The Rehabilitative Nature of Drug Court

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The Rehabilitative Nature of Drug Court

by

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ABSTRACT

This research paper focuses on the interworkings of Drug Court programs. I conducted my qualitative research as a participant observer and through interviews of the Drug Court Staff of Adams County Drug Court. The past research on Drug Court programs has concluded that Drug Court programs do work to decrease the recidivism rates for non-violent Drug Offenders. This research differs from past research as it focuses how the Self is the most important element to the recovery process and graduating from the program. My research found that the way the Self is recreated and impacted changes one's identity. The Self is impacted by the community cultivated within Drug Court, the relationships formed, the roles people assume, ones status, and most importantly, how much one is integrated within the program. This thesis not only identifies the benefits of the program, but its disadvantages as well.
CHAPTER ONE: INTRODUCTION

The purpose of this research is to discover the micro and macro systems of interaction between actors in the social and public setting of Adult Drug Courts and how they contribute to participants’ successes and failures. Success in this context is defined as graduating and completing the Drug Court program. Failure in this context is defined as not completing the Drug Court program and being sent to face the original sentencing process in regular courtrooms. My research question became: 1. Are some participants more integrated into the Drug Court program than others? 2. If so, does this level of integration within the Drug Court program affect their potential for success or failure within the program?

The Adult Drug Court system began in 1989, when a team of justice professionals established the nation’s first Adult Drug Court in Miami-Dade County, Florida. The justice professionals were concerned about the high recidivism rates for non-violent drug offenders (Lurigio, 2008). It was their belief that the “War on Drugs” taking place in the United States was ineffective (Blumenson and Nilsen, 1998). This belief that the “War on Drugs” was ineffective was then proven to be true. Not only was the ineffectiveness evident, but it was also counterintuitive, as it resulted in lower drug prices for those who wished to purchase them and then the accessibility to those drugs grew (Blumenson and Nilsen, 1998). For this reason and others, if there are any, Drug Courts were created with the intention of being a rehabilitative alternative to traditional criminal sanctioning. Since then Adult Drug Courts have spread throughout the nation. As of May 2018, there were over 3,100 Adult Drug Court programs in the United States. In fiscal year 2017, the federal government gave over $100 million to Drug Court
There are three main motivations for this rapid spread of the program. The first is cost of incarceration, the second is the ability to allocate government resources more efficiently, and the third is the program results in the reduction of crime by lowering recidivism rates. Although this rehabilitative program has resulted in drastic improvements regarding non-violent drug offenders, drug related offenders are still 46% of the entire U.S. prison population (Federal Bureau of Prisons 2018). I wanted to see how this program worked in the micro and macro systems of Colorado.

To conduct my study I attended and observed five Drug Court sessions in Adams County Courthouse in Brighton, Colorado. Adams County Drug Court was one out of the three Drug Court programs acknowledged by Colorado Supreme Court Chief Justice Nancy Rice on August 18, 2017 as exceptional.

The Adams County Drug Court has five phases that must be completed to graduate the program. Here is the criteria for these phases which was provided by The Administrator and Problem Solving Coordinator of Adams County Drug Court, “Monica Stewart” who stated: “The program takes a minimum of 18 months to complete and we expect that participants may stay in any phase longer based on their recovery progress. Participants will be expected to meet the graduation criteria prior to successfully completing the program.”

Phase One - Orientation (30 days minimum). After deciding to participate in the drug court program, participant shall meet with probation, treatment provider, and drug court team for an orientation. Participant is expected to:
- Attend court hearings every two weeks.
- Complete the drug and alcohol assessment and evaluation.
- Meet as required with probation (2x/week) and participate in any programs or groups as assigned by probation officer.
- Submit to drug screens as ordered (3x/week).
- Develop a comprehensive individualized treatment plan including steps for addressing relapse and attend treatment appointments as identified in the treatment plan.
- Attend ACDC graduation ceremonies (exceptions to be considered on an individual basis).
- The 30 day orientation phase begins on the date participant completes all necessary drug/mental health treatment intake appointments (or attends their 1st treatment appointment after starting ACDC if intake was completed prior). The participant must be compliant with Treatment Plan during this time.
- Additionally, throughout this entire 30 day duration, participant must be 100% compliant with attending all requirements (probation, UA/drug testing, treatment, court – no misses) prior to transitioning to Phase II, or the 30 days start over.
- Sober days are calculated during the orientation phase but advancement from Phase I is not contingent upon accumulating sober days.

**Phase Two (60 days minimum):**

- Attend court hearings every two weeks.
- Attend probation meetings (1x/week).
- Attend treatment appointments as identified in the treatment plan. After 60 days in the program, participant is responsible for treatment co-payments. These may include:
  - Individual Therapy
  - Group Sessions
  - Family Group Sessions
  - Community Support Groups
  - Other Treatment

- If all necessary treatment has been satisfied while in Ph.II, participate in a sober community support group at least once in a two week period and maintain an attendance log to be regularly submitted to the Probation Officer by Tuesday before each scheduled docket appearance. The Support Group must be approved by the probation officer and treatment provider.

- Submit to drug screens as ordered (3x/week).

- Obtain a physical and address health issues.

- Explore issues pertaining to benefits, employment, housing.

- Must be employed for 2 or more weeks prior to transitioning to Phase III.

- Attend ACDC graduation ceremonies (exceptions to be considered on an individual basis).

- Maintain 60 days of continuous sobriety and be 100% compliant prior to transitioning to Phase III.

**Phase Three (90 days minimum):**

- Attend court hearings every two weeks.
● Attend probation meetings (1x/week – meeting can occur at court appearance or at other frequency per individual case plan).

● Attend treatment appointments as identified in the treatment plan.

● If all necessary treatment has been satisfied while in Ph.III, participate in a sober community support group at least once in a two week period and maintain an attendance log to be regularly submitted to the Probation Officer by Tuesday before each scheduled docket appearance. The Support Group must be approved by the probation officer and treatment provider.

● Submit to drug screens as ordered (3x/week).

● Maintain stable and sober housing and employment.

● Attend ACDC graduation ceremonies if not 100% compliant.

● Maintain 90 days of continuous sobriety and be 100% compliant prior to transitioning to Phase IV.

**Phase Four (90 days minimum)**

● Attend court hearings every two weeks (possible to attend monthly if excelling).

● Attend probation meetings as required in individual case/treatment plan.

● Attend treatment appointments as identified in the treatment plan.

● Participate in a sober community support group at least once in a two week period and maintain an attendance log to be regularly submitted to the Probation Officer by Tuesday before each scheduled docket appearance. The Support Group must be approved by the probation officer and treatment provider.

● Submit to drug screens as ordered (2-3x/week).

● Maintain stable and sober housing and employment.
● Attend ACDC graduation ceremonies if not 100% compliant.
● Maintain 90 days of continuous sobriety and be 100% compliant prior to transitioning to Phase V.
● Prepare proposal for Phase V Project and obtain approval of proposal from probation officer. Present Phase V Project proposal to courtroom at Ph.V advancement docket.

**Phase Five Graduation and Maintenance (180 days minimum).**

● Attend all scheduled court appearances (usually monthly).
● Mentor Phase I and II clients.
● Participate in a sober community support group at least once in a two week period and maintain an attendance log to be regularly submitted to the Probation Officer by Tuesday before each scheduled docket appearance.
● Attend aftercare treatment as contained in individual treatment plan.
● Attend regular probation meetings per treatment and case plan for six months.
● Submit to drug screens as ordered (2-3x/week).
● Complete paying or setting up agreement with collections for payment of court costs, fines, and restitution.
● Attend ACDC graduation ceremonies if not 100% compliant.
● Complete Phase V Project and have completion verified by probation officer at least 2 weeks prior to graduation. Present recap of Phase V project to courtroom upon completion.
Complete “Pre-Graduation Life Plan” with probation officer to be submitted to the ACDC team no later than 1 month prior to your anticipated graduation date.

Maintain 180 days of continuous sobriety and be 100% compliant prior to graduation.

**Graduation Criteria:**

Participant must have completed all required treatment and phases of the program.

Participant must have completed all the terms and conditions of probation.

Participant must be mentally and emotionally stable.

Participant must have a comprehensive Relapse Prevention Plan.

Participant must have demonstrated a significant and consistent period of sobriety as determined by the treatment team.

Participant must have obtained all medical, dental, community, and other support assistance.

Absent extraordinary circumstances, participant must have a GED or high school diploma prior to graduation from ACDC.

Participant must have maintained a stable living situation and employment that supports sobriety.

Participant must have developed a support system that can help him/her maintain sobriety and assist him/her with any problems that arise.

Participant must have developed a long-term sobriety plan & Pre-Graduation Life Plan that has been approved by the Court.
Participant will verbally petition the court for graduation and include reasons as to why he/she is ready for graduation. Once accepted, the court will formally terminate probation and graduation from ACDC will be celebrated.

**Termination Criteria:**

The Adams County Drug Court Team will assess unsuccessful termination criteria for participants on a case by case basis. The following will be considered:

- Participant is charged with an offense that disqualifies him or her from participation in the program, due to prolonged incarceration or disqualification under the original eligibility criteria.
- Participant fails to appear for court appearances other than those truly beyond his/her control after seeking assistance from the ACDC probation officer. A no-bond warrant will issue and if participant is not arrested and does not appear in the drug court division within 30 days then they become “inactive” meaning their spot can be filled with a new participant. If participant is arrested and appears in the drug court division within 120 days from the date the warrant issues then they can be reconsidered for remaining in the program if a spot is available. If a spot is no longer available or if participant is not arrested and does not appear in the drug court division within 120 days then they will be terminated from ACDC and the case will be referred back to the original division for resentencing.
- Participant makes threats or engages in acts of violence toward treatment providers or others while in the program.
- If a probation revocation complaint is filed and ACDC is being reconsidered as a sentencing option, the ACDC team will re-staff the case but the formal re-screening process will not be conducted. Once a revocation complaint is filed, the court will continue to impose sanctions for current program violations committed by the participant.

- Participants may be assessed by the ACDC team in any phase for failure to progress in the program. If the team determines that all available resources have been exhausted and no additional treatment options can be provided to the participant (by no fault of the program) then termination of the participant from ACDC may be considered.

- For purposes of evaluation, unsuccessful termination for non-compliance will be distinguished from termination for good cause.

(Adams County Drug Court 2019)

I also conducted interviews with three judicial staff members of the Adams County Courthouse, which are discussed below in the Methods section and used throughout the findings chapters. The observation and interview procedures and results are detailed in the Methods and Data Analysis Chapters.

A main theme throughout the research was the idea of the Self as a continuous process that is developed through social interaction and self-reflection. This transformation of oneself occurs within the Drug Court program for non-violent drug offenders. This is made possible through the integration of each participant in the community Drug Court creates, since self-reflection is essential to progress within the
program. This process of self-reflection begins as soon as one joins Drug Court. The self-reflection process is the initial requirement, which requires individuals to take responsibility for their criminal actions and to acknowledge their addiction. Following the initial self-reflection individuals are accepted into the program. Individuals must plead guilty to their criminal charges as part of the initial self-assessment of behavior in order to gain entry into the program.

Because of the integral importance of self-reflection in the Drug Court program, I used the sociological theories of Identity and Dramaturgy (Goffman, 1963), Stigma (Goffman, 1956), Self (Mead, 1934), Identity work (Snow and Anderson, 1987), and Symbolic and Interactionism (Blumer, 1969) as a lens for analyzing my data. Together with past literature and research, along with my own observations, formal interviews, incidental interactions, and analysis of statistics, I attempted to find out if the re-creation of the Self plays an intricate role in the successes of Drug Court participants in particular and in the success of Drug Court as a whole. I also wanted to know more about the community that is built, and if the strength of participants’ membership within that community is reflected in the Self.

This research will illustrate how Drug Court programs provide many benefits to non-violent drug offenders and the criminal justice system as a whole; however, there is much more that needs to be done to increase the success rates of all types of members of Drug Court programs.
CHAPTER TWO: LITERATURE REVIEW

In preparing for my study, I reviewed studies on the effectiveness of Drug Court programs. This review identified themes of self, identity, relationships, community, motivations, perceptions during the program, perceptions after being in the program, therapeutic jurisprudence, mental illness, and recidivism rates. In the paragraphs below, the summaries of the themes are described: Theory, Self, Identity, Relationships, Community, Motivations, Perceptions, Therapeutic Jurisprudence, Consequences, Recidivism, and Cost.

Theory

Sociological theories of Identity and Stigma and approaches such as Dramaturgy, Self development and Symbolic Interactionism contribute to our contemporary understanding of self leading to behavioral manifestations of self in society.

Self

The Self is developed in a continuous process through social interaction and self-reflection. As Mead argues, there is no separation of the self and the social (Mead, 1934). Blumer (1969), argues that symbols, which are socially constructed, have meaning that are shared throughout our society (Blumer, 1969). Our interactions give the symbols meaning and create patterns. Through one’s interactions with others, one develops a sense of a generalized other. This concept of a generalized other indicates that one can view oneself as an object through the perception of others one interacts
with. We are socialized to understand other roles, so we know how others can perceive us. We engage in role taking and role making, which directly derives from this generalized other. We know how to act in a role because when role taking, we can see ourselves as objects. When role making we perform our situated identity, which is a process of how we act in a certain situation to fit our role in regard to how others act.

Identity

One’s identity has three elements: situated, social, and personal identities (Snow and Anderson, 1987). These identities are all connected in the creation of the Self. The situated identity is one’s role dependent on the specific situation one is in. The social identity is one’s social membership in a community or group. Lastly, one’s personal identity, is one’s individual life narrative. Being able to objectify ourselves, we can understand how we are perceived, so we engage in identity work to develop and construct our sense of Self (Snow and Anderson) 1987: 1347-1350). This identity work occurs through recognizing that these three identities are interconnected and trying to develop an identity that is a product of all three.

Identity work consists of an actor either distancing, embracing, or engaging in fictive storytelling in order present the role they think they are in relation to the role they believe they are being perceived as. As Scott Lyman (1968) theorizes, once they have been labeled as a specific role, the actor then engages in different accounts to justify and excuse their actions, so as to protect their identity and avoid stigmatization. One then tries to “give” and “give off” the idealized role they are trying to be and present. The actor tries to perform this role in order to create the sense of self he or she wants to be.
and want to be perceived as. The actor expresses that her or she conforms to the norms, morals, and values of the role they strive to obtain. They must prove themselves to others they interact with through a front performance. The front is obtained through the setting, appearances, and manners. Goffman labeled this concept to as “dramatic realization”. This entire process of self and symbolic interactionism mainly focuses on the micro-level of interactions (Goffman, 1956). In his piece on Accounts, Scott and Lyman argue that one must view this socially and self-constructed identity and one’s actions by aligning actions to bridge this micro-level system with the macro-level structural institutions that also influence one’s everyday life. It is clear that macro-level structures influence the individual self (Lyman, 1968). One has some agency in role choice, however it is limited due to ascribed statuses, those one is given or born with such as gender, race, or ethnicity. It is difficult for one to achieve a status of one’s choice due to macro factors that contribute to some people receiving more opportunities or facing more obstacles than others. Obstacles can be such things as gender or racial discrimination, growing up in poverty, low levels of education, lack of parental or authority figure. When people interact with each other in a social context these are the things that transpire and unfold.

**Relationships**

All of these concepts are played out in Drug Courts (Goffman, 1956). In past studies researchers have looked into the inner-workings of the Drug Court system. Many have focused on the individual’s experiences and how the drug court hindered or enhanced the participant’s road to recovery, and have found that the relationship
between the judge and the participants has greatly led to success in the program (Patter, Messer, Candela, 2015; Kempinent, 2011; Fulkerson, Keena, O'Brien, 2012; Gallagher, Nordberg, Lefebvre, 2016). This key finding refers to the formation of the relationship and the general relations between the two parties. The judge's perceived mentoring and focused attention are a fundamental reason for Drug Courts’ success. The environment in the courtroom is a community of support which gives the participants a real chance of recovering through the development of a self. This self comes from all of the aspects of drug court that teach the participants that they are cared for and believed in. Each Drug Court program was designed to be extremely micro-managing in order to help the participants succeed. The judge was perceived as litigating in a supportive, friendly, and encouraging manner in each of the studies. The judge took the authoritative role, but not in the traditional context of a criminal courtroom. Rather, the judge presented himself as a parental figure who made sure to show he truly cared about the participants, while simultaneously remaining a legal authority. The judge uses his role in order to engage the participants and motivate them to be proud of themselves when he shows them he is proud of them (Patter, Messer, Candela, 2015; Kempinent, 2011; Fulkerson, Keena, O'Brien, 2012; Gallagher, Nordberg, Lefebvre, 2016).

Community

and naturalistic approach to find how individuals create meaning and develop shared meaning in society through everyday interaction and conversation. With this approach they found that the micro interactions that occur in drug court create a community and relationships between the participants and legal staff within the court. They argue that the defendant’s self is reconstructed in this setting to rehabilitate an addict rather than give him or her the immediate formal sanction of imprisonment. This program supervises the defendant’s everyday lives and “de-privatizes” it in order to help him or her regenerate a sense of Self that is not just a criminalized addict. The court’s success begins by restricting access to the program based on the initial judgment of whether the defendant is truly able and willing to recover or if they possess a “deficient self” that will not take responsibility for their actions. Through the tactic of what Burns and Peyrot (2003) refer to as “tough love”, the judge retains the role as an authority figure while also deliberately developing a friendly relationship that shows the defendant he or she truly cares. This sense of being cared for, while also knowing they can and will be held accountable for their actions sparks an “identity transforming process.” The article suggests that Drug Courts emerged due to the realization that the war on drugs, which places blame on drug users and provides punishment to remedy the situation as an institutionalized solution, does not work. It recognizes that this institutionalized remedy is faulty and instead works to create a micro level program that can actually help the individuals. This is only possible by creating a small community where one’s Self is recognized and is rehabilitated through social interactions within the Drug Court program. It demands the participants to take the responsibility for their actions, while
simultaneously carrying the understanding by the court that it is not fully their responsibility as addicts (Burns and Peyrot 2003: 417-433)

**Motivations**

While Burns and Peyrot focused on the micro interactions occurring within the Drug Court community, a study conducted years later in 2016 by Fulkerson, Keena and Longman, attempted to discover the reasons and motivations for defendants choosing to participate or not in the Drug Court program. This study focused on the Cape Girardeau Drug Treatment Court in Missouri’s 32nd Judicial Circuit. Through face to face interviews the researchers posed three interview questions: “What motivated the participant to enter drug court?”, “Did drug court participants feel that they were adequately informed about the rigor of the program and the relative risks and rewards of the program?”, and “Are procedures in place to permit drug court participants to opt-out of the program?” The researchers concluded that there were three main reasons for defendants choosing to participate in drug court: 1. a personal decision to get clean, 2. legal pressures, which were most commonly avoiding conviction, and 3. informal pressures from people close to them such as family, friends, and employers. The researchers argued that there were two main issues with the drug court program. Firstly, the defense was not endowing their clients with all of the information about drug court that they needed to be. Second, they argued that there should be an opt-out program for those who were not a “good fit” for drug court and wanted to go to trial again instead of simply failing the program and either being given their original sentence or having more time added to that original sentence. Fulkerson and concluded the
biggest issue with Drug Court programs was entrance to the program required defendants to give up “significant procedural protection”, because those who fail are at higher risk for worse punishment, which takes away their due process rights (Fulkerson, Keena and Longman, 2016)

*Perceptions*

Gallagher, Nordberg, and Lefebvre (2016) focused on the narratives of the participants. In their qualitative analysis of participants lived experiences they studied a Midwestern State Drug Court. The researches posed this research question: “How do drug court participants view the program, in regards to the most helpful aspects that support them in graduating the program and how the program could be more helpful in supporting them graduating the program?” The researchers attended four drug court sessions and released the Drug Court Participation Satisfaction Survey. The two questions in the survey were “First, could you please describe what aspects of drug court are most helpful to you in supporting you in graduating the program? Second, could you please describe how drug court could be more helpful to you in supporting you in graduating the program?” Through narrative analysis of the answers provided by the participants they discovered two main themes. The first was, “Key components of drug court promote recovery.” 79% of the participants felt that two of the key components contributed to their success in graduating drug court. One was the requirement of having random and frequent drug testing, and the second was to have frequent contact with the judge.
The second theme was, “Treatment offered through a punitive and judgmental sense.” Participants felt that the drug court offered support and “rehabilitative intervention.” However, the treatment providers were the ones who were judgmental and punitive, which did not help them in graduating. The counselors were seen as against them, which deterred them from being honest about their struggles, potential relapses, and use. They feared punishment and “getting in trouble” by their therapists and counselors. The participants also stated that their counselors “used coercion to keep them in treatment.” This was believed by 67% of the participants they interviewed. The examples of coercion were therapists and counselors verbally manipulating the participants into thinking they were not ready to progress in the program. The findings also suggested that they would share false reviews of the participants to their probation officers. Both of these coercive actions were used in order to see the participants more frequently and for great lengths of time with the intention of receiving more money. They concluded that the drug court itself and especially the judge was viewed as supportive, rehabilitative, and ultimately helped them graduate drug court. One last point the researches made was how ironic it was to see the responses reflecting that the therapeutic jurisprudence, such as counselors, were seen as punitive and the actual punitive system of the court was perceived as therapeutic to the participants (Gallagher, Nordberg, and Lefebvre 2016).

Another study focuses on the post-treatment perspectives of the participants through comparing those who have successfully graduated the program with those who failed to graduate. Fulkerson, Keena, and O’Brien (2012) attempted to fill part of this gap in the current literature by researching the perceptions of the participant who are no
longer in the program. They identified two categories as “completers” and “non-completers” and through comparison of these two groups perceptions of their experiences in the program, they discovered many differences. They found that two thirds of the completers were referred to the program by their attorneys with the intention of receiving treatment for their addiction. This differed from the finding that more than half of the non-completers were referred to the program by their attorneys with the intention of not going to prison. Another discrepancy found was that the majority of graduates (67%) reported that they benefited from group interaction, whereas only 29% of non-completers judged group counseling as beneficial. There were four similar criticisms of the Drug Court program: “(a) lack of confidentiality, (b) one-size-fits all mentality to counseling, (c) judicial subjectivity, and (d) required meetings and employment conflicts” (Fulkerson, Keena, O’Brien) 2012: 36). Over 50% of the non-completers felt humiliated and stigmatized during the drug court sessions, which was stated to be in part due to the participants having low self-esteem. The second issue of judicial subjectivity, even though agreed upon as an issue with both groups, highlighted a greater finding. All of the completers studied reflected on the judge in a positive light, as past research indicates is common. This was interesting because over eighty percent of the non-completers studied viewed that judge as being unfair towards them. The criticism of required meetings hindering one’s chances of gaining employment affected the non-completers much more than the completers. While both groups criticised this aspect of the program, 67% of the completers were able to overcome this obstacle, while 83% of the non-completers believed they could not find a solution. These findings did not include educational background, previous employment
records, age, or other factors of the sort within this analysis. The researchers concluded that there were three main indicators for success. The first was the reason for reference, the second was that younger and less educated participants were less likely to succeed, the third was that those who succeed “are able to overcome obstacles”, and finally that those who have realistic expectations of the rigorous nature of the program prior to entering had a better chance of success” (Fulkerson, et. al., 2012).

*Therapeutic Jurisprudence*

Literature regarding the successes and failures of the program has given insight into the viewpoint of those who have experienced the program. Bruce Winick acknowledges these insights and furthers the literature through psychological analysis. His two main findings in the article, “Problem Solving Courts and Therapeutic Jurisprudence” (2019), use psychology and behavioral science to illustrate his findings and recommendations for the Drug Courts, the judicial staff, and as they note most importantly the judge to better their successes with mentally ill participants. Winick defines therapeutic jurisprudence as the interdisciplinary study of law and mental health. His recommendations are based on his belief that, “Therapeutic jurisprudence is not only concerned with measuring the therapeutic impact of legal rules and procedures, but also of the way they are applied by various legal actors-judges, lawyers, police officers, and expert witnesses testifying in court, among others. Whether they know it or not, these legal actors are therapeutic agents, affecting the mental health and psychological wellbeing of the people they encounter in the legal setting.” Winick finds
that the majority of the participants within Drug Courts are there “because of social or psychological problems they have not recognized, or because of their inability to deal with these problems effectively. They may have alcoholism or substance abuse problems, which may contribute to repetitive criminality, domestic violence, or child abuse and neglect” (Winick) 2019: 1066-1067). Because his findings that participants within Drug Courts are facing these issues, he argues that it is necessary for the Drug Court team to be aware of these issues and learn how to address them in order to have positive results. His research recommends that Judges must work on “improving interpersonal skills.” These “interpersonal skills” include expressing empathy and sensitivity, engaging in dialogue, being a good listener, and mutual respect. These “interpersonal skills” allow for the participant to have a voice and feel valued. The judge must allow the participant to have autonomy and avoid coercion of the individual. He regards this as the highest priority due to its high psychological value in fostering intrinsic motivations for the participants to succeed. This intrinsic motivation can only result from the participant realizing that he or she has a problem, taking responsibility for their actions, and setting their own goals for combating their issues. He concludes that not following these recommendations will lead to the diminishment of self-esteem, frustration, humiliation, and failure for the participants in Drug Court and rehabilitation in general (Winick, 2019).

Consequences

After looking through a theoretical lens, learning from past qualitative research, and psychological and behavioral scientific research, it is necessary to focus on the
statistics within the Drug Court system and why the government has chosen to implement drug court programs since 1989. Jessica M. Eaglin looks at the broader consequences in “The Drug Court Paradigm” where she focuses on the reasons the government uses and overuses Drug Court programs. Eaglon (2016) identifies the “surface” benefits, and the critical drawbacks of the program: “The drug court paradigm has surface appeal: reforms adhering to its frame have modestly reduced reliance on incarceration in some states. However, the drug court paradigm suffers critical shortcomings that may actually perpetuate over-reliance on incarceration in the status quo and exacerbate flaws in the criminal justice system.” While there are benefits to drug court programs, the purpose of them has transformed into a method of combating greater issues of mass incarceration and legal reform. Eaglin (2016) identifies this as a huge issue within the judicial system due to it contributing to what she sees as leading to three consequences. The first consequence Eaglin identifies is that there is a small number of offenders who benefit from the program. This consequence is due to the exclusivity of the program. Offenders are only eligible for the program if they are low-level nonviolent drug offenders, which leaves most offenders in the system to be left out. Those left out will not be granted the opportunity to be rehabilitated and receive the skills needed to not recidivate (Eaglin) 2016: 597). The second consequence identified by Eaglin is the increase of the severity and length of sentences and sanctions for all of the other offenders in the system. Eaglin defines this concept as “coupled sentencing” where new legislation is passed for offenders ineligible to participate in the rehabilitative program, in reference to those who are eligible. This not only is a consequence for the individual ineligible offenders. These reforms also “threaten to exacerbate mass
incarceration long-term”. Those who are potentially violent and/or mid to high-level offenders do no receive the opportunity to benefit from a resource like Drug Court, and their punishments can be exacerbated (Eaglin 2016: 597). The final consequence Eaglin presents is that this program creates a new level “of state control over the lives of those entangled in the justice system.” This program is highly intrusive and allows for the court to investigate the ongoing of the offenders personal lives. This control can cause a potential threat to anyone connected to the offender. Eaglin concludes that this counteracts the efforts to decrease mass incarceration in the United states (Eaglin 2016: 597).

Recidivism

The issues revealed by Eaglin come to light in the recidivism rates for all the Drug Court programs across the nation. The Office of Justice programs highlight the statistical evidence of the success and failure rates of these members in their article (2018). They conducted many studies in different state Drug Court programs which “found that within a two-year follow-up period, the felony re-arrest rate decreased from 40 percent before the Drug Court to 12 percent after the Drug Court started in one county, and the felony re-arrest rate decreased from 50 percent to 35 percent in another county.” However, they argue that the programs and treatments of each member varies. This variance is one of the main issues of the drug court programs and directly contributes to the variance of successes and failures, “The researchers also found, however, that the drug courts’ impact on recidivism varied by year as a result of changes in programming and judge assignments over time. Reductions in recidivism
ranged from 17 to 26 percent.” The National Review of Justice address these variances in successes and failures and outlines key factors contributing to them, “several factors affect a drug court program’s success: Proper assessment and treatment. The role assumed by the judge and the nature of offender interactions with the judge. Other variable influences such as drug use trends, staff turnover and resource allocation” (The Office of Justice programs, 2018).

Cost

On top of the recidivism rates decreasing, Finigan, Carey, and Cox (2007) found the “lower costs” as a key benefit of the program. When comparing Drug Court to traditional sanctionings they found that the investment cost for participants was “a difference of $1,392” less for the Drug Court participant. They then found that the Drug Court program saved taxpayers more than $9 million over the 10 year period they researched (Finigan, Carey, and Cox) 2007: 53). They also measured the how the cost has lessened in the context of reduced recidivism and found that “The total outcome cost savings over a 5-year period from the petition hearing is $6,744 per participant, and $12,218 when victimization costs are included.” This was then multiplied by the number of people in the Drug Court program they researched and they found that the total amount saved over the 10-year period was $79 million (Finigan, Carey, and Cox) 2007: IV and 47). These lower costs benefit our society as a whole, and give motivation for the government to spread this program to more offenders and districts. However, as stated by Eaglin, this motivation can have consequences that steer away from the drug court programs intended purpose.
CHAPTER THREE: METHODS

The focus of this thesis project was to answer this research question: Is the rehabilitative nature of Drug Court programs more beneficial to non-violent drug offenders than traditional sentencings? Quickly I knew the answer to that question to be yes. However, my research began to focus on the Self and how this Self is created through integration into the program. My research question then became: Are some participants more integrated into the Drug Court program than others? If so, does this level of integration within the Drug Court program affect their potential for success or failure within the program? To answer this research question I took a purposeful and naturalistic approach while conducting ethnographic qualitative research. The qualitative research cycle consists of three sub-cycles (Hennink, Hutter, and Bailey, 2011)

First, the design cycle, where I began developing my research question, reading previous research and theory related to my topic. From that foundation I then created a conceptual framework for the thesis. After gathering the building blocks needed to proceed in the project I then decided on the fieldwork approach that would help my research the most based on my analysis of prior studies. For this work I chose observations and then collection of data as being most useful to grasp the essence of the Drug Court program.

The second sub-cycle was the ethnographic cycle. Within this cycle I decided how I would collect my data. I then created criterion for recruiting participants and went forward with the recruiting process. Once recruited I began collecting data from my interviews and observations. From these data I then began making inductive inferences. The final sub-cycle within the qualitative research cycle is the analytical cycle. This sub-
cycle pertains to the analysis that first comes after data collection and then continues throughout the research and theoretical process. It includes coding, illustration, description, distinctions, categorization, conceptualization, and development of theory as a whole. All of these sub-cycles are interlinked and were continually utilized in developing my thesis (Hennink, et. al) 2011:4-5). Purposeful designs are “cases for study [e.g., people, organizations, communities, cultures, events, critical incidents] are selected because they are “information rich” and illuminative. That is, they offer useful manifestations of the phenomenon of interest; sampling is aimed at insight about the phenomenon, not empirical generalization derived from a sample and applied to a population” (University of Southern California Libraries, 2018). The participants and staff in Drug Court, the community built within it, the culture within the created community, the events that were part of the program, and critical incidents made the entire organization a very informative, accurate, and appropriate location to study. My design was also naturalistic, as it regards “real-world situations as they unfold naturally; non-manipulative and non-controlling; the researcher is open to whatever emerges [i.e., there is a lack of predetermined constraints on findings]” (University of Southern California Libraries, 2018). This was important for my research to follow this design in order to observe everything as it was happening while remaining open to whatever information came from my observations.

Researcher’s Background

My interest in researching the Adams County Drug Court program sparked from the courses I have taken as a Sociology major at the University of Colorado,
Boulder. I had no personal affiliation with the Adams County Drug Court program, or any other Drug Court programs prior to this research study. During the summer of 2018 I took a Self in Modern Society course with Professor Michael Sousa. Professor Sousa is a Professor at the University of Denver Law school and is also a graduate student at the University of Colorado, Boulder who is conducting research on Drug Court programs. Due to discussion of the program with Professor Sousa, I grew interested in the program. I went to observe with him once during the summer of 2018 and found it to be an innovative and virtuous program. I grew curious as to what the program truly entailed and why it was not implemented in all districts. This curiosity along with my desire to go to Law school, prompted my decision to dedicate my senior honors thesis to this topic of Drug Court programs.

Throughout my research process and the development of my thesis I kept in mind the two key concepts: subjectivity and reflexivity to ensure the validity of my study. It was important for me to continue to account for my subjective interpretations of data and the participants. The participants and I co-constructed the reality being interpreted. I had to acknowledge that my social context and beliefs were inescapable. This meant I had to take note of these potential biases, opinions, and emotions throughout my study. I did this by engaging in reflexivity (England, 1994). This involved active conscious self-reflection on my part. I needed to recognize the potential impact I as the research could have on the study.

Another principle I found very useful within my methods was “Try not to insulate oneself from the data” (Duneier and Brown, 2001). The research I had read prior to conducting my own, seemed to theorize the same arguments I had in mind. There was
abundant research addressing the themes and issues I planned to address. With this principle in mind, I made sure to always have an open mind when collecting data. I did this by listening to experiences rather than only asking directive questions. Another important strategy I used constantly was to not allow my political bias to get in the way of the facts being reported (Duneier and Brown, 2001). I clearly identified my political bias as being in support of the program. With this, I made sure to always have this bias in mind and made note of both the strengths and weaknesses of the program. When I detected a bias I would put that in my notes and include the weaknesses in order to create a full and true picture of the reality of the situation. This was very important in my methods in order to provide an accurate ethnographic present (England, 1994).

Prior to visiting the research site, The Adams County Drug Court, my expectations were vastly different than the reality. I expected a traditional courtroom, as one who has no prior experience in court would expect due to media, tv shows, movies, and just the general connotations associated with court. However, I found Drug Court to be a community that fosters a casual environment, which is something I did not know was possible within the legal system. The first time I observed a session I was greeted by smiles and casual conversations. It was clear to me that because I am a young adult woman people were not threatened by my presence. I initially thought people might not want me there once they saw my notebook and pen. This proved not to be the case. I had some questions, but they appeared to be out of curiosity, not judgment. It was clear I was an outsider once my notebook and pen were noticed, but no one overtly seemed to care.
The researcher (myself) and personal biography have two major impacts on research. The first impact is identity categories and the second is the power dynamic between the researcher and the participant (England, 1994). My race and ethnicity (Mexican and Caucasian) initially seemed to not have much of an impact on those being observed in the courtroom. However, I do believe it made me more comfortable in the courtroom. This comfort came from the fact that 95% of the racial demographic in the room was Latino and White. The other 5% included Italian, Asian, and racially ambiguous participants. Through an informal conversation with a Drug Court participant I realized my race was beneficial in helping the participant feel more comfortable. When I walked in I sat down by myself in the back right corner of the row closest to the door. I wanted to blend in. A young man sat next to me. He asked me if I was new to drug court and I told him that I was observing the program for my senior honors thesis. I also added that I had observed once before over summer with my professor and thought the program was a great alternative towards jail time. He agreed and told me how amazing the program has been for him. He asked me where I was from and I told him Los Angeles, California. I then asked if he was from Brighton (where the court is located) and he said he was from Denver. He then asked if I still live in Los Angeles and I told him I that I attend University of Colorado, Boulder now. He then responded “oh you go to college, nice.” I saw then how my attending college, which relates to my social class, will have an effect on my research. He paused, but then continued our conversation. Due to his name being Latino, I asked where his parents were from. His father was from Mexico, and his mother from Denver. Once I told him my mother was from Mexico it was clear to me that he was much more comfortable. He then started telling me all
about his experience in Drug Court, how it worked, what phase he was in, and more
details. I believe I was more relatable being twenty-one and him twenty, and us being
the same races. I was also dressed casually, in jeans and a plain t-shirt. My persona
was approachable. I did not speak in Spanish as I did not want to assume he spoke
Spanish since he was born in America and only had one Mexican parent.

The reason this went against my expectations is because Professor Michael
Sousa, who has been observing Drug Court for months now, told me that it would take a
while for people to open up to me and have casual conversations that gave insight like
an “informal interview” (Brown, 2018). I believe he has had a different experience
because he is an older, white, male, who dresses formally and does not sit in the rows
with the other participants. His identity may create a barrier of intimidation between the
participants and himself (Brown, 2018).

Setting

There were complex issues with researching the setting of The Adams County
Drug Court. While Drug Courts are a “public space” legally speaking, they still have
rules (Brown, 2018). I needed to discover these boundaries in order to avoid violating
anyone’s privacy. Legally anyone can view the Drug Court sessions, since they are
described as open to the public. With that being said, it was my job as the researcher to
acknowledge that just because I was legally allowed in the courtroom, it would not mean
I would be accepted or welcomed in it. It also meant that I had to address all possible
ways my presence would impact the situation. The part of the complexity of this setting
includes the type of population present. The Drug Court program participants are
considered to be part of the generic category of vulnerable populations. This is due to the fact that they are all either recovering alcoholics and/or drug addicts (Hennink et al., 2011). The program’s purpose is to try and provide a rehabilitative environment in order to fight current recidivism rates for non-violent drug offenders and help participants get clean from their addictions. This population is vulnerable also because jail time is always being held over their heads. If participants fail to succeed in the program, they can and most likely will be sent to jail with their original sentence. A minor infraction could lead to only a couple nights in jail, or a new and worse sentencing could occur. Due to the fact that by entering the program the defendants gave up “significant procedural protection”. Those who fail are at higher risk for worse punishment, which can take away some of their due process rights. This higher risk comes from the consequences one can have for not completing the program. When this happens, none of the time spent in the Drug Court program counts toward the failed participants original sentencing. They must go back to the court where their original sentencing occurs and time can be added due to incompleteness (Fulkerson, Keena and Longman, 2016). A final issue I addressed regarding the vulnerability of the population was that of the voluntary nature of the program. When a defendant commits a non-violent drug offense, the case is deliberated among the judicial staff to decide whether the defendant is a good fit for the program or not. This deliberation is orchestrated through the Level of Sentence Inventory classification which assesses a defendant’s risk to need level. The LSI test uses 54 pieces of information to evaluate 10 components of this risk to need score. The 10 components measures are, 1. Criminal history, 2. Education and Employment, 3. Financial, 4. Family and marital relationships, 5. Residential
accommodations, 6. Leisure and recreation activities, 7. Companions, 8. Alcohol and Drug Problems, 9. Emotional and personal, and 10. Attitudes and orientations. (Andrews and Bonta, 1995). The lower the score indicates a lower percent chance of recidivism. If defendants scores are low enough, they are eligible to participate in the Drug Court program. They then must volunteer to be in the program. The way the program is designed ultimately grants the judge assigned to the specific Drug Court the diplomatic power to make the final decision (Colorado Problem Solving Court Standards, 2014). This is because Drug Court programs and the participants are all under the supervision of the judge. The issue that arises here is that the other option is jail time. The alternative can bear a strong influence on those making this decision. A common theme among past research was that this program was “better than jail,” as said by multiple participants in previous research. Program participation instead of jail time was reflected as the top motivation for people choosing to participate in Drug Court (Fulkerson et al., 2016).

I made sure I was aware of all these ethical issues prior to conducting my research in order to do my best to avoid any possibility of causing more harm to this potentially vulnerable population of participants. A general tactic I used to protect this potentially vulnerable population was to ensure confidentiality and anonymity (Hennink et al., 2011). A final issue that I kept in consideration throughout my research was that due to the closeness and openness of the Drug Court program, when my thesis is published, anyone from the program who will read it will be easily able to identify those who are mentioned. I plan to keep anonymity by changing names and any directly identifying facts, however it would be impossible for me to change the information.
enough to make participants completely unidentifiable. I justified this issue by the fact that the sessions are public and since everyone has to attend the sessions each time anyway, they already know all of the information.

*Human Subjects*

My research for this thesis was granted International Review Board (IRB) approval. IRB is designed to ensure that the rights, wellbeing, and safety of human subjects are maintained. Acquiring this approval ended up being a much lengthier and difficult process than I anticipated. Originally I sought to conduct interviews with both participants and judicial staff members. After constant communication with IRB it became clear that the IRB viewed interviews of the participants in Drug Court to be too risky. They explained to me that this was of high risk due to the participants being on probation and being drug-addicts. Once this was decided I sent them in a new protocol to be approved where I would only conduct formal interviews with staff members. I added to the protocol that I would only speak with the participants who spoke with me informally. All names of the participants and the judicial staff members mentioned in this paper are pseudonyms.

*Participants*

The criteria for the participants in this study were that they had to be present in the Drug Court program. Regarding observations, anyone physically in the room while Drug Court was in session met the criteria. Regarding interviews, the criteria I used was
that the interviewees had to be over the age of eighteen, part of the Drug Court program judicial staff, and had to give consent to take part in my research.

**Recruitment**

The criterion I created for recruitment was that each person I potentially wanted to interview had to be part of the judicial staff within the Adams County Drug Court program and they had to be someone who interacted with the participants and the Judge. I did not interview any participants or defendants. My first interview was made possible by Professor Sousa. Professor Sousa acted as my initial gatekeeper to the Drug Court program (Brown, 2018). Because he already had relationships with the staff members, he was able and willing to introduce me to them in hopes of interviewing them. The third time I observed a Drug Court meeting, he introduced me to the “Administrator and Problem Solving Coordinator of the 17th Judicial District”, two probation officers, and a notetaker. The Administrator and Problem Solving Coordinator, who I will call Monica Stewart, was my first interview, which occurred on January 25th, 2019. After the interview with her, I emailed her asking if she knew anyone else who was part of the judicial staff that she believed would be willing to be interviewed by me and that could add valuable contributions to my research project. She then emailed me back saying she forwarded my request to the Drug Court team and “hopefully” some of them would be interested. Within the two to three days following her forwarding my email I received two emails from judicial staff members stating they would be happy to contribute. The first staff member who reached out was the Deputy District Attorney assigned to Drug Court, who I will call “Claire White”. The second was the Senior
Deputy District Attorney, who I will call “William Rosen”. I responded to both individually in emails thanking them for their interest, informing them that these interviews would be for my senior honors thesis, and inquiring when they would be available to be interviewed, and if it was more convenient for them to be interviewed on the phone or in person. They both decided to be interviewed over the phone.

**Participant observations**

The research protocol called for both interviews and observations. A major part of my research revolved around my role as a participant observer. In this role, I attended Drug Court five times. My presence became known as I continuously came to the Drug Court meetings. Initially it was just through word of mouth from participants whom I had spoken with. During my third observation the Judge asked if I was there for a participant and then I explained that I was observing for my senior honors thesis project. This occurred in front of the entire courtroom, which made my presence and reason for being there known to all in the courtroom. I became engaged with the participants while observing and collecting data (Hennink et al., 2011). My research focused in the setting of Drug Court. Drug Court being a casual community while simultaneously being a serious legal session, created a complex environment for me to do my research. It was necessary for me to switch roles from a researcher to acquaintance. It was important for me to participate before asking questions in order to build trust between the participants and myself as the researcher (Hammersley and Atkinson, 2010). I participated by sitting through the entire meetings in the rows with all of the program members. I used this tactic when being a participant observer and once I
became a familiar face I could engage in informal conversations. To gather information in a way my presence was least impactful on the research and the least intrusive, I needed to become a familiar and welcomed face in the courtroom when being a participant observing and conducting informal interviews. This was required in order for the participants to feel comfortable with talking to me, and comfortable with my presence in general. It was clear to everyone in the courtroom that I was observing the trials and program procedures. This was evident due to my open notebook where I was seen writing. I brought the same notebook to every session. People never asked if I was observing, but in every informal conversation that occurred I informed the participants of my purpose for being in the courtroom and taking notes. People became aware of who I was and why I was there through direct conversations with me and talking to others who had spoken with me. I took into consideration that I could minimize my impact on the situation, but always kept in mind the principle that a researcher’s presence can never be fully eliminated. My potential bias, as noted under the above subheading, “Researcher’s Background”, came from my initial stance that Drug Court programs should be spread to more cities across the nation. I could not remove my bias completely, but I could be conscious of that bias and continue to take note of it. This is what I did in order to remain as objective as possible. My goal was to discover the correct and appropriate way to interpret the data I had collected (Hammersley and Atkinson, 2010).
Data Collection

I hand-wrote all the observations I recorded. I attended five Drug Court meetings, starting with my initial visit over the summer of 2018. These meetings occurred every other Thursday at the Adams County Courthouse in Brighton from 1-4pm. The meetings usually took 10-15 minutes to officially begin. I would get to the Adams County Courthouse between 12:45-1 pm every time I attended. I got there early in order to observe the conversations, actions, interactions, attitudes, and environment of the Drug Court prior to the official start of each meeting. Getting there early also allowed for many informal conversations to occur. I also got there early in order to sit in the back corner of the row. I sat in the back corner of the rows in hopes to not cause any unnecessary attention to myself. I did this to not disturb the usual and normal functions occurring in Drug Court. After attending multiple sessions I also felt it to be necessary to take up as little space as possible. This was due to my observation that many Drug Court participants came in late and the room filled up quickly. Once I left space between myself and the back right corner and eventually the judge asked everyone to scoot over. People were standing trying to find a space to sit and I felt like they deserved my seat more than I did.

Informal Incidental Interactions

The informal incidental interactions occurred during my participant observations. The moment I walked in the Adams County Courthouse people within the courthouse interacted with me. I never initiated any conversation within the courtroom. I conducted informal interviews through conversations. These conversational interviews occurred
with security, deputies, participants in the programs, family members, friends and all those who accompanied the participants in the program, judicial staff, attorneys, and the judge. My first incidental interaction occurred as soon as I walked into the courthouse. The security officer asked me what my purpose for being there was and noted my pen and notebook. She identified me as a outsider (Goffman, 1959). It was clear I did not have a traditional role that was known within the courthouse. When sitting in the courtroom I had multiple incidental interactions with the participants. I would arrive earlier than the majority of people who attended the meetings. Participants on two occasions asked me if I was new to Drug Court and thought I was in the program. The two participants who asked me this were both close to my age, being between the ages of nineteen and twenty-two. I immediately informed them that I was not part of the program and was there to conduct research on the program for my senior honors thesis. Once I explained this to them, they began telling me about themselves and asking me questions on where I was from, what school I attend, how I heard about the program, how old I was, and my name. They did not hesitate to offer up information about themselves without any questions from myself. They then offered up background information about the program and their current situation, which included why they were there, what phase they were in, and how they felt about the program and specifically the judge. I had one interaction with the judge, which occurred at the end of one of the dockets. As the meeting was coming to the end the judge asked his assistant who else was left and then yelled from across the courtroom asking who I was with. I informed him that I was there to observe for my senior honors thesis and Michael Sousa interjected informing him that I used to be one of his students and he had invited me.
The judge then informed me that I would be allowed to sit up front in the judicial chambers with the staff.

These oral conversational interviews were extremely valuable to my research. Oral conversational interviews provide background, social context, demographic data, emotions and attitudes. These conversational interviews, “foreground aspects of sociability, reciprocity, and symmetry in turn taking found in mundane conversation” (Given, 2008). Oral conversational interviews are based on incidental interaction where you listen to a human subject without formally questioning them. They provide a greater and more holistic picture of the context. The informal nature of these interviews also help with diminishing the hierarchical relationship between researcher and participant (Given, 2008). I never took notes during these oral conversational interviews. I would wait till the conversation was done and then directly after wrote down who spoke to me, what was said, the attitudes expressed, and the context of the conversation (post-hoc recording).

**Formal Interviews of Staff**

I conducted formal interviews with the Drug Court staff. Prior to my interviews, the potential staff members had a basic idea of the interviews' topics. Their expectations and knowledge of my research came from my initial introduction through Professor Sousa, and the consent form they signed. Professor Sousa introduced me to Monica Stewart, the Problem Solving Coordinator of the 17th Judicial District, Adams County Drug Court. We met in person at the Adams County Courthouse. I explained to her that I was doing my senior honors thesis project on Drug Courts and inquired if she
could do an interview with me to discuss her role, the Adams County Drug Court program, and Drug Court programs in general.

My role became more formal with the staff. This was because I did not have any relationship with them prior to the interview. I used the interview guide I created. The interviews were conducted on the phone. I asked if I could record the interview and once given the ok, began recording on my phone. I also took notes in my notebook during the interviews. When conducting these formal interviews I used non-directive and directive questions as described by Hammersley and Atkinson (2010). The non-directive questions were used to be open-ended and try to retrieve accounts the interviewees believed to be true. I did this in order to try and get a picture of the interviewee’s experience, opinions, attitudes, and emotions. It is important to get and understand people’s definitions of the situation (Duneier and Brown, 2001). I compared what the interviewees said to what I observed. When there were discrepancies I analyzed what they were and how they could be informative. This was important in understanding the context of the staff in comparison with the experience of the participants. I also addressed the concepts of local and global contexts. These contexts were relevant social, cultural, political, historical context (Brown, 2018). It was necessary for me to keep in mind that there are external forces and background information that helped to shape this Drug Court community. This information and the attitudes were apparent within the opinions of the staff and how they viewed the program and each participant, which was reflected on how each participant was dealt with. This was evident when considering the non-violent drug offending rates, the laws in place around non-violent drug offenses, the type of city they were in, and their personal history. These contexts
were important in refuting the ethnographic fallacy that the reality of Drug Court only existed and was a product of Drug Court. When researching and understanding the global context I found that the external issues made had influences on the participants and the program. This was evident when discussing each participants potential with the Director and Problem Solving Coordinator of the Adams County Drug Court, Monica Stewart. She explained to me that the staff knew what type of participant had more potential to succeed and due to this those tagged with success were treated differently. Those who the staff perceived to have more potential to succeed were given more focus and time with the judge. Monica, stated that they had this information from research on past drug court participants and their graduation rates.

Monica gave me her card and told me to call her office to set up a time to be interviewed. When I called her we decided to do a phone interview the next week. I sent her my consent form via Docusign and once she signed it I called during the scheduled time. During the interview she informed me that she had documents describing background information about her obligations and Adams County Drug Court and would send them to me via email. Our interview occurred on January 25th, 2019 over the phone and lasted fifty minutes. We met in the courtroom in Adams County Courthouse. She signed her consent form via Docusign. We then conversed via emails about information she gave me during the interview and shared with me statistics on the Adams Drug Court program, her role, and a graph that had the sanctioning options.

After my interview with Monica, I interviewed Claire White for an hour and 15 minutes on March 4th, 2019. I interviewed William Rosen for fifty minutes on March 13, 2019. Both interviewees discussed their roles, how they perceived Drug Court, the
benefits of drug court, dual diagnoses within the program, eligibility for potential participants in the program, sanctions, roles of other judicial staff members, treatment procedures, and the Adams County Drug Court in general.

Analysis

My analysis consisted of a multitude of analytical techniques. My first level of analysis was analyzing past research and texts. Through textual data analysis I categorized and conceptualized the data and developed conclusions. This began through my literature review prior to the conclusion of my own thesis. Qualitative data analysis consists of adopting broader theories, using deductive and inductive strategies, and summarizing the core analytical tasks needed (Hennink, Hutter, and Bailey, 2011).

Throughout my observations and interviews I used unique case orientation analysis, cross-case analysis, inductive analysis, holistic analysis, and context analysis. The unique case orientation analysis was used when dissecting data from specific participants in the program. They each had individual cases and experiences within the program. Each participant in my study was seen as unique. I would then use cross-case analysis to see how different unique cases had similar or variant experiences and views on the program. This gave me insight to the general and individual experiences of the participants. Through inductive analysis I focused on the details and facts that produced longer themes and patterns within the program, the participants, and staff. These highlighted the relationships between them. Through holistic analysis I was able to see how each factor of the program contributed to the entirety of the program and the results of the program. Through context analysis I discovered how the external forces,
discussed in the formal Interviews of Staff section, influenced the interior of the drug court. This also made it possible for me to see how this program was applicable in other contexts (USC, 2018).

The steps I took in analysis were as follows: “prepare verbatim transcripts, anonymize data, develop codes, define codes in a codebook, code data, describe, compare, categorize, conceptualize, and develop theory” (Hennink et al.) 2011:209). The coding I used required inductive and deductive code development. The inductive codes came from the actual data I reviewed after recording it. The deductive codes came from the conceptual framework created from my study.

Directly after each interview I typed a verbatim transcript from the recording of it. This is the word-for-word replica of the words spoken in the interview. The verbatim transcript was essential in order to have a written record of what was said. I then identified each speaker by putting the first initial next to what they said. I identified myself by putting an “I” for interviewer next to what I said. I labeled each file according to date and interview. Once fully recorded I created pseudonyms and removed prominent identifiable facts to create anonymity for the participants. I then developed the codes for analysis. I used ethnographic codes such as categories, themes, relevance, and units of social organization. I grouped much of my analysis in three categories. The first was information that was congruent with my thesis. Second, information that went against my thesis. This category was important to see how the Adams County Drug Court differentiated from others that have been researched. This new information showed that each Drug Court varies in the specific conduct that they use. With this, I analysed which seemed to work better, in order to improve the program.
The third group was new information that had not come up in my research yet. Each category helped form my final thesis in order to give it an accurate and holistic depiction (Given, 2008).
CHAPTER FOUR: FINDINGS

In this chapter I will discuss the three main themes that I have: Status, Community, and Dual Diagnoses. The main theme, Status, has three sub-themes: “Superstar”, “100%er”, and “Less than 100%er”. Community has three sub-themes which are physical regions and roles, relationships, and positive v. negative attention. Under the theme of Dual Diagnoses, the sub-themes identified are presence in the courtroom, obstacles, and inadequate treatment. All three of these findings came from my observations and my three interviews with the judicial staff at Adams County Drug Court, the Administrator and Problem Solving Coordinator, Monica Stewart, the District Attorney, Claire White, and the District Attorney Supervisor, William Rosen.

STATUS FINDINGS

One of the main themes I discovered through my observations is the importance of the concept of status. Status in Drug Court programs refers to the individual status one is given by the judge. This status is determined by how successful one is in the program at the current moment. The three subcodes that I gathered from Status are “Superstar,” “100%ers,” and “less than 100%ers.” The Superstar is the participant the judge and court staff vote to be doing the best out of everyone in the program for the past two weeks. The 100%ers are those that have complied with all of the Drug Court programs guidelines for the last two weeks. The less than 100%ers are those who have failed in anyway to adhere to any or all of the Drug Court programs guidelines within the last two weeks.
Every other Thursday, the judge holds a Drug Court meeting with trials for the admissions or denial of potentially new participants and then reviews, for each participant, their current status and progression. Professor Sousa outlined the order in which the judge calls The Adams County Drug Court docket: “1. Denials for admission to the drug court; 2. The “Superstar” 3. The “100% ers,” those who have met with all of their programmatic requirements for the two weeks (e.g., clean urinalysis tests, treatment attendance, etc.); 4. Those who have not met their obligations over the past two weeks (e.g., relapsing); 5. Sentencing (either to the department of corrections or new drug court clients)”. The judge then categorizes those who have been granted membership into the program into the three status groups.

The status of each participant is purposefully made known to all participants and staff members of the Drug Court programs: “Drug court judges give recognition to defendants who are succeeding in recovery by marking their progress in public interchanges, especially in advancement hearings and graduation ceremonies. In this sense, drug courts display the ritual and ceremonial features of a “rite of passage” (Burns and Peyrot, 2003: 431; Turner, 1974:56). There are five phases between entrance and graduation within the Adams County Drug Court program. The District Attorney supervisor, William Rosen, informed talked in his interview about the phases, stating that, “passing from each phase is a very detailed process. That’s the key to the whole program that you have to have those objectives written in stone and that’s how you move throughout it. There are certain numbers of days you have of sobriety there's also employment requirements and community service projects that you have to complete as well.”
Every participant’s current status within the phase they are in is discussed with the judge in front of the entire courtroom. The participants must explain how they have been doing and where they are in the program, and why they believe they are there. The judge discusses this with them and either agrees or disagrees with their own self-reflections. If they are on track and following all of the Drug Court program guidelines they receive praise from the judge. If they are not on track, the judge will reprimand them and give them a sanction. The conversations the Judge has with the participants are guided by the conversations the staff members have prior to the Thursday Drug Court docket. During the interview with the District Attorney, Claire White, I found that the probation officers provide notes on the progress of the participants over the two preceding weeks. The judicial staff members discuss these notes and then decide what to do regarding the participant. Through my interview with the District Attorney supervisor, William Rosen, I found that the judicial staff that had these meetings to make these decisions were the public defenders, the district attorney’s office, the treatment providers, the probation officer, the administrator of the problem who is also the problem solving coordinator, and the Judge. However, all three of my interviews found that, as William Rosen pointed out, the “judge ultimately will make the final decision, but it is really a consensus”. The meetings and what is discussed within them are not disclosed and from my observation it was clear that the judge appeared to have the most say. The judge is the parental figure to the participants and they aim to comply with their guidelines in order to make him proud and progress in the program.

Each participant has a relationship with the judge which can be very positive or negative. This depends on whether the Judge allocates a high or low status to the
participant. When a participant receives a lesser status, they are left with feelings of frustration and disappointment, due to this parental/child relationship they have with the judge. When someone’s status was viewed as less than 100% due to failing a specific requirement of the drug court program within the last two weeks, they were sanctioned in front of the court for their failed status.

Failing to be in the 100%er status not only affects one’s Self and how they are viewed in the community, it also has great legal consequences. These legal consequences are that they can be sent to prison, community corrections or a halfway house. When this occurs, the participants will have to complete their original sentences, so the time spent in drug court feels like a waste. This creates an even greater sense of stress and anxiety to do well and be perceived as a “100%er” and hopefully a “superstar”.

Superstar

Past research does not indicate that the themes I identified in the Adams County Drug Court appear in other Drug Court programs. Through observation of the Drug Court meetings in Adams County Drug Court I have recognized this theme of status being a constant concept, continuously integrated with each aspect of the Drug Court program. When I walked into the courtroom, I immediately saw the white board that sits at the front of the courtroom to the left of the Judge that has a sign that says “100%ers” with an average of 16 names written on it in huge capital letters. The sign “100%ers” is colorful and visible to everyone in the courtroom. Out of these “100%ers” there is
always a “Superstar” who the judicial staff and judge deems as the participant who has done the best within the last two weeks.

Once everyone is seated the judge calls the “Superstar” up to him first. The District Attorney, William Rosen, explained that, “The superstar is voted by the board, you know on drug court that day, so just somebody who has exemplifies you know what what we want people to try and follow and try and be the person that maybe is an example for others.” On the second Thursday I observed it was a white woman named “Sophia”. The judge exclaimed “Sophia, you look great! We are so proud of you!” The judge smiled and Sophia smiled too, saying “thank you.” The judge continues and rhetorically asks all those in attendance “Doesn’t she look great?” and then proceeds to speak directly to her, “You have done such great work really, are you proud of yourself?” Sophia answers “yes” and continues to smile. The judge replies “Well you should be, you should be proud of all your hard work, this is great.” The judge continues to go over Sophia’s progress and how she has been clean and honest. He then asks her about her daughter, her parents, and her job. This review lasted for a full twelve minutes. From my observations I found that most reviews last between three to eight minutes. The administrator and problem solving coordinator of Adams County Drug Court - 17th Judicial District, Monica Stewart, informed me that it is a requirement that the judge speak to each participant for a minimum of three minutes. Being a “Superstar” gives the receiving participant the highest status of all the participants in the program. The Judge spoke to Sophia the longest out of every other participant. The Judge held praise for Sophia and constantly engaged with the other participants in recognizing how well Sophia was doing. It is normal for the participants and all others in
attendance to clap for one another when they go up to the docket. However for Sophia there was the loudest and longest clapping. Once Sophia’s review was done and the clapping ceased, the Judge said “How about another round of applause for our Superstar? Just amazing!” The “Superstar” then gets first dibs on the gift cards that only the “Superstar” and “100%ers” receive. The “Superstar” also gets to leave first. A key observation from the following three meetings I attended was that Sophia remained a “100%er.”

The Problem Solving coordinator also mentioned that there are positive transformations regarding one’s Self that are apparent to the staff. “I see a lot of their self confidence change, um, and especially if they are doing well, and they are being recognized for doing well in the program, then yes, they will no longer be getting the negative attention for being a criminal and they are getting positive attention. So I’ve seen their confidence change, and their um wants change, as far as, you know some of them wanting to buy a car and then them being so proud cuz they bought a car, and a job. So obviously his level of self confidence elevated with each of his successes.”

The “Superstar” is on the top of the board and the “100%ers” are listed on the docket directly after. They receive many privileges from the start of the meeting. First the judge acknowledges the whiteboard once everyone is seated. The judge states how “proud” he is of everyone who is on the board. The “100%er” list is ordered, but the importance of this order is not disclosed. A young Mexican man, Miguel, who is a “100%er” this week sits next to me and starts a conversation with me. He asks me if I am new to Drug Court and I tell him that I am just observing to gather research for my senior honors thesis. He replies, “That’s cool, this is a great program.” As the
conversation continues he tells me with pride that two weeks prior he was the “Superstar” and that he got to chose a $25 King Soopers gift card which he followed up on and said, “Oh it was great, I never got to choose the gift card I got, so it was cool.” He was the last “100%er” listed on the whiteboard this week, so he was the last to be called and said “I don’t get why I am last, I was the Superstar two weeks ago.” This was an interesting comment, as I was informed by the Solving Problem Coordinator, Monica, that the order of the “100%ers” is random. The false assumption that this mattered made him view his position in a negative light. As he was called up last of the “100%ers” the Judge asks how he is, and if he is still working on getting his GED. Miguel replies, “I am, it is tough, but you know, I am.” The Judge responds, “Well look at Sophia! She got her GED, gets to see her daughter, and now has a job!” Miguel does not respond and displays a soft smile, the judge says, “Keep up the good work.” Miguel’s review ends after five minutes. There is barely any clapping and Miguel leaves. I observed that each of the participants that the judge reviews quickly are not as happy and then appeared less integrated in the community within that meeting. This occured each time I observed. Miguel received less attention from the judge and the other participants. A key observation I made was that Miguel was a “Less than 100%er” the following week due to missing a meeting with his probation officer. This differed during each docket as Miguel usually appeared content and did have three friends he normally sat with. The perception of these varying conversation lengths by individuals was perceived by the District Attorney Supervisor, William, to be because “Some folks just don’t like to speak in public and you know we have a very varied um spectrum of personalities.” He went on to inform me that “there are some people that are having a bad day and they don’t
want to talk to somebody for three minutes.” I did find that some people appeared to me to be in a bad mood and did not speak to the judge for a long time. However, those who were doing well had meaningful conversations with the judge. I then was informed by William that the Judge can and does speak with some of the participants outside of the Drug Court meetings. While this is helpful, it does not positively contribute to the way they are viewed within the program, and in turn the way they view themselves and their progress. Feedback from the judge outside of court can help with a participant’s self image in the long run.

After Miguel, then came the “Less than 100%ers.” The majority of these reviews was shorter than those of the “100%ers.” Most of the reviews of the “100%ers” were the same, except one participant was given a sanction of two nights of jail time for failing to attend and conduct all of the mandatory urinary analyses for the past two weeks. The District Attorney, Claire, conveyed the reasons that the less than “100%ers” receive sanctions and/or threats of them, “I mean the evidence shows that they need more immediate reaction, as opposed to waiting three months or six months, that coming, that they need addressing more immediate behavior, so coming from an evidence based practice that [sanctions] is[are] necessary. But the sanctions I think too, like some of them don’t need sanctions like one of our participants won’t be compliant unless she has a threat of jail over her head. And as long as he [judge] says I am suspending two nights jail, this and this, then she will be compliant. I think, like different participants need slightly different things.”

At the end of the docket all of the “Less than 100%ers” were called up one by one. The docket ended and all of the remaining attendees began exiting. There were
only three attendees left in the courtroom when a middle aged Mexican man, “Martin”,
who was sitting alone in the back corner of the left row, stood up and said “I was
forgotten.” The Judge and judicial staff all looked at each other and then the Judge told
him to come up for his review. At this point the only people in the courtroom were the
judicial staff, the guard, and myself. The Judge asked for his file from the Administrator
and Problem Solving Coordinator, Monica, who was sitting to the left of him. The Judge
reviewed his file for a minute and then told him “You need to do better.” Martin
responded and said softly, “I understand.” The Judge tells him he must make sure to
attend all of his group meetings and most importantly “Be honest .” Martin replies “I
know.” The judge then says, “do you really understand?” This is a question the judge
seemed to use often when speaking with the “Less than 100%ers”. Martin said, “Yes, I, I
do understand.” This review lasted just three minutes. The judge then closed the
docket again and Martin walked out. When questioning how brief many of the
conversation were for the “less than 100%ers,” the Administrator and Problem Solving
Coordinator, Monica, referred back to the standard that they have to speak to the
participant for a minimum of three minutes. I asked if the the amount of time the judge
spent speaking with the participants was intentional and she said, “and so, I know that
sounds silly, but literally he [the judge] has to engage with them for a minimum of three
minutes for it to be even a meaningful exchange, and then beyond three minutes is
dependent on what’s going on and on what the person needs to be addressed and
whether that is for good things or bad things, and how engaging that person is too. So
you know if it is really a lot harder to engage with somebody or if they are really
uncomfortable, or if they are in a hurry and really just want to get out, then if you know,
you have reached that minimum of three minutes then beyond that there may not be much more to say.” My observations differed from this answer. I saw that when some of the “100%ers” were not engaging with the judge and were being quiet he devoted extra effort into asking them more questions and trying to cultivate a meaningful conversation. The judge spoke to one “100%er” named “Lucy” who was giving him one word answers during her review. The judge quickly asked her “really, nothing else?” He then continued with more questions about how she was feeling and what was going on with her home life. This made Lucy more comfortable and the judge began having a more meaningful conversation with her. This did not occur with the less than “100%ers” that were making an effort to engage with him.

COMMUNITY FINDINGS

Community in Drug Court is the environment that is cultivated through the relationships between the participants and each other and the participants and the judicial staff inside the courtroom and carries on outside of it as well. The roles that are taken on by each person involved in Drug Court are created within this community. I identified three main themes within this community which are intertwined with one’s identities: First, the physical regions within this community which are the different parts of the courtroom which create certain norms that have different standards for appropriate behavior. The second theme was the relationships in the community. This includes those formally orchestrated and those that naturally occur. The third subcode is positive v. negative attention.
The goal of the Drug Court community is to foster each participant’s identities through support. Identity within Drug Court is the connection of one’s situated, social, and personal identity which creates a new identity for the participant (Snow and Anderson, 1987). Drug Court seeks to have the participant recognize these identities which is inevitable through the program’s process. I found each of these identities to be clear within Drug Court. One’s situated identity is one’s role that is dependent on the specific situation one is in, which in this context is Drug Court (Snow and Anderson, 1987). One’s social identity is one’s social membership in the Drug Court community (Snow and Anderson, 1987). One’s personal identity is one’s individual life narrative. Being able to objectify oneself, we can understand how we are perceived, so we engage in identity work to develop and construct our sense of Self (Snow and Anderson, 1987). These three identities give the physical regions, relationships, and roles meaning for each participant.

During my interview with the District Attorney Supervisor, William Rosen, I found that the community is integral to the successes of the Adams County Drug Court program. William relayed to me that

“The key to our success in our program is the community. These are people who do not have folks rooting for them often times. You know, they’re just people that do not have strong foundations by way of family or employment or what have you, you know they don’t have that sense of community and that’s led to a lot of their struggles with substance abuse and with you know violating the law. And so I think that one of the um great benefits of drug court is that it provides automatically a group of people that are rooting for you.”
Physical Regions and Roles

It is important to identify the clear physical regions that are in the Drug Court room. I quickly applied Goffman's theory of dramaturgy to the courtroom (Goffman 1956). The courtroom is the main stage. The main stage is composed of the front region and back region. The back stage is where the judicial staff discusses the ongoings of the participants and makes decisions on sanctions. When you enter the main stage you are in the back region. There is a wooden barrier that separates the back region from the front region. You may only cross that barrier when a judicial staff member requests you to. The front region is comprised of a podium for the defendants and participants to speak, a desk to the right of it where the district attorney and two probation officers sit, and to the right of that are elevated rows for observers, note takers, and supervisors. In the middle of the front region, at the focal point of the room, the Judge sits on a seat that is elevated above every other seat. To the right of him is a note taker and to the left of him is the problem solving coordinator. The front region is typified by attention to politeness and decorum, which directly connects to the “give” and “give off ”(Goffman, 1956). The participants come to the front stage and try and present themselves as complying participants that are doing what is required of them to succeed in the program. There then is conversely the concept of the back region which is where all the concealed information is hidden. It is more relaxed and comfortable (Goffman, 1956). I found these two concepts to be depicted perfectly in the Drug Court. The participants would come up to the stand and pass the physical wooden barrier, which represented the entrance to the front stage. Once at the stand they would try to prove to the judge that they were quality participants. They would then go backstage and speak with the
other participants. One younger male participant even told the probation officer, in the rows in the back region, that he was doing a little better, but would have to “do a lot of manipulating” when speaking with the judge. The probation officer smiled and said he was right. This was a way of “switching” (Goffman, 1956). Goffman expresses how each role and region is fluid. This interaction was only possible due to the probation officer being in the back region. When the probation officer stepped passed the barrier into the front stage she did not engage in any informal conversation such as the one I just stated. With these two regions it is important to again note that there is a constant fluidity between them. They can change at any moment and when this occurs each actor must engage in switching roles in order to keep the appropriate image of them self (Goffman, 1956). There was a physical barrier between the stages, but one was constantly performing. The physical regions dictate where the actors can be, and what role they are supposed to assume while in the specific region. The roles that actors took were prisoner, public defender, probation officer, judge, judge assistant, District attorney, problem solving coordinator, participants of the drug court program, supporters of those members, guards, and observers. Each role was played similarly by each actor partaking in that specific role.

The prisoners were the defendants seeking to be in the program. All the prisoners were quiet, spoke rarely and if they did it was a short answer to the judge and only when spoken to. They were held in a room next to the courtroom and were let out one by one into the front region to try to be admitted into the Drug Court program. They were in the prisoner uniform that was stripped either blue and grey or yellow and grey. They were not part of the community, so their interactions were formal. After the judge
gave them the verdict of being accepted into drug court or not, the public defender would quietly tell them what that meant. Many prisoners were not accepted into the program, and thus their prior sentence remained unchanged. The judge would say they were evaluated and their Level of Service Inventory (LSI) scores were too low. The LSI score is the inmate’s risk/needs level. Some were also denied due to having other pending cases. The setting itself attributed the appropriate characteristics to each actor. The judge’ higher physical position, everyone facing him was symbolic in showing who was in control. The courtroom is very casual and friendly compared to a traditional courtroom. The demographics reflected mostly white and Latino, with one public defender being the only visible Asian.

During my first observation I was one of the first persons to be in the back region. There were two Latino men sitting in the back left row conversing with each other. Another man walked in and said “What’s up, brother?” and high-fived and grabbed each of the man’s hands. There were many interactions like the one above that made me realize quickly this drug court program created a community. This community had subgroups within it.

**Relationships**

I sought to gather an understanding of this community. I asked how it was cultivated. Who were members of it? After one day of observing it was clear that this community was purposefully orchestrated by the judicial staff. All of the judicial staff and participants were members of this community. The District Attorney Supervisor, William,
informed me that how the relationships are created at the start of the participant’s journeys through the program, “So the contract is signed the first day that a person says they voluntarily want to be in the program. They then get to meet all of us. And the thing that comes out of all of our mouths is that we are rooting for you and that we are pulling for you and I can tell you that as a prosecutor they are surprised that I am saying that and you know I am not trying to get them in trouble or to catch them in something, I am trying to get them to you know live a life without substance abuse, and we are all really pulling for each person and you know that’s true for the folks that administer the program and are shareholders in the program but it’s also true for the participants. You know, they are all pulling for one another and really cheering for a positive change and that’s different for all of these folks.” I observed that this positive reinforcement by the participants for the participants made those on the receiving end more integrated within the group.

William also told me that “I think that the best thing about a drug court program or about treatment courts for these folks is that we have kind of a full staff of folks that can give their two cents and you know their insights, so I think that building relationships with each of the people that are trying to help them would you know be the common theme for a person who gets the our program successfully has good, has formed a bond and has trusted the program so you know they have trusted the people that have tried to help them.” Developing trust is only possible if the judicial staff is open for this trust. These relationships are vital to the success of the participants.

Once I found that the entire program was the Drug Court community, I critically observed the actors and their interactions within it. I found that there were many
relationships within the community. There were five typical relationships: 1. The judge
and the participants, 2. The judge and the judicial staff, 3. The probation officers and the
participants, 4. The participants with each other, and 5. The district attorney and the
participants.

The community was formed by the five relationships. Each relationship held
different weight. I found that the individual participants with stronger relationships were
more comfortable and integrated in the community. This comfort and integration created
a greater potential for success. All of the participants are part of the Drug Court
community by default, however all are not integrated into it with equal capacity. Those
who were succeeding in the program, had a clear role in the community. I observed that
the judge did not participate the same way with each participant. This was apparent
through the open discussions he had with them in the courtroom. I found that he knew
between five to seven participants fairly well. He knew these five to seven participants
names, history with drug abuse, current status, family life, and if they had a job. As
previously mentioned, Monica, the Administrator and Problem Solving Coordinator,
 informed me that prior to the Drug Court meetings the probation officers give the judge
notes on each participants to look at while talking to them. They do this in hopes of
convincing the participants that they have a close relationship with the judge. When
talking to the five-seven participants the judge did not need to look at his notes, and
during each conversation with these participants he expressed a genuine interest in
their progress, struggles, and lives in general. Monica told me that there were two
reasons for these close relationships between the judge and some of the participants.
First, those who were in the program for “a long time” were comfortable engaging with
the judge, therefore the judge was comfortable engaging with them. The second reason was that participants who were overtly expressing their commitment to the program, either verbally or through consistent compliance with all the demands of the program made the judge know they were serious about their rehabilitation. I saw both of these play out with all five to seven participants.

There are those who were not equally integrated into the community. The District Attorney, Claire, describes these people at “outliers” and stated, “I think, there are some outliers, and I don’t know if I want to call it a cliquiness, but there are some relationships that form within drug court, and then there is outliers, so certainly the outliers don’t, whether I think age is part of it, if we have a much older client or even you know a much more mature client, something like that, I think that they aren’t as assimilated to the group, which limits their comfort level when they are talking about things at the podium.” I asked if she believed being an “outlier” or not being comfortable affects the participant’s chances for success. Her response was as expected, “Well having, the group there and the support is important because a lot of them will go to groups together outside of class. So, they will meet with their support groups and there’s definitely something to be said for that support. But the people like I’ve said who are outliers, they are definitely more uncomfortable in court.”

When referring to cliquiness I noticed that there were some consistent groups that sat with each other and spoke to each other. There was a group of younger Latinos, people with families tended to sit up front in the right row, there were three older participants who had been in the program for a whole year who sat together, then there were random white people who did not seem to really know anyone. There were
also a group three of Latino women who appeared to be between the ages of 25-39. The community can make people feel connected and supported, but it can also isolate those who are not as equally integrated as the rest of the participants. This lack of integration affects their social identity and makes them feel as though they are not part of the community, which leads to worse commitment to the program.

Talia, a white woman between the ages of 35-40, had been in the program for more than a year and had a very close relationship with the judge. When observing, I saw “Talia” coming into the courtroom smiling. She greeted the probation officers, the children, and two other older white participants: a man named “Mark” and a woman named “Michelle”, who had also been in the program for over a year. Talia, Mark, and Michelle always sat in the middle left row. No one in the courtroom ever took their spots. Each time I observed Talia she was very loud and vocal. Her two friends acted the same way.

When Talia was called up to the podium the Judge would smile and ask her how she was doing. Talia replied, “I’m great. I’ve been keeping up with all my meetings and I am still fully committed to my recovery.” The Judge would joke around with her, talk to her about her son, encourage her to stay clean, and each time he would tell her how far she has come. Prior to my observations, Talia was in a completely different place than she is in now. She was using, she did not have a job, she did not have access to her son, she was missing meetings and urine analysis tests, she was deceitful and made up excuses for her non-compliance. In my final observation the judge looked at her and said, “You are doing so well. You are fighting this, and I know it’s hard. No one said this program was easy.” She interjects, “Oh, I know”. The Judge continued telling her how
she has been in jail and she could be in jail, but now she knows she can succeed in the program. His tone is serious and he tells her how he was worried about her before, but she proved the court wrong, “You will do this. You have the support to do this. I am proud of you and you should be proud of yourself.” Talia’s male friend Mark began to cheer for her and three more people in her row joined in, the cheering continued and soon the entire courtroom was applauding for her. Talia, smiling ear to ear with tears in her eyes looked around at the courtroom and back at the judge, “Thank you, thanks for believing in me.” Talia exemplifies the typical participant who initially has no confidence in herself, the program, or the judge.

The minimum time for a participant to be in the Drug Court program in order to graduate is a full year. Talia did not begin on her road to success until after a year and a half. She was no long using and was making all of her meetings. I found that the majority of participants were in a similar situation, as they do not reach a level of comfort within the community and with the Judge until they have spent over a year in the program. Participants need to obtain this comfort in order to be able to engage with the judge. The Judge does not make the effort to give his undivided attention to each new participant, but rather waits for them to develop an intrinsic motivation to dive fully into the program. The Judge is aware that everyone will not graduate, and he waits until he knows a participant can succeed until he makes a real effort to get to know them and help them. At the beginning of the program, the participants suffer and their recovery process and time in the program is then lengthened due to this lack of engagement on the judge’s side. When the judge engages with the participants, the participants make an effort to engage as well. Now knowing Talia he feels comfortable giving her his
undivided attention during their conversations. Not once did the Judge bring up other participants in comparison to Talia when speaking with her. He gave her praise and explained that her commitment to her recovery and utilization of the Drug Court community is what got her to this good place. The lack of engagement from the judge at the start of ones recovery process hinders the participants growth.

Monica, the Administrator and the Problem Solving Coordinator, told me that these relationships between a participant and the judge are cultivated during their conversations, as that is the opportunity the participants have to talk to the judge face-to-face. The standard currently was that the judge must speak to the participants for three minutes to have what Monica said is implemented so they can have “a meaningful exchange.” It is evident that three minutes is not enough to have “a meaningful exchange,” as the participants who are succeeding are receiving at least double that time to talk to the judge. Entering a courtroom full of strangers to discuss your addiction problems is not easy. I found that for almost all of the participants, it was impossible to feel immediately comfortable when being forced to do so. Many participants expressed their discomfort and when speaking with Miguel, the young man mentioned previously, he told me that he was originally scared to be in the program because he thought if he used or violated any of the probation guidelines he would immediately get kicked out of the program and have to go to jail. Miguel, like the majority of the participants, came into the program without the feeling of support from the judicial staff and his fellow participants. Over time he made friends and came to trust his probation officer. He stated that the judge was “nice” and that “I guess he is cool.” He went on to tell me “yea but my probation officer, I can like talk to her.” The third time I observed Miguel, he sat
with three other Latino men whom he introduced to me as his friends. It takes time for the participants to become integrated within this community. This support is necessary.

The relationship with the judge is important because the judge has the biggest presence within the Drug Court meetings. The judge takes over an authoritative role, which has three sides. He acts as a friend, parent, and law enforcer. The participants who invest in the process and are integrated within the community value the Judge’s opinions and strive to do well in his eyes. This newfound motivation to appease the judge helps the participants succeed. When the judge takes the time to show an interest in a participant who has not developed this motivation, their identity evolves.

During the second day of my observations, a man named “Justin”, who was a “less than 100%er” was called up to the podium. His arm was broken and the judge asked him what happened. He said he was hit by a car and needed surgery. He was conflicted because he still did not receive his driver’s license back, since it was revoked for his drug related offense. He needed Medicaid for his surgery, but he needed his ID to get Medicaid. He could not get his ID back until his request was approved by the court that originally took it away. The judge then told him that he needed to get his ID or else he is going to send him to jail. However, it appears that he has already done what he can to retrieve it, and it is now out of his hands. The judge then tells him he must get a job. Justin somberly replied that the doctor he saw told him he cannot work with his broken arm. Justin continued speaking in a quiet tone and told the judge he is trying, but he doesn’t know what he can do. The Judge pauses and looks at him and says, “I am worried about you.” Justin responded “that is new to me.” The Judge, confused, asks “What is?” Justin then sighs and says “I never had anyone care about me.” The
courtroom was quiet and the judge relayed his empathy for Justin. He said they would work together to figure it out. Here the Judge uses his legal authority when threatening jail and then switches to a parental role in order to instill hope in Justin."

A few weeks later when Justin’s arm was healed, he came back up to the podium with news that his request for his driver’s license went through and he received his Medicaid. The Judge smiled and told him, “See? When you trust those around you to help you things will get better.” He tells him to begin looking for a job. The next Drug Court meeting I observed Justin was on the board listed as “100%”.

The relationships people have with the judge always have bigger impacts on the relationship one has with the other participants. I found that the relationships between the participants are more valuable and help participants create a stronger bond with the Drug Court community. The judge commonly introduces participants to one another in hopes that they will form a relationship. During my third observation a blonde white girl named “Lauren” came in and the judge said “She’s back” in a long humorous tone. He connected her with a woman named “Heather,” 31 years old. The judge told her she was “dumb”, but is now doing so much better because she has a job, kid, and house. He connected these two white blonde women in the hopes that Heather could help Lauren get on track.

Lauren ran, meaning she did not come to a docket, and the judge told her that she had used her one run, so she had to make sure she came to every docket or else she would be sent to jail and not be able to be in the program. This threat holds a lot of weight due to the fact that once someone is terminated from the program they go back
to their original sentencing and the time they spent in drug court is not shaved off their original sentence.

The one run policy states that each member is given one chance after they run to stay in the program. When someone runs there is a warrant put out for their arrest and they either come back willingly or in custody. As the District Attorney, Claire, informed me this one run policy is not always implemented as promised. The District Attorney explains by stating, “It’s if they are in drug court and they run, and then they get picked up held on a bond and brought to drug court in custody, then that’s when the court says you know you have a $5,000 bond are you going to be able to post that, and then they can’t post and they ask for a bond reduction, and some of it is lengthy, you know some of it sort of depends, so some of the staff has talked and we know we are gonna give them another shot at drug court, then I wouldn’t object to letting them out, because the whole point is to see if they can be compliant on probation. It can be a problem when, for uh, victim rights cases, so we have consulted with the victim before bonds can be addressed, so that’s when it gets stickier, when they want to get out of custody...So then I would have to object to bonds being addressed at that point until we can become very compliant.” Due to the semantics, this policy poses an even greater threat to the participant warning that they will have to pay a bond on top of the potential of not allowed to be released out of custody and back into the program. After the judge’s introduction between the two women Heather went up to Lauren after she spoke with the judge. Heather gave Lauren her number and told her she could call her at any time and she would be there for her. Lauren expressed her gratitude and Heather explained to her that she was just in her position, but turned things around because she followed
the guidelines of the program. Heather told her that “if you keep coming back and try to be a part of this program as much as possible it can do a lot of good stuff for you.” The Judge kept saying Heather looked great. This forced relationship allowed Lauren to feel as though she had someone on her side. Lauren did not miss any of the dockets after this incident. The next docket “Lauren” appeared in a much more upbeat mood. Lauren informed the judge that “Heather” had begun helping her get a job and thanked him for not giving up on her.

Not only do the participants form relationships with each other and with the judicial staff, but there is also a need for positive relationships between the staff members in order to cultivate a community within the entire program. The Administrator and Problem Solving Coordinator, Claire, illustrates the staff’s goals in order to maintain this community, “There is a real collaborative feel and you try not to make it adversarial, and that’s how the treatment court programs function. It’s collaborative, people aren’t pinned against each other, everybody is on a team. And y’all work together for one goal. And so it is not adversarial as typical criminal process would be.” During my interview, “Claire Stewart”, she discussed how the entire judicial staff must appear as “unified” like parents do when implementing authority on their children, “If we have disagreements you work through them. And we do have disagreements back in our private staffing meeting, but then when we come out to the courtroom and in front of the participants, we present as unified. So, nobody knows, okay so maybe so and so had a disagreement on what the sanction should be, but when we are all out there and the sanction is being implemented and you know imposed by the judge, we, everybody, must show that, um we are on board and um yea.”
This made me question the propriety of the sanctions. The judge does not interact with the participants as much as the other members of the judicial staff. I then asked her if the judge ultimately had the final say in what sanction will be given and she said yes. She then explained what roles each staff member had regarding sanctions, “So we do all discuss it with the judge and the probation officers, and we have like a grid which is called a sanction table, which is a grid of different sanctions we can impose. We have our sanctions, grid, kind of divided by the phase people are. And so to answer your question, we have the sanction table that we go off of, but within that sanction table, even though it is our guideline, there is some flexibility in it, so you’re still imposing sanctions to the individual. And so even though we have this little grid to follow, there is still some flexibility and that’s where the discussion comes with the team and we come up with a decision, but to answer your question, yes, the judge has the final say. So, yes, so the majority of the time he will follow what the team comes up together, but he then has the final say.” The sanctions were distributed on an individualistic basis, while regarding the grid, but during the Drug Court sessions some people received different sanctions for the exact same infractions.

The probation officers have a direct line to the participants, yet their presence in the courtroom is minimal compared to the judge’s. Claire, the Administrator and Problem Solving Coordinator, explained to me how there is a discussion on the ongoings of all the participants where the probation officers take a leading role. While the probation officers have this leading role in the “backstage” of the courtroom, the judge remains making the final decisions. The probation officers are the most important actors within this process because they actually engage with the participants and give
them the attention that is proven to be needed for the participants to succeed. From my observations, probation officers have a genuine and honest relationship with each of their individual clients. The participants trust them. The District Attorney Supervisor, William, stated that “The most important relationship frankly is between the probation officer and the client. I mean that’s in my experience. I think that the judge is also important, but if you have a probation officer who is really motivated, they have the most contact with them. So I think that the volume of contact is most significant, that’s just my opinion. And so they talk to them sometimes on a daily basis and so I think that makes a more dramatic impact.” I found that the probation officers did give the most personal support to each of the participants. When the probation officers would enter the courtroom, they were greeted by the participants who they were assigned to. They spoke to their family members who attended and the participants were more open with them than with the judge. When a participant uses, they must call their probation officer within 24 hours of using. If they are going to, or did miss a meeting, they must email their probation officer. Any problem they have, they go to their probation officers. At first this relationship is forced upon both parties. This obligation to interact is extremely beneficial to each participant. It gives them a relationship that is purely based on honesty and support.

In one observation, the judge spoke to a man named “Tim.” The judge stated that he had missed three meetings and Tim argued that he had only missed one and he told his probation officer that he was in the hospital. The judge said that he was not sure if he believed him, but then the probation officer replied saying that Tim was right, and the judge apologized.
A different situation arose with a woman named “Kiana”. When the judge spoke to Kiana he asked her if she even cared about her recovery since she missed two meetings, Kiana said that she had emailed the probation officer and she said that she had an emergency with her daughter. The probation officer told the judge this was not true, and Kiana and her began arguing. Kiana looked at the probation officer and said it was true and to check her email because she knows she sent it. The probation officer looked back into her emails and said she had no email and accused her of lying. This is important because the probation officer holds the participants accountable. There is no room for dishonesty within this relationship. Even though the probation officer is the only staff member who has accurate information on their client, the judge still makes a decision on what should happen to the participant. The judge gave Kiana two nights in jail. The probation officer is like a nanny who raises the child, while the Judge is the parents who comes in after he has not spent time with his child and dictates what to do with them.

When I observed I did not see any significant contribution made by the public defenders. The public defenders did not have any meaningful relationships with any of the participants or the prisoners they were there to defend. They did not seem to play a huge role as it was clear the judge knew the decisions prior to prisoners coming up to the podium. The public defenders role seemed to be just necessary for the purpose of legality in that the prisoner’s rights required them to have an attorney present. The public defenders would just tell the prisoners briefly what the judge said. At one point during my observations, a defendant trying to get into the program came up to the podium and his or her public defender was not present so the other attorney stood in for
him. This showed how informal the process is and that the public defenders really are just there for the legality of it. On top of their miniscule presence in the Drug Court room, their surface level relationship with the defenders ended as soon as the decision was made to allow or deny them entry into the program. Regardless of their minimal impact during the actual Drug Court meetings, I found that they did contribute to the discussions that occurred in the back region of the court. When deciding sanctions the public defenders helped make decisions. They do not advocate for their past clients, but they did help with deciding which prisoners are appropriate for the program. The public defenders role within Drug Court is much more impactful in the back region when decisions are being made.

**Positive v. Negative Attention**

The Drug Court community enables defendants to build up their self-esteem and begin to believe in themselves. It also allows for the possibility that one’s self esteem will diminish and they will not be rehabilitated. Through all of the symbolic interactionism that occurs in this court, meaning is created in each conversation, gesture, and material reward. Material rewards entail gift cards and framed certificates that serve as positive reinforcement. The participant is then able to develop a new sense of identity. The participants, drug court staff, and all involved do not play the traditional roles one would commonly see in a criminal courtroom. This new drug court program defines the situation differently. It becomes defined as a community where you are to trust the
process and in turn be honest with those trying to help you. The routines become the center of the participants’ lives, which helps them commit to the program.

It was incredible to see how the drug court played out through the framework of dramatic realization (Goffman, 1956). The judge was seemingly the most important actor in the play. The Judge kept each actor in check and either reassured them they were doing a good job as an actor in their role or reprimanded them for not fitting into their role well through impression management. Once the Judge made his decisions he positively or negatively sanctioned the other actors.

Drug Court demonstrates how one’s identity is constantly changing. It is impossible to stay the same due to one’s environment and situation being able to change at any moment. This is reflected by a change in behavior depending on whether the participants received positive or negative feedback. The program purposefully tries to change their identity as William, the District Attorney Supervisor, expressed to me. “I think that just because you use drugs doesn’t make you a drug addict and just because you steal doesn’t make you a thief, you know I think that your identity is something larger than that and that’s one of the great things of our program is that almost by nature it requires that we know more about these folks, we know more about their family, we know more about their upbringing, you know we know more about them, and therefore we can start to identify them about things that are positive in their life and not negative.” When getting to know the participants and being able to tell them that their identity is not just a drug addict and/or a criminal, they can help transform them into believing their identity is one of a human with good attributes.
The way each participant is treated within the Drug Court community affects their potential for success, as it affects their identity transformation. Attention from the judge holds a great amount of weight. This attention does benefit the success of the participant by making them feel part of the community. I found that attention from the judge is vital. However it is necessary that this attention is not negative. When a participant receives constant negative attention, without any positive feedback, their confidence diminishes and they feel ashamed, which makes them distance themselves from the community.

The judge performed his role as loud, friendly, supportive, constantly joking around while conversely being harsh, stern, and authoritative. He was direct when speaking with the prisoners and gave them a short reasoning for their verdict, as they were not a part of the community yet. With the “100%ers” he constantly joked, conveyed if he was proud, and asked how they had been and what they had been doing. With the “Less than 100%ers” he joked around as well, but many jokes were directed at them in a way that conveyed the message that they needed to do better. He constantly gave words of the day such as “honesty” and “balance.” He always spoke with authority and expressed that the most important thing for them to do is show up to Drug Court. He spoke to them almost as if they were infants and he was their father. The judge showed support and encouragement to keep up the good work to those he thought were progressing. Some received framed certificates for moving up phases. The certificates were a symbol of success, but simultaneously carried meaning that the participants were being treated as children. One man named “Cooper” who was “Less than 100%” was going to be put in jail, but because he showed up and was honest with the judge
about drinking the judge did not put him in jail. This member also changed from saying he just drank six days ago, to that he drank and smoked weed. He also tried to convince the judge to give jail time on a later date because his parents were visiting that weekend. The judge did not give him jail time and showed him praise for his honesty and self motivation.
A code that continuously came up in Drug Court programs was the concept of Dual Diagnosis. “Dual Diagnosis” is defined as a Drug Court participant who is not only an alcoholic and/or drug addict, but also one who has one or multiple mental illnesses. Within this broad theme of dual diagnosis I identified underlying themes. These underlying themes were the general presence of dual diagnoses within the courtroom, the obstacles the individuals with a dual diagnosis face, and inadequate treatment provided by the Drug Court program. There is a large demographic of dual diagnosis participants within Drug Court programs nationwide. The District Attorney Supervisor, William, stated that “dual diagnosis probably accounts for most of the folks, to some extent.” Some mental health issues are manageable, but many are not. This is a big issue for Drug Courts as the District Attorney Supervisor, “William, informed me, “We don’t just take everyone that has a substance abuse issue. That would you know take 90% of the cases we have in our felony docket, as you can imagine. What we take are folks that are high risk, high need. They are folks that are almost certain to recidivate, that’s use again and commit further criminal offenses, um and that they have a high need, meaning that they are you know their primary issue appears to be substance abuse.” I found that a participant’s criminal offenses are often due to their substance abuse problem and a lot of the time their substance abuse problem is due to their mental illness. With a dual diagnosis, it is problematic to focus on the criminal and addiction side when they could both be being caused by a mental illness.
Presence in the courtroom

Part of the screening process for the admission into the Drug Court program is getting medical information about each potential participant. The judicial staff then determines, alongside the treatment providers, if their degree of mental illness is too severe for the program. The District Attorney Supervisor, William, informed me that the treatment providers will tell the Drug Court if they believe they are "equipped to handle those particular mental illnesses." The treatment providers for Adams County Drug Court include, Addiction Research and Treatment Services (ARTS), Heart Counseling, Community Reach Center, and the Arapaho House. The treatment provided is individualized for each participant. It consists of group therapy, one on one therapy, and medically assisted treatment such as the facilitation of suboxone, vivitrol, and methadone.

Those that are admitted in the Drug Court program can have a mental illnesses too severe for the Drug Court program to help. The District Attorney, William, informed me this does occur in the Adams County Drug Court, “There’s a lot of different circumstances that we discover after admitting someone where we realize this is going to be a lot more difficult than we thought, or this is going to be impossible. And I think that that’s the nature of our screening process and fortunately its thorough and I think more thorough than um most treatment courts. But I think um its still you know there is going to always be variables that you just don’t um know about. And because to a degree we are subject to what the participant is willing to disclose, so that’s tough.” When someone is admitted into the program whose mental illness is to a degree that the Adams County Drug Court cannot adequately help them it becomes an issue. They
do not want to give up on their participants, but the intention of the Drug Court is to accept high risk and high need defendants. The District Attorney Supervisor, William, explained the set up for these issues, “So, so, that’s really where our screening comes out of, the foundation of trying to identify those individuals. Let’s say, you have someone who comes in, that we didn’t realize is a diagnosed schizophrenic or some other really significant mental illness. We don’t just cut bait and say like you’re out of here. We do the best that we can, you know I think that we really do the best that we can.” He goes on “And I think that we are pretty well situated that we can give that person the best care that is possible um and then ensuring community safety and that’s the other piece that and I guess as a prosecutor I am a little bit um you know of this voice at times that at the same time we have to recognize that the person is under a criminal sentence and you know so this isn’t just a volunteer out of nowhere program where there is no context.” When this issue arises the judicial staff is faced with the difficult decision of whether or not they need to send these participants who cannot complete the program to a criminal corrections facility or prison or if they can try and continue to treat them through the program. William then posed the question, “Is that really the best environment for that person, or should we just try our best here? You know and try to provide treatment, you know there is no really one way that we handle those circumstances those are some of the considerations for each of those circumstances.” There is not a standard for what mental illnesses are too extreme for the program. The program also prides themselves on not giving up on participants easily so they try to keep them in the program in hopes that they will eventually be successful.
Within Adams County Drug Court, two of the women participants have severe mental illnesses. One woman named “Brenna” is schizophrenic and has a multiple personality disorder. I was informed that the other woman, “Phebe” has a severe mental illness, but the details of it were not disclosed. Brenna always came to the Drug Court meetings with her parents. She made minimal conversations with other participants. She was always hunched over clenching to a piece of clothing. If someone greeted her she would give them a sort of half smile and look back to her hands. “Brenna” would sit in the first or second row on the right side of the courtroom. She was not integrated into the drug court community. She was the one exception to my finding that those who have a big presence in the courtroom, are well known, and receive a lot of attention from the judge have the most potential for success. She was known to everyone in the courtroom, when she spoke it was always highly dramatic, and conversations with the judge were always very lengthy, but she did not have strong relationships within the community. She spoke with the judge for at least ten minutes each time she came up to the podium. When she spoke all eyes were on her, and the courtroom was silent. “Phebe” had her mental illness under more control. She did not have a huge impact on the courtroom like “Brenna” did. “Phebe” struggled with her dual diagnosis, but never drew attention to it during the meetings. Because there were only two participants with a severe dual diagnosis, they were an outlier in my findings.

Not only did Brenna’s interactions with the judge affect the mood of the court, they also took a lot of time away from the other participants. Her presence seems to be out of place and it disrupted the flow of the meetings. She was an outsider and does not
have the benefits of a supportive community, which is needed to succeed within this program.

Obstacles

During my observations I witnessed Brenna endure threats of sanctions including jail time during each docket. She was clearly unstable and three of the times she ended up in tears from the conversation with the judge. I was later told by a staff member that she had a multiple personality disorder. The second time I witnessed Brenna at the podium she was having what appeared to be a mental break down. The judge began their conversation and said he needs “to have a heart to heart” with her. Her public defender, who was no longer around because she was moved to the Denver office, had previously fought for her to get into this program. She was not accepted in a halfway house due to her mental instability, and will never again have that opportunity. The judge said she has been in treatment for several years, and she interjected that it has been “off and on.” She had her own car and house, but missed six urine analysis appointments. He told her that he is focusing on things that are within her control. He repeated to her that he only sanctions things that are within her control, “do you understand that?” “And you missed treatment and probation.” The judge told her that showing up is within your control and that he understand that stopping the alcohol and marijuana abuse may not be in her control. The judge relayed a speech to her, “But you need to understand that you are responsible for your actions. Here’s the big picture, if you don’t show up or comply with the program then you don’t have to be here, and this,
that your attorney fought so hard, I think he thought this was because you were going to get a prison sentence. Do you think you would do well in prison?" “No” Brenna whispered back. Brenna was uncontrollably crying. The judge looked at the Administrator and Problem Solving Coordinator, Monica, and said, “She gets a two night jail sentence.” He looked back at Brenna who was sobbing and trying to wipe her tears with a tissue, and told her, “I really want you to think about while you’re sitting there for two days if you want to be in the program and what the consequences would be for not being in it. Termination, jail, or prison are your three options.” Brenna tried to talk through her tears and stated that she fell down the stairs once and that is why she missed her urine analysis appointment. Brenna kept trying to talk to the judge, “It’s uncomfortable to speak in front of all these people.” He interrupted her, “No. This program is about putting you on oral spot.” She kept saying she could explain in private and he said that’s not how it works. She has been in the program since July 26th 2018. She said she just went on new medication and because of this she would not have the new medication so this is counterintuitive, “you should not do this it doesn’t make sense.” The judge interjected again, “No, you need to show up. This is not I'll show up when I want to, this is I will show up when it is in my control.” Brenna kept trying and said she would talk to him in private, but the judge would not listen. The deputy was standing behind her and waited to handcuff her, and she said, “I'm glad you’re not mentally ill, and you cannot empathize with me. And you cannot understand that...it’s ridiculous that I’m going to jail and can’t take the medication...I don’t expect you to understand.” The judge responded “thank you and see you in two weeks.” He then started clapping and then called up the next person on the docket and Brenna was
handcuffed and taken out. This moment in the courtroom made it evident that Adams County Drug Court is not equipped to help someone with mental issues as severe as Brenna. During my interview with the District Attorney Supervisor, William, stated that “If it's diagnoses schizophrenia that is a significant mental illness that I would be surprised if our treatment advisors would be willing to handle and take on.”

**Inadequate treatment**

After observing the treatment provided for Brenna it was clear to me that she was receiving inadequate treatment for her dual diagnosis. The judge and judicial staff are not trained for treating the mentally ill. The resources they provide are all second hand. When sanctioning Brenna it was clear that they were not educated on how to do so in a way that her mental health was considered over her drug related rehabilitation. The rehabilitation from addiction was seen as the top priority in this program. Drug Courts were not designed to treat those with dual diagnosis, so those with a dual diagnosis suffer. The District Attorney, Claire, described how they dealt with these participants stating that, “We deal with everything we can. There is a lady in the program that is schizophrenic and the treatment providers are awesome and they kind of deal with her different personalities even.” My research reinforced the notion that it is the treatment providers that deal with the participants with dual diagnosis, not the judicial staff of the Drug Court program. The district attorney continued, “But they try and try to use every resource they can to deal with that, but then there are people who are not in the program because their needs exceed what our program can provide. But they try as best the can.” There is not a strict standard for who can be in the program vs. who
cannot be, based on mental illness. Each person is looked at objectively and
individually, but the Drug Court system currently in place cannot always accurately
judge who can succeed in this program. The District Attorney, “Claire White”, states that
this problem is “not uncommon”. She describes “Brenna” as “probably the most severe,
where we go back and forth, like can we really meet her needs? But um yea it is not
uncommon.” When questioning if they have the resources to help “Brenna”, it is clear
they do not. This problem has come up with other participants, which is not conducive to
the progress of the individuals or the program as a whole.
CHAPTER SEVEN: DISCUSSION

STATUS

The status of each participant affects their general well being, self confidence, Self, Identity, and overall integration within the Drug Court program. Past research has shown that the attention one receives from the judge indicated how one felt about themself in the program and how he or she felt they were perceived by others (Gallagher, Nordberg, and Lefebvre, 2016). How the participants viewed their progress within the Drug Court program is dictated by the treatment they receive in Drug Court. The participants and the progress they have made is discussed in front of the entire courtroom. They are often compared to one another, which is congruent with my findings. Past research exemplifies this in descriptions such as "In advancement hearings, aspects of a defendant’s prior and present motives, actions and appearance before the court are often invoked and juxtaposed by participants to evidence how defendants have changed for the better, are recovering, and becoming more responsible in their decisions and conduct" (Lynch, 1997).

None of the past research has discussed the significance of one’s status within the Drug Court program. I identified the three statuses within Adams County Drug Court as, 1. “Superstar”, 2. “100er%”, and 3. “Less than 100%er”. These labels and statuses were given to the participants by the judge. They were also written on the whiteboard that was at the front of the courtroom so all could see. Behind the scenes in the backstage the entire judicial staff discussed these statuses, but in the end the judge made the final decision and then he expressed them to the participants in front of the entire courtroom. This was unique to Adams County Drug Court. This project was done
in hopes to understand Drug Court programs through the eyes of the participants has concluded that the relationship with the judge is by far the most important and consistent factor in one’s belief in why they will or did succeed in graduating the program. This relationship holds so much weight because the participants are treated as children and the judge is seen at the parent. (Gallagher et al., 2016). I found that the strength of this relationship has a huge impact on whether the participant feels comfortable within the program, if they are accepted by the other participants, and if they were succeeding.

When a participant had a higher status they had more self confidence and they were more known to the Drug Court community. They continued to to receive this praise, and consequently they continued to do better. When a participant received a lower status, they were sad, disappointed, and it hindered their growth within the program. Each participant received a minimum of three minutes when talking to the Judge in Adams County Drug Court. One’s status usually correlated to their appeared closeness with the judge. The closeness that came from attention allowed for the participants to get to know them, which made it easier for them to create bonds. When one had a higher status, the Judge was more engaged with them. This system of statuses seemed to benefit those doing well. However, I believe it is necessary that the status is not the center focus of one’s time in front of everyone within the courtroom. Each person deserves to have equal attention in order for them to succeed. The judge needs to make an effort to engage with each participant in order to have a “meaningful interaction.”
COMMUNITY

My findings echo past literature that there is a community created within Drug Court. When analyzing who was succeeding and who was failing the Drug Court program, my findings differed from the past research on Drug Courts. The participants in Adams County Drug Court and their experiences do not necessarily perfectly reflect the same as those in all Drug Courts, but there are vast amounts of similarities in their descriptions. The community within Adams County Drug Court was based on physical regions, roles, relationships, and attention.

Physical Regions and Roles

The roles of each actor are influential on the successes of the participants. There has been a vast amount of literature discussing these different roles, but they all result in the conclusion that the judge had the most important role within the program (Belenko, 1998). A more recent study challenges this idea through the comparison of the drug court staff with Goffman's theory of dramaturgy (Goffman, 1959). Past research found that “During court sessions, judges are the focal actors of the courtroom workgroup. They interact directly with participants and bear responsibility for decisions. Backstage, in day-to-day interactions with problem-solving court participants and in pre-court team meetings, probation officers (POs) take the lead. POs spend more time interacting with participants than any other courtroom workgroup actor and prepare weekly reports on each court participant. Based on their superior knowledge base and
informational role, POs wield significant power behind the scenes in problem-solving courts" (Portillo, Rudes, Viglone, Nelson, Taxman, 2013).

This was an interesting contribution to previous literature that usually did not address this “backstage” interaction where the probation officers takes the lead. With that being said, the Judge does not truly know the participants. This is congruent with my findings. As I noted, the probation officers are the most important actors within this process because they actually engage with the participants and give them the attention that is proven to be needed for the participants to succeed. The probation officers had the closest relationships, and for that, they should be given the most authority and control over what should be done with the participants. My findings went further into Goffman’s theory of dramaturgy, which identified the actual regions in the mainstage of the courtroom, which dictated how each actor was supposed to perform. With that being said, at the Adams County Court, in the end all the decisions regarding the participants were ultimately decided by the judge.

My widely accepted finding in past research is that the role of the public defender within Drug Courts is minimal (Kempinent, 2011). When I observed I did not see any significant contribution made by the public defenders. Past research affirmed my observations, “Not once did I see defense counsel for a participant appear at a problem-solving court hearing”(Kempinent, 2011). A number of explanations were provided, "none believed they had a responsibility to attend program court sessions." Once the client was admitted into the Drug Court program the public defenders were no longer involved in the cases of their clients. “Public defenders closed their files at the
point of admission to treatment” (Kempinent, 2011). My observations indicated that this research was accurate in their descriptions on the public defenders.

Relationships

Previous research touched on my finding of the value of integration into the Drug Court Community (Fulkerson, Keena, O’Brien 2012). Their findings revolved around two groups, graduates and those who failed to complete the program. The “noncompleters” came into the program uncommitted to fully allowing themselves to be a part of this rehabilitative community, which in the end acted as the catalyst to their failure to graduate. Almost all of the participants I observed came into the program to avoid jail, and fighting their addictions was either a second priority or did not become a priority until further on into the program. I found that this development only occurred after their integration into the community, which was only possible after being in the program for multiple months.

My research indicates that group interaction is essential to one’s success in the Drug Court community. If one does not interact with the other participants, they cannot form relationships, and they will not have the support they need to get through this rigorous rehabilitative program. A new statistic reported that “the majority of graduates (67%) reported that they benefited from group interaction, whereas only 29% of noncompleters judged group counseling as beneficial” (Fulkerson, Keena, O’Brien 2012). This amplified my finding that those who were more comfortable and integrated in the community had more potential to succeed. Half of the “noncompleters” expressed
that they felt humiliated, embarrassed, and degraded within the communal Drug Court sessions. This overlapped with my finding that it was very difficult for those who were not comfortable within the community were unable to engage in the open discussion they were required to have with the judge. When that occurred, they either did not progress or backtracked.

*Positive v. Negative Attention*

I found that attention was a key element to success. In the Adams County Drug Court the participants identities were reshaped depending on the amount of attention they received and if it was positive or negative. Past research addresses the impact that attention from the judge and the judicial staff has on the participants. Those who failed out of the program expressed the need for more attention. Fulkerson, Keena, and O’Brien (2012) went on to say that the judicial staff neglected to see that he had been breaking his probation for over six months and he just needed someone to check up on him. The participants were deceitful, which contributed to this issue. The participants I observed differed from the accounts expressed in past literature as the they did not have an opportunity to be deceitful. The probation officers were on top of all of the drug tests, attendance of meetings, and requirements met or not met by the participants. Adams County Drug Court focused on honesty. This value of honesty was embedded into every interaction and process within the program. With honesty always held at a highest priority, the participants were always held accountable for their actions. I found this accountability and the strict supervision of the probation officers to compel
participants to self-reflect. This self-reflection was apparent when they addressed their mistakes and set goals with their probation officers to move forward.

Like my findings, the participants in the study by Fulkerson, Keena, and O'Brien, 2012) craved the judge’s attention. Past research found that participants felt that because the Judge and judicial staff did not engage with them enough, they were unable to succeed (Fulkerson, Keena, O’Brien, 2012). Those who were successful within the program had the opposite experience, where the judge consistently engaged with them. I found the variation of the judge’s engagement to be a huge issue within the Adams County Drug Court. However, my findings indicated that this variation of engagement was in part due to the participants efforts to engage with the judge. The blame is not on the participants though, as their lack of effort came from their uncomfortability and unfamiliarity with the program and the judge. It is the responsibility of the judge to initiate a meaningful interaction where he is fully engaged. When the judge did not invest in engaging with some participants, they showed signs of defeat and were distanced from the community. The courtroom witnesses all of these interactions and the other participants get to know each other through them. When participants did not receive positive attention and/or the judge barely engaged with them, they did not receive recognition from the other participants. This lack of recognition directly contributed to a lack of support and development of relationships between participants. The judge set the tone for who was the most integrated within the community.

From the focus on the roles of the judicial staff, the literature has progressed to understanding how former participants viewed their experiences within the community in
relation to the roles assumed by the judicial staff. From my observations I found that each Drug Court participant assumes the role of a client of the rehabilitation program. The participants embody this role in order to show the judge and judicial staff that they are trying to be rehabilitated. Past research has indicated that overall each participant has the opportunity to succeed, regardless of their race, class, post-convictions, age, and past abuse (Rossman, Rempel, Roman, Zweig, Lindquist, Green and Frarole, Jr, 2011). Granted just by being in the program one is given the opportunity to succeed. This finding is false, as I found that the participants history is a huge indicator to the judicial staff on who they believe will succeed and who will not. With that information, they treat the participants differently based on their past.

Past research has indicated that the way each participant is treated within the Drug Court community affects their potential for success. This treatment derives from the judicial staff’s understanding of the participant’s history and how he or she will specifically act with them. Knowing one’s potential creates issues of bias, which is projected on the participants through positive and negative attention. Past findings relayed this idea that attention from the judge holds a great amount of weight, “Drug court clients who received higher levels of judicial praise, judicial supervision, and case management reported fewer crimes and fewer days of drug use after balancing the dosage levels on attributes related to client risk for these behaviors” (Rossman, Rempel, Roman, Zweig, Lindquist, Green and Frarole, Jr, 2011). This praise that I witnessed does increase the odds of the success of the participant by making them feel part of the community and helping their self-confidence grow. Past research does not address the negative attention some of the participants receive. In my findings it was
evident that the participants who watched other receive praise while they received either did not receive praise and/or received negative attention felt isolated and their self-confidence declined.

I continued to come to the realization that the integration one has within the drug court community is highly impactful on one’s likelihood to succeed. The gap became clear to me that even though everyone is technically part of this community, some people’s relationships within it and their membership within it are stronger than others. Most participants I observed sat with the same people during every docket. They had friend groups that created a sense of support with one another. The participants who were given the most positive attention felt more confidence and their self-esteem grew. They then could make connections with those around them, felt comfortable engaging with the judge. This positive relationship with the judge encouraged them to show up to all of their group meetings, went to all of their drug tests, and attended the events of the program. It all begins with the relationship between the judge. This opens the door to all of the potential benefits of the program. When this door is open the participants can develop relationships with each other, which I found to be the most important. Not only do they have the support while in the courtroom, but when they are tempted to use or violate their probation in another way, they have someone to call. They can lean on each other as they have all been in each other's position at some time or another.

This research fills the gap in the literature regarding the relationships between the participants. The judge allows for the recognition of a participant within the community. This recognition leads to the acceptance of the participants, which makes them more comfortable in connecting with those around them. Their identity grows from
the identity of a criminal/addict to the identity of a human being and someone with self
worth who can have friendships and is worthy of support. Relationships between the
participants have not been discussed in previous research. These relationships and the
support that comes with them help produce a tighter knit and more trustworthy
community. These relationships are the ones that develop stronger ties between the
individual participants and the community as a whole.

DUAL DIAGNOSIS

Past research provides insight into issues of mental illness within the Drug Court
system (Winick, 2019). Winick reviews the interdisciplinary scholarship of psychology
and behavioral sciences and directly interweaves them into the function of Drug Courts.
He explains how the judicial staff members and the Judge must study this scholarship in
order to act effectively in the process of rehabilitation for Drug Court participants. He
highlights his finding that most individuals who participate in Drug Court have a mental
or psychological illness.

The willingness for the participants to accept responsibility for their actions and
acknowledge their illnesses is a key factor in their success. In order for them to do this,
the Drug Court team, specifically the Judge, must cultivate a relationship of mutual
respect and understanding. Winick provides identifies “interpersonal skills” the judge
must develop in order to be able to aid the participants on their road to recovery. These
interpersonal skills involve opening up a dialogue where one can express empathy,
sensitivity, and mutual affirmation. The Judge must encourage a meaningful relationship
between him/herself and the participant. This relationship will allow for the participant to feel as though he or she is cared for, supported, and will not have judgment placed on them. Autonomy must be present and the participant should be aware of it, “Hence, the judge should remind the offender that the choice is hers, and that she should not elect the drug treatment court unless she is prepared to admit the existence of a problem and express a willingness to deal with it. This is important because the approach can be empowering to such individuals who often feel powerless and helpless” (Winick) 2019: 1072). Winick notes that the Judge “should be aware of the psychological value of choice”(p.1072). When trying to motivate a participant it is crucial for the participant to feel as though he or she is being encouraged and persuaded to continue the process of rehabilitation. If a participant feels that he or she is being coerced to be in the program, it will be “less likely that she will internalize the program goals and genuinely change her attitude and behavior”(p.1073) When pressuring the participant the Judge must “avoid negative pressures and threats, relying instead on positive pressures like persuasion and inducement. If they do so, it is more likely that they will experience the treatment they have consented to as voluntary, rather than coerced, and as a result, they will experience the psychological benefits of choice, and avoid the negative psychological effects of coercion”(p.1077) Taking away a participant’s autonomy only leads to a “diminished sense of self-esteem and self-efficacy” whereas giving them a sense of control will result in “significant positive effects on treatment outcome.” The gap identified from this study is the need to understand the impact of the relationship between the participant and the Judge.
Belenko (2001) conducted “Research on Drug Courts: A Critical Review.” This study was derived from the previous findings that many non-violent drug offenders that are in Drug Court have mental illnesses that create issues with their rehabilitation processes. Belenko echoed past literature that the three key elements of Drug Court that produce success are, 1. the relationships the participants have with the Drug Court Judge, 2. the constant drug tests, and 3. the program being better than jail. Belenko reviewed evaluations of Drug Courts nationwide and found statistical evidence that participants with mental illnesses made up a large demographic of the program:
“Several evaluations included data on such health issues, especially psychological problems. For example, 40% of Mendocino County (CA) and 20% of the Syracuse (NY) clients reported a need for mental health services at the time of admission to drug court. Based on the Addiction Severity Index (ASI), 57% of Salt Lake County (UT) clients had an indication of a psychological problem, and 46% needed treatment for this problem. Nearly one-third (30%) of Butler County (OH) clients had received past psychiatric care, as did about 40% of Santa Barbara (CA) and 48% of Salt Lake County (UT) participants said they had serious physical or mental health treatment needs” (Belenko) 2001: 20). He then looked into specific mental illnesses and found that suicidal tendencies were prevalent among the participants as well: “among Salt Lake County (UT) participants, 35% had ever had thoughts of suicide, and 20% had attempted suicide; among clients of the Santa Barbara (CA) drug court, 13% of the North district clients and 19% of those in the South district had ever attempted suicide” (p.21). After analyzing his statistical findings Belenko insists that Drug Court programs must take action to ensure that participants with dual diagnoses have the services they need. He identifies a large gap
in the literature regarding “the client, operational, and treatment delivery characteristics that affect outcomes, so that drug courts can maximize their impacts and cost effectiveness, and the relative effectiveness of the various elements of the drug court model” which are needed in order for the judicial staff, policy makers, and participants to better understand the program and what can be fixed (Belenko 2001: 3).

The recommendations that Winiks developed through his research need to be taken into action immediately.
CHAPTER EIGHT: CONCLUSION

Graduation rates continue to increase within each of the more than 3,100 drug courts across the United States (U.S. Department of Justice Office of Justice Programs, 2018). None of the existing research on Drug Court programs speak about the integration of each participant within the Drug Court programs. My research focuses on how, even though there is a community and everyone does have some relationship with the judge, some participants are stronger than others. Each member of the Drug Court community has a different status, some member’s statuses change quickly due to progress or sanctions, other members have what seems to be a permanent high status attributed to them by the judge, and are used as constant examples and/or references. Through my research I found that one is more likely to succeed or fail based on the amount of or lack of attention one receives and how integrated each person is in the community. Though Drug Court programs have benefited many non-violent drug offenders and the judicial system as a whole as “reductions in recidivism ranged from 17 to 26 percent” within the last five years, it does not grant each person the same amount of opportunities to succeed. Graduates of drug courts are less likely to be arrested or convicted when compared to non-participants (Dynia & Sung, 2000; Peters, Haas, and Murrin, 1999; Vito and Tewksbury, 1998). However the likelihood of those who do not graduate drastically vary from those who did successfully graduate.

I have concluded that the attention the judge gives to each participant is vastly different. The relationship each individual has with the judge and the attention they are given by the judge is then mirrored by the others within the Drug Court community. This is mirrored through the recognition they get via clapping and conversation. The findings
from past research that claim the judge and the judge’s relationship with the participants is the most important factor for one’s success is true. My research goes beyond just the relationship regarding those who succeed and addresses the evidence that the weak relationships are the most important factor in predicting who will fail. When one receives less attention, has a weaker bond with the judge, and is given a lower status, this causes their sense of Self to deteriorate.

The Drug Court programs have been monumentally beneficial for these non-violent drug offenders and our prison system as a whole, but through my findings it is clear that there is room for improvement through focusing on all participants, not just the ones who appear to have the most potential. Drug Courts must also take greater measures to help participants with mental illnesses. There needs to be further research on how to help those with dual diagnoses succeed in this program and combat their addictions. Regarding all types of offenders, my research led me to conclude that there are participants with dual diagnosis who endure greater obstacles than the general Drug Court population. I find that these individuals with dual diagnoses need even more attention and efforts to integrate them into the community in order to succeed. I believe the potential success of all participants is only possible through focusing on how strongly the participant is integrated into the Drug Court program. This integration includes the relationships discussed above, the identity one obtains, one’s perception of the program and the judicial staff, and how motivated they are in be in the program.

There needs to be sociological research done to address the questions: How can Drug Courts allocate more efforts to integrate each member of the community equally? Why are the probation officers not given a larger role in the frontstage of the
courtroom? Are there steps that can be taken to help participants with dual diagnoses succeed in this program? Or should those with these dual diagnoses be placed in different environments with more resources to combat both illnesses?
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