I feel sorry for them”.

“I think that all drugs are bad...[but] I feel sorry for [drug users]...they need help”.

“They use drugs to escape...it's a cry for help...they are victims [of their circumstances]”.

Most participants felt that dependent drug users were ordinary people in difficult circumstances. Individuals who engaged with illicit substances were for the most part viewed as people who had taken a “wrong turn” and deserved some assistance.

“They are not bad people”.

“They are just ordinary people like everyone else”.

“[Drug users] are human beings. We can't forget that”.

Participant empathy may have been linked with the view that illicit drug use was a health rather than a justice issue. Individuals who engaged with illicit drugs were not viewed as criminals by most participants. This is despite the fact that in WA possession of an illicit substance is a crime.

“I think [that illicit drug use] is something that is more [of] a health issue than anything else”.

“I regard drug use as a health issue rather than a criminal issue”.

Participant empathy for dependent drug users is supported by Unnever and Cullen's (2009) theory of Empathetic Identification. The Empathetic Identification Theory postulates that an individuals' ability to empathise with an offender informs their views on how society should respond to them (Unnever & Cullen, 2009). Less empathy is associated with greater punitiveness, whereas high levels of empathy are linked to lenient responses (Lovegrove, 2013; Unnever & Cullen, 2009). Individuals

who display high levels of empathy for drug users, such as the majority of participants in the current study are likely to favour responses to illicit drug use that are constructive, such as drug treatment (Unnever & Cullen, 2009).

This is consistent with the findings of the current study which revealed that most participants supported the treatment of dependent drug users. Most participants acknowledged that the use of illicit drugs could have a profound, negative impact on individual user's health and well-being. Throughout the sample, almost all of the participants felt dependent drug users should receive help in the form of rehabilitation.

“Drug use is terrible and harmful...[drug users] should be helped”.

“Drugs are dangerous...they cause conflict and strife...I think rehab is the best way to go...I think [users should be given] help to overcome their addiction”.

“[Drug use causes] harm to the [individual] and the environment. We should support [users]...so they can stop using drugs”.

The expectation from most participants was that responses to dependent drug users would occur within a community rather than a justice environment. Participant views seemed to change however when drug use affected individuals other than the user. This was stated in a number of the participant's responses:

“Everyone has the right to [take drugs]...it is up to the individual...I have a problem when it effects [other members] of society”.

“So much of what we do affects other people...when [a person] takes drugs other people suffer...I don't think [this is right]”.

The opinion that drug use could have a “ripple effect”; that is harm and affect the lives of other people was documented in the responses of several participants. Illicit drug use was perceived as a much more prevalent issue when it began to impact on the lives of people beyond the user, an example of which is drug related crime. While participant perceptions of dependent drug users were generally favourable, most participants (n= 24) felt that drug use that impacted on individuals other than the user was no longer a health issue and should be addressed in a criminal justice setting.

Participants agreed that illicit drug use and crime were linked but appeared to make a distinction between the two behaviours and how they should be addressed. The

view that separate responses were required for drug use and drug related crime may be related to differences in public perceptions of dependent drug users and drug dependent offenders. All participants, excluding one, felt that rehabilitation and treatment were the best ways to respond to dependent drug users. However, when discussing people who use drugs and ‘offend’, most participants felt that responding to crime that was drug related involved a combination of both rehabilitation and retributive punishment such as imprisonment.

### **Accountability**

Dependent drug users were perceived differently to drug dependent offenders by most participants in the sample. This view was evident in the way they felt society should respond to each group. Dependent drug users were widely viewed as ordinary people requiring help. In contrast, there was a strong sense that drug dependent offenders were criminals who should be held accountable for their behaviour. The responses from nine participants demonstrated this, as drug use was perceived to be a personal choice which did not excuse criminal behaviour.

“Drug use is a choice. That person had a choice to take drugs...[any resulting] crime is not an excusable thing”.

“It is the [offenders] own choice to use drugs...just because [you used] drugs does not mean you have not committed that crime...the same law applies”.

“The [actions] they take are purely their choice...they cannot blame drug use”.

All of the participants in this group seemed to agree that making offenders accountable for their actions was an essential component of the justice process. As summarised in the response of one participant:

“[Drug offenders] are accountable for their actions because it is a choice to take drugs”.

Moreover, participants who discussed the role of choice in drug users offending behaviour all felt that drug use should not act as a mitigating factor in the sentencing of drug dependent offenders.

“[Drug dependent offenders] should receive the equivalent punishment [as a non-drug dependent offender]”.

“If you commit a crime when you’re on drugs you shouldn’t get away with it. You still should be [punished]”.

“I think [substance dependent offenders] should get the equivalent punishment that a [non substance using offender] would get”.

These views are consistent with the principles of Rational Choice Theory. According to Rational Choice Theory people have the ability to control their behaviour and should be accountable for their actions (Giordano, 2014; Torres, 1996). Choice theorists postulate that behaviour such as drug use is voluntary and intentional, and that addiction must be viewed as a motivated choice (Russell, et al., 2011; Skog, 2000). Individuals who choose to take drugs are seen to be responsible for any resulting actions regardless of the effects of the consumed substances (Giordano, 2014). One of the key tenets of Rational Choice Theory is that offenders should be held criminally responsible for their actions and drug use should not be viewed as a mitigating factor. Both of which are points supported by participants.

Although consistent with Rational Choice Theory, participants who viewed drug addiction as a choice seemed to lack knowledge about the psychology of drug addiction. Russell et al. (2011) stated that drug use is initially a choice, but addiction due to the psychological influence of drug use over time becomes a compulsion. According to this viewpoint criminal behaviour resulting from drug addiction should not be perceived as a choice because an addict does not possess the capacity to make rational and reasoned decisions (Levy, 2014; Russell et al., 2011; Skog, 2000, Torres, 1996).

In the current study only one participant favoured this view and disagreed with the idea that drug use was a choice. The participant disclosed during the interview that a close family member had been involved with drug use and subsequent criminal behaviour. The participant felt that people with drug addictions had little control over their drug use or the resulting behaviours.

“Many [drug users] would not commit crime [if not for drugs]. A lot of people think [drug use] is a choice, but it’s [not] it’s called addiction for a reason”.



The view of this participant contrasted with the opinions of a number of other participants, and may support the disease model of addiction. The disease model of addiction posits that drug dependency is an illness (Giordano, 2014; Russell et al., 2011; Skog, 2000; Torres, 1996). Proponents of the disease model argue that dependent individual's drug use cannot be viewed as a voluntary behaviour because they are physically and psychologically unable to abstain (Giordano, 2014; Russell et al., 2011; Skog, 2000). Unlike Rational Choice Theory, the disease model reduces the level of offender responsibility, and focuses on drug treatment so future crime can be reduced (Torres, 1996).

The disease model of addiction and Rational Choice Theory are somewhat antithetical, but are reflected in the opinions of participants throughout this sample. Consistent with a study by Giordano (2014) more participants in the current study viewed drug use as a choice (n= 9) than a disease (n= 1). Giordano's findings indicated that that in a sample of the general public (50%) viewed drug use as a choice compared with (30%) who saw drug use as an addiction. This may indicate that most members of the general public neither accept nor understand the psychological influence sustained drug use can have on an individual over time. Furthermore, because drug use is predominantly perceived as a choice, members of the public are likely to favour responses to drug related crime that maximise offender accountability.

Support for Rational Choice Theory and the disease model of addiction are evident in the current study. It should be acknowledged, however, that the contrasting views of both sets of participants may be supported by the practices of the Perth Drug Court. The operational practices of the Perth Drug Court support participants who felt that drug dependent offenders should be held accountable for their criminal behaviour (Crime Research Centre, 2003). The Perth Drug Court, despite operating within a rehabilitative framework, does not negate criminal responsibility (Crime Research Centre, 2003). An important component of the Perth Drug Court program is that offenders take responsibility for their offending behaviour by pleading guilty prior to their acceptance into the program (Crime Research Centre, 2003; Department of Attorney General WA, 2006). Offender accountability is also ensured as drug court participants are sentenced upon completion of the program (Crime Research Centre, 2003; Law Reform Commission WA, 2008). The practices and principles of the Perth Drug Court may be seen to reflect the views of participants who felt that drug use was a choice and that offenders should be accountable for their actions.

The mandate of the Perth Drug Court is also consistent with the views of one participant who stated that drug addiction was not a choice but instead a compulsion. The Perth Drug Court operates on the basis that addiction is a health issue which users have no control over (Law Reform Commission WA, 2008). Drug treatment is the core component of the Perth Drug Court program, as compulsive drug use is seen as the main motivating factor for criminal activity amongst drug dependent offenders who are referred into the program (Department of Attorney General WA, 2006; Law Reform Commission WA, 2008). The one participant to acknowledge that drug dependency was a compulsion had knowledge of the psychology of drug addiction and expressed views consistent with the disease model of addiction. This participant appeared to show favour towards the therapeutic components of the Perth Drug Court program, such as treatment interventions. In contrast, participants who lacked knowledge about the psychology of drug addiction, and believed all drug use to be a choice were less supportive of treatment interventions and instead favoured punitive responses to drug related crime. Increasing public knowledge regarding drug dependency may improve public understanding of the disease model of addiction and therefore enhance public support for the rehabilitative goals of the Perth Drug Court.

The views of all participants to discuss the role of choice in the incidence of drug related crime are consistent with some of the operations and principles of the Perth Drug Court; namely offender accountability and addiction as a health problem. Similarly to other research (Giordano, 2014), this study found that more participants viewed drug use as a choice than a disease, suggesting that members of the public lack knowledge about the psychology of drug addiction. The view that drug use is a choice potentially indicates that for many members of the general public, offender accountability is an important outcome of the criminal justice process. Amongst those participants in the current study who felt that drug use was a choice, retributive punishment was viewed as a way drug dependent offenders could be made accountable.

### **Retribution**

Punishment was seen as an essential component of criminal justice by most participants in the current study. Offender accountability was viewed as important and many participants (n= 24) felt that drug dependent offenders should pay for engaging in criminal behaviour. Commonly given reasons for punishment included,

“The law is the law...People need to understand that they can’t get away with [crime]...they will be punished”.

“You still have to pay the price, you should always have to pay a price, [and] you can’t get away scot free”.

“You break the law, you pay the price”.

The view that offenders should be punished and “pay” for the crime they committed supports research that suggests members of the public are primarily concerned with the principles of retribution or ‘just desserts’ (Gerber & Jackson, 2013; Goodwin & Gromet, 2014; Roberts & Geboyts, 1989). According to the theory of just desserts, justifications for punishment are twofold (Dzur & Mirchandani, 2007; Gerber & Jackson, 2013). Firstly, punishment serves to remind offenders that breaking society’s rules will have severe consequences (Gerber & Jackson, 2013; Goodwin & Gromet, 2014). Secondly, punishment allows society to retaliate against an offender for the harm caused by criminal behaviour (Braithwaite & Pettit, 1990; Dzur & Mirchandani, 2007; Gerber & Jackson, 2013). In the current study views associated with retaliation and payback were common; as one participant stated:

“We have a society where people have [an] attitude of revenge...toward offenders. Most people will expect retribution rather than treatment”.

The expectation that offenders should suffer as part of the justice process was favoured by the majority of participants. It was perceived that sentences and justice initiatives that did not involve punishment were “soft” and that the lack of retributive punishment represented a failure of justice. Incarceration was seen as the main way in which the criminal justice system could punish offenders.

“[Society] would probably feel like justice has not been done...it’s unfair [if offenders are not imprisoned]”.

“Definitely not...[if offenders are not imprisoned] I wouldn’t see justice as being served”.

“[I] would think they [drug dependent offenders] were getting off lightly...[the community] might be angry [and question] why isn’t this person going to jail”.

“I would take it as an insult [if offenders were not sent to prison]”.

The collective responses demonstrate the belief amongst these members of the public that punishment should make an offender suffer for the harms caused by their criminal behaviour; a view that is consistent with the findings of previous literature (Darley, Carlsmith & Robinson, 2000; Gerber & Jackson, 2013; Mackenzie et al., 2012; Roberts & Indermaur, 2009). However, retribution as a justification for punishment, does contrast with the theoretical principles that inform the operation of the Perth Drug Court, namely therapeutic jurisprudence. Therapeutic jurisprudence, explored in greater depth in the literature review, is an approach to the law that postulates that legal forces should attempt to increase the health and well-being of offenders (Hora, Schma & Rosenthal, 1998; Schaffer, 2011; Wexler, 2000; Wexler & Winick, 2003). Programs, such as the Perth Drug Court are primarily concerned with assisting offenders in overcoming the issues of addiction and criminal behaviour (Law Reform Commission WA, 2008). In contrast retributive punishments exist solely to restore balance to society through retaliation (Darley et al., 2000). Many participant views on retributive punishment were in conflict with the principles underpinning the operation of the Perth Drug Court.

Although many participants supported retributive punishment, several (n= 9) held a contrasting view and felt that drug dependent offenders should not be punished. These participants felt that punishing non-violent drug dependent offenders was unnecessary and that responses should focus on drug treatment; a view which is supported by the theoretical principles of therapeutic jurisprudence. Participants who supported treatment as a sole option, may have been able to better identify with drug dependent offenders than other participants. One argued:

“People who use drugs are not your murderers, not your fraudsters, they have a dependency problem...they need to be dealt with differently [to other offenders]”.

The contrast of participant views regarding justice system responses can be explained using Unnever and Cullen’s (2009) Empathetic Identification Theory. The theory posits that individuals will identify and empathise with offenders according to their own values and beliefs (Lovegrove, 2013; Unnever & Cullen, 2009). This means that some people will identify strongly with drug dependent offenders and favour lenient responses, whilst others will not identify at all and will feel justified in demanding a highly punitive response (Unnever & Cullen, 2009). Lovegrove suggested

that most people will favour responses in the middle of these two extreme views. This is consistent with the findings of the current study, as some people believed solely in punitive punishments and some favoured only rehabilitation. The majority acknowledged that responses should draw upon both of these correctional philosophies.

Many of the participants who favoured retributive punishment also acknowledged that rehabilitation was an important outcome for the criminal justice system. The following quote is demonstrative of several comments made by participants:

“Rehab is a way to respond to [drug dependent offenders]... I say send them to rehab, sober them up and then...send them to prison ... [so we use rehab] to allow them to recover, and then [let them] do their time in prison.”

Despite having views that conflicted with the theoretical principles underpinning the operation of the Perth Drug Court, many participants who supported retribution and rehabilitation may still have supported the concept. For example, offenders who complete the Perth Drug Court’s treatment program are still sentenced. Therefore, imprisonment, viewed by most participants as a retributive form of punishment, is an option available to the Drug Court Magistrate (Crime Research Centre, 2003; Department of the Attorney General WA, 2006).

It is also worth noting that the practical realities of the Perth Drug Court’s operation may meet the retaliatory needs of individuals who favoured retribution. Participants’ main justification for punishing offenders was that they should be made to ‘suffer’, or be held responsible, because of the harm caused to others. Torres (1996) stated that because of the physical and psychological effects of drug withdrawal on an individual, drug treatment is difficult and often involves increased amounts of suffering relative to imprisonment. The main difference is that imprisonment is a punitive option while drug treatment is therapeutic (Torres, 1996). Punitive members of the public may support rehabilitative justice strategies such as the Perth Drug Court if they are better educated about the realities of drug treatment. In the current study this was in evidence, as many of the participants who favoured retributive punishment prior to receiving information about the Perth Drug Court, showed support for the concept once provided with information.

Although support for retribution amongst participants was high; many may still have supported the Perth Drug Court. Amongst this group of participants, rehabilitation and retribution were both considered to be important goals for the criminal justice system. Many participants who favoured retributive punishment also saw benefits in rehabilitation for drug dependent offenders, a view that is consistent with recent literature (Falco & Turner, 2014; Gideon & Hsiao, 2012; Mackenzie et al., 2012). This may indicate that these members of the general public believe that offenders should be punished, but understand that punishment is mostly ineffective for preventing the incidence of criminal recidivism.

### **Preventing Recidivism**

The views of participants regarding justice responses to drug related crime were divided. Although many participants favoured retributive punishment, crime prevention was viewed by many as being equally important. This is supported by previous literature which has found that members of the public view the reduction of future crime as a major goal of criminal justice policy (Chapman et al., 2002; Doob, 2000; Mackenzie et al., 2012). Retributive punishments such as imprisonment, do not serve the purpose of reducing criminal recidivism because are not future oriented (Darley et al., 2000; Wahler, 2015). Rather, retributive responses to crime exist to provide immediate gratification to members of the public requiring payback (Darley et al., 2000; Wahler, 2015). Although support for retributive punishment existed throughout the sample, almost all of the participants who favoured punishing drug dependent offenders acknowledged that punitive justice responses cannot effectively reduce recidivism:

“Is punishment going to stop them using drugs?...It doesn’t solve the issue...prisons just breed more crime”.

“It’s a vicious cycle, jail doesn’t solve the problem...but they should still be punished”.

“If you send them straight to prison, they are not going to get any better”.

Punitive views exist amongst the public (Gideon & Hsiao, 2012; Roberts & Indermaur, 2009), however, increasingly literature has found that members of the general public understand that punitive forms of justice have a limited impact on recidivism (Doob, 2000; Falco & Turner, 2014). Doob, Falco and Turner and

Mackenzie et al. suggested that the majority of the general public support the punishment of offenders, but most people understand that rehabilitation, because it seeks to address the causes of criminal behaviour, is required to reduce the incidence of criminal recidivism.

Findings from previous research are consistent with results from the current study, as drug treatment was perceived as the best way of preventing criminal recidivism in drug dependent offender populations. Providing drug treatment to drug dependent offenders was supported by 31 of the 33 participants prior to receiving information about the Perth Drug Court.

“[Drug treatment] will help [offenders] recover...so we can hopefully avoid recidivism.”

“They should be [given] rehab, to [reduce] their addiction, so they won’t [commit crime in future]”.

“People out there who are committing crime because they are on drugs. Take away the drug use [through treatment] and you take away the crime”.

Participant feelings about preventing criminal recidivism may indicate that members of the public support problem solving initiatives, such as the Perth Drug Court. The Perth Drug Court’s primary function is to prevent the incidence of criminal recidivism through the provision of drug treatment in a criminal justice setting (Crime Research Centre, 2003; Department of the Attorney General WA, 2006; Freiburg, 2003a). This mandate appears to be consistent with the views of almost all of the participants, even those who desired retributive responses to criminal behaviour.

Additionally, once provided with information about the Perth Drug Court, most participants felt strongly that the concept was likely to be effective in reducing criminal recidivism. The Perth Drug Court was viewed by many participants as more likely to prevent the incidence of criminal recidivism than other criminal justice strategies because it directly targets the perceived causes,

“[Prison] is not as easy [as the drug court], but [in prison] they are not being helped to stop drug use...they’ll continue committing crimes”.

“I think the drug court would produce better results than [traditional justice methods] because they address a specific issue”.

“They [drug courts] target a cause of crime and focus upon it...they should work [better than traditional methods]”.

The views quoted above are consistent with the need principle of Andrews and Bonta's (2003) Risk-Need Model of Criminal Psychology. The Need principle suggests that if offender treatment is to be effective then it should directly target the criminogenic needs of offenders, which in the case of many drug dependent offenders is seen to be drug use (Andrews & Bonta, 2003; Schaffer, 2011; Ward & Marshall, 2007).

In summary, while participants varied in their beliefs of how the justice system should respond to drug dependent offenders, crime prevention was seen as an important component. Evident in participant responses was the view that preventing criminal recidivism could be achieved by the Perth Drug Court, showing support for the concept. Most felt that the Perth Drug Court was likely to be more effective for reducing criminal recidivism than traditional justice measures such as imprisonment, because it targets the underlying causes of criminality for drug dependent offenders, drug use. Although punitive public attitudes clearly exist, they are not in isolation, as participants believed that rehabilitative justice strategies were more effective than retributive punishments in reducing criminal recidivism.



## Chapter 6: Limitations, Implications and Conclusion

### Limitations

This study explored the level of knowledge and perceptions of a sample of the WA public on the Perth Drug Court. The findings provide an initial understanding of how the concept of a drug court is perceived by some members of the public. This research, however, was not without limitations. One limitation evident in the current study was associated with the use of multiple student interviewers.

Partington (2001) suggested that data obtained through multiple interviewers is likely to be more “corrupted by inappropriate questioning, inadequate listening or the absence of interpersonal skills” (p. 32). To improve consistency, student interviewers were required to follow an interview schedule with standard probing questions that allowed them to explore participant viewpoints without adding too much subjectivity. Each interviewer was part of the same research methods class with the same instructor and, therefore, should have demonstrated similar skills and techniques during their interviews as they received the same amount and type of training in the class learning modules. Each interviewer practiced their interviews in sessions that were supervised by the instructor and each interviewer received tips and feedback on their delivery and style. This process attempted to minimise major differences in the interviews delivered, although some inconsistencies were observed.

An area in which inconsistencies were observed was related to the contextual information about the Perth Drug Court, provided to participants. The purpose of providing participants with information was to inform them about the principles and operation of the Perth Drug Court, so that they could form an objective opinion about the concept. Ideally, each participant would have received the same information about the Perth Drug Court. Instead each interviewer provided their interviewee with different information in varied amounts. The information participants were given about the Perth Drug Court may have influenced their understanding and perceptions of the concept.

Despite the presence of this limitation, participant responses have served to increase the knowledge associated with how some members of the WA public think the justice system should respond to drug related crime. Moreover, it has provided some interesting evidence to suggest that some members of the public may support the operational mandate of the Perth Drug Court.

### **Implications for Future Research**

The findings of the current study have identified a number of gaps in the research. This project revealed that some participants were aware of justice initiatives such as the Perth Drug Court but did not possess detailed knowledge about the practical operations. Future research may focus on public attitudes towards the Perth Drug Court's core operational components; judicial teamwork, intensive supervision and the use of rewards and sanctions. Determining public support for specific components of the Perth Drug Court's operation is important as it will assist in providing a greater understanding of the public's support for the concept in general.

Public attitudes towards the theoretical principles of therapeutic jurisprudence may also be explored in future research. Participants in the current study supported some aspects of the Perth Drug Court's mandate. However, it is less clear whether members of the public support the principles of therapeutic jurisprudence. Some participant responses appeared at odds with therapeutic jurisprudence, specifically those who favoured retributive punishment. The current project was unable to explore participant views regarding therapeutic jurisprudence, as it was not addressed in the interview questions, putting it outside of the scope. Given that the Perth Drug Court and other alternative justice strategies are informed by therapeutic jurisprudence, this research could be important, particularly when trying to build knowledge in the area of public perceptions of alternatives to justice.

Future research may also consider factors that can influence public support for alternative justice strategies. One factor cited in previous research as influencing public opinion about crime and justice is factual knowledge. In the current study participants were provided with some brief, contextual information about the Perth Drug Court to facilitate more thoughtful responses about the topic and place participants' perceptions in context. However, this study did not have the purpose of determining whether the provision of information could influence or change public perceptions about the Perth Drug Court. Therefore, further assessment is required to determine the influence of factual knowledge on public perceptions of the Perth Drug Court and other alternative justice strategies. Research in this area may have important implications for policy makers, as it could reveal ways in which public support for alternative justice strategies can be improved.

This study has revealed that some members of the public may support the operational mandate of the Perth Drug Court. The current project, because it was qualitative research did not attempt to generalise the findings regarding public perceptions of the Perth Drug Court. Prospective research, therefore, is required in the form of a large scale quantitative study if the perceptions of the general public towards the Perth Drug Court are to be determined. The importance of this has already been stated in the literature review as evidence of widespread public support for the Perth Drug Court may be useful for policy makers and potentially lead to changes aimed at improving operational effectiveness.

### **Conclusion**

This study was conducted to determine the perceptions of a sample of the WA public in relation to the Perth Drug Court as a way of dealing with drug related crime. An exploratory, qualitative methodology was utilised so that participants could explore their perceptions about drug use, crime and the Perth Drug Court, in-depth. The evidence from the thematic analysis, suggests that members of the general public lack specific knowledge about alternative justice strategies such as the Perth Drug Court. Despite this, the findings revealed that members of the public have some positive perceptions of the Perth Drug Court and may support the mandate that informs its operation.

The findings of the current study revealed that members of the public may be aware of some responses to drug use and drug related crime. However, participants' knowledge of drug treatment and justice initiatives were vague, with many unable to discuss specific operational practices. Most participants used 'rehab' as an ambiguous term to describe drug treatment, yet few had an in-depth understanding of how drug treatment services were provided in WA. Common misconceptions regarding rehabilitation were associated with the cost, availability and intensity of treatment options in society. Despite this, most participants believed that drug treatment could reduce drug dependence showing support for the concept of rehabilitation.

Participants' knowledge of justice initiatives including the Perth Drug Court were also vague. Much of the factual knowledge provided by participants concerned the drug-crime nexus. Almost all participants acknowledged that drug use and crime were related which was supported by Goldstein's (1985) tripartite framework. Many participants held the view that providing drug dependent offenders with drug treatment

could reduce the incidence of criminal recidivism. This is consistent with the mandate of the Perth Drug Court thus showing some public support for the concept.

The findings of this study also revealed that members of the public have different attitudes towards dependent drug users and drug dependent offenders. Participants were able to identify and empathise to some extent with users of illicit drugs, but this empathy receded when drug use impacted on individuals other than the user or led to criminal activity. Participants' acknowledged that drug use may influence behaviour, but many felt that individuals who commit crime because of their drug use must be held accountable and punished. These views support classical justifications for punishment such as retribution and Rational Choice Theory, which are in conflict with the principles underpinning the operation of the Perth Drug Court. Despite this, the operational realities of the Perth Drug Court program may still have satisfied participants who felt punishment and accountability were important components to the delivery of criminal justice, potentially showing some support for the Perth Drug Court.

The current study also revealed that members of the public have varied views on how the justice system should respond to drug related crime. Punitive attitudes were common throughout the sample, but support for preventative justice measures were also evident. Addressing the issue of criminal recidivism was seen as a major objective of criminal justice for many of the participants, even amongst those that supported retributive punishment. Most participants felt that reducing recidivism could be achieved by addressing the underlying causes of criminal behaviour such as drug use. The Perth Drug Court was seen by most participants as a mechanism able to achieve this objective. Conversely traditional justice measures such as imprisonment, while still perceived as important, were viewed as being ineffective for reducing criminal recidivism. This demonstrates that members of the public may support alternative justice strategies such as the Perth Drug Court.

The current research appears to be the first study to address public perceptions of an alternative justice strategy, specifically public perceptions of the Perth Drug Court. The findings suggest that members of the public may lack knowledge about drug treatment and the criminal justice system. Moreover, the responses from participants in this sample infer that members of the general public may not fully understand the operational mechanics of the Perth Drug Court. Despite this, the findings indicate that some members of the public may support the mandate of the Perth Drug Court.

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# Appendices

## APPENDIX A



### Information Letter

#### **Exploring Public Perceptions of the Western Australia Drug Court**

You are invited to participate in this project, which is being conducted as part of the requirements of a unit. Details about the unit are given below:

CRI2102 - Qualitative Research Methods in Criminology and Justice

Dr Natalie Gately

School of Law & Justice

[n.gately@ecu.edu.au](mailto:n.gately@ecu.edu.au)

**The purpose of the project is to explore public perceptions of the Perth Drug Court in Western Australia.**

If you choose to participate in this project you will be asked to:

Participate in an interview which will be recorded. The interview should last no more than 60 minutes, and will take place at a mutual convenient space, which is private. The recording will be transcribed and loaded onto a computer which will be locked with a password for the duration of this project. The recording will be erased at the completion of this unit.

The students have to complete this assessment to demonstrate their skills in interviewing and researching, therefore only the student and the unit coordinator will have access to the recording. However the de-identified transcripts may be used to provide an aggregated report on the topic. You will in no way be identified in this final report. You will not be identified in any written assignment or presentation of the results of this project.

Participation in this project is voluntary. If you choose to participate, you are free to withdraw from further participation at any time without giving a reason and with no negative consequences. You are also free to ask for any information which identifies you to be withdrawn from the study.

If you have any questions or require any further information about the project, please contact:

Dr Natalie Gately on [n.gately@ecu.edu.au](mailto:n.gately@ecu.edu.au) or phone (08) 6304 5930

Student

Contact details

APPENDIX B



Consent Letter

**Exploring Public Perceptions of the Western Australia Drug Court**

I have been provided with a copy of the Information Letter, explaining the project.

I have been given the opportunity to ask questions and any questions have been answered to my satisfaction.

I understand that participation in the project will involve an interview which will be recorded. The interview should last no more than 60 minutes, and will take place at a mutual convenient space, which is private. The recording will be transcribed and loaded onto a computer which will be locked with a password for the duration of this project. The recording will be erased at the completion of this unit.

I understand that the information provided will be kept confidential, will be used for the purposes of research about this topic. I will not be identified in any written assignment or presentation of the results of this project.

I understand that I am free to withdraw from further participation at any time, without explanation or penalty

I freely agree to participate in the project

.....

Name

.....

Signature

.....

Date

APPENDIX C

Demographic Questionnaire

**Gender:** Male  Female  **Age:**

**Marital Status:**

Single	<input type="checkbox"/>	Separated or Divorced	<input type="checkbox"/>
Married	<input type="checkbox"/>	Widowed	<input type="checkbox"/>
De facto	<input type="checkbox"/>		

**People who you reside with:**

With parents	<input type="checkbox"/>	With housemate(s)	<input type="checkbox"/>
With partner	<input type="checkbox"/>	By yourself	<input type="checkbox"/>
With children	<input type="checkbox"/>	Other _____	<input type="checkbox"/>

**Accommodation- Where are you currently living:**

House or apartment you own	<input type="checkbox"/>	House or apartment you rent	<input type="checkbox"/>
Someone else's house/apartment	<input type="checkbox"/>	In a shelter/emergency housing	<input type="checkbox"/>
In a halfway house	<input type="checkbox"/>	No fixed place of address	<input type="checkbox"/>
Other household location (caravan park/boarding house)			<input type="checkbox"/>

**Highest education level completed:**

Never went to school	<input type="checkbox"/>	Completed TAFE	<input type="checkbox"/>
Completed year 10 or less	<input type="checkbox"/>	Completed year 12	<input type="checkbox"/>
Completed University or higher degree	<input type="checkbox"/>		

**Your employment status:**

Full time	<input type="checkbox"/>	Unemployed and looking for work	<input type="checkbox"/>
Part time/casual	<input type="checkbox"/>	Unemployed and not looking for work	<input type="checkbox"/>
Full-time Homemaker	<input type="checkbox"/>	Self employed	<input type="checkbox"/>
Full time Education	<input type="checkbox"/>	Retired	<input type="checkbox"/>
Have a job but not currently working due to illness/leave/strike/disability			<input type="checkbox"/>

**Income:**

0- \$20,000	<input type="checkbox"/>	\$21,000- \$40,000	<input type="checkbox"/>
\$41,000- \$60,000	<input type="checkbox"/>	\$61,000-\$70,000	<input type="checkbox"/>
\$71,000-\$80,000	<input type="checkbox"/>	\$81,000+	<input type="checkbox"/>

## APPENDIX D

## Interview Structure

Hello (insert Participant Name), my name is (insert Interviewer Name). First of all I just want to thank you for taking the time for this interview. Today I will be asking you some questions regarding the WA DC in order to gauge public opinion on the topic. Your participation will be extremely valuable. I cannot stress enough that there are no wrong answers to the questions I will ask, merely your own opinion. Do not be afraid to put forward what really think. If there is anything I can do to make you more comfortable please let me know, and if you need to leave or break at any time please feel free to do so.

**1. What do you think about people who use drugs?**

Probing Questions:

- What is your personal perception of drug users?
- Do you have the same perception about people who use alcohol? Why is that?
- I understand what you think about alcohol users but what about caffeine or prescription drug addicts?
- Why is it that you think that?

**2. How should we respond to people who use drugs?**

Probing Questions:

- So what should we do with drug users?
- What kind of drugs do you know about...what are you thinking?
- What about if they don't have a problem, that is they smoke a little cannabis on the side, but not that often, they don't really have a problem! What would you do with them!
- What do you think about rehabilitation?

**3. Can you tell me whether you think there is a link between drug use and crime?**

Probing Questions:

- Do you think that people are at an increased risk of crime if using illicit drugs?
- Do people commit crime because of drugs...What kind of people would they be? Or do people commit crime when they are on drugs?
- Can you elaborate a little as to why you think that?

**4. How do you think we should respond to people who commit crime because of their drug use?**

Probing Questions:

- Jail-What do you think would happen to the offender's behaviour upon release?
- Over 80% of prisoners released in 1999 (USA) had been involved in drug related offences
- What do you think of the idea of rehab?

**5. Are you aware that WA has a DC?**

***Information:***

WA does have a drug court. It operates out of the Perth Magistrates Court and the Perth Children's court. Drug Courts are a specialised treatment court that helps offenders with substance abuse problems. Participants commit to treatment and rehabilitation and are looked over by a judicial officer. Treatment includes urinalysis, regular court visits, and a review of participation. The drug court is diversionary, that is offenders are not in prison but remain in the community for the duration of treatment. However, once the program is completed, offenders, because they have pleaded guilty, have to go back to court to be sentenced. The Magistrate delivers a sentence that takes into consideration their achievements in the program.

Probing Questions:

- Having listened to what it is about what is your reaction?
- Positive-why...do you think there should be exclusionary criteria? (sexual, violence)
- Negative-why not

**6. Given your understanding of drug use, which types of substance users do you think the court would be most helpful for?**

Probing Questions:

- Again what drugs do you know about?
- Which would the drug court benefit more a cannabis user or a methamphetamine user?
- Why is it that you think that?
- Going back to an earlier point do you think that it would be beneficial for alcohol users? Why?

**7. If the Drug Courts were successful, what do you think a good outcome would be?**

Probing Questions:

- So what are the aims of the DC, what is it trying to achieve do you think?
- Do you think DC can reduce crime? Why not?
- One of the primary concerns of the DC's to date has been to reduce recidivism or reoffending.

**8. If more offenders were to go through DC do you think it would have an effect on reoffending?**

Probing Questions:

- If more people were to be accepted into the program would recidivism be reduced?
- Do you think specialist courts that are specific to the cause of a crime effect reoffending?

**9. How do you think Drug Courts Impact on:**

**The Offender-** Would it help?

**The Victim-** If assaulted, vandalised property, theft etc...offender has escaped prison!

**General Public-** Safety vs savings

16,000 vs 100,000 greater savings in future.

**10. If you were given the responsibility of addressing the issue of drug use and its links to crime in society, what would you do?**

Potential Probes:

- Punitive vs Rehabilitative
- Drug Courts vs Prison
- Let anyone in? vs Hard on Crime?

**Conclusion of Interview:**

Thank you very much for your time. Your contribution is extremely valuable, and will help us significantly in our research. If you have anything else to add do not hesitate to contact me, my details can be found on the information sheet. If you wish to know the results of this study I will make them available. Thank you again.