

THE ROLES AND RESPONSIBILITIES OF THE PARTICIPATING TEAM MEMBERS IN DRUG TREATMENT COURTS

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Introduction: Drug Treatment Courts and Those Who Support It

Drug treatment courts, a concept that began in Miami-Dade County, Florida in 1989, has spread and flourished throughout the United States and several other countries (Winick, 2002). This fast-growing and popular type of problem-solving court focuses on supporting and guiding a participant toward a specific goal, such as living a substance-free life. Drug treatment courts are a vital alternative to the criminal justice system. For example, they provide those plagued by substance-abuse with treatment options that emphasize behavioral and psychological change. According to countless studies, offenders, now referred to as clients or participants of the program, have been shown to have lower recidivism rates (Wilson et al., 2006) than those who follow the traditional punitive route of the criminal justice system. To ensure the success of clients, the members of drug treatment courts (e.g., judge, prosecutor, defense counsel) come together to form a supportive team with one purpose in mind: to help the client succeed and finish treatment.

Concisely, each member of drug treatment courts has a specific role that ultimately revolves around the benefit and success of the client within the program. In the proceeding sections of this paper, an analysis of the therapeutic approach the judge incorporates in drug court and how their guidance motivates a client towards success will be undertaken. Furthermore, the paper will detail how the structure of the drug treatment program impacts the wellbeing of the client. The findings section will analyze the observation of a drug court session in south Florida held with a drug court judge and team member. The data presented will divulge into themes that describe the behavior and interactions between the clients and the judge.

Literature Review: Adversarial to Supportive

Drug treatment courts require a variety of players to be effective. The majority of the participating members in this team-based court exchange their adversarial and punitive philosophy of traditional court for a more compassionate and supportive one. The objective of this study is to examine the roles of the supporting members in drug treatment courts (DTCs). This article will study the contributions and responsibilities of the judge in DTCs as well as a drug court coordinator. In doing so, this investigation will demonstrate how the structure of DTCs

can impact the success or failure of the client regarding the completion of the program. In this section specifically, the focus will be on literature relevant to the role of the judges in DTCs and how their role differentiates from their neutral stance in a traditional court. The purpose of this section is to analyze how transformational leadership and therapeutic jurisprudence assist in helping a judge guide a client toward success.

The Judge as a Leader

Perhaps the biggest moral change in DTCs comes from the judge, a once neutral party who primarily decided on guilt or innocence. The judge, who in the criminal justice system severed as a mediator between the two parties and held the final authority in cases, steps down from their elevated position to administer support and aid the client to success. Judges in DTCs are known to be more empathetic and charismatic than their impartial counterparts in traditional criminal court. The primary purpose of DTCs is to promote the individualized rehabilitation of clients by requiring them to partake in specific treatment options that not only help them quit their addiction but also empower life-long behavioral change. This requires exceptional guidance to steer the clients towards success. King (2008) discusses how the practice of transformational leadership in problem-solving courts can enrich the rehabilitation process and uses a comparison method to study the theories conducted on leadership. Based on psychology and behavioral science research, transformational leadership is said to be beneficial because it encourages above normal performances in organizations (King, 2008). Transformational leadership is based off practices that energize and stimulate their members to obtain high levels of achievement. Using the transformational leadership theory of James MacGregor Burns, King (2008) reiterated leadership to consist of leaders emboldening their followers to partake in behaviors that vitalize goals correlative to both the leader and follower. The judge, also known as the judicial officer, in problem-solving courts is often viewed as the team leader and as the public face of the court (King, 2008). When the judge is active and contributing to the team efforts of DTCs, King (2008) acknowledges the therapeutic role the judicial officer has in promoting and supporting the rehabilitation of the participant.

Thus, signifying how a judge interacts with a client can notably influence the level of respect the participant holds for the justice system and the outcome of their case (King, 2008).

The Therapeutic Jurisprudence Role of the Judge

The supervisory and therapist-like role of the judges in DTCs is one of the court's distinctive features. Due to a greater emphasis on rehabilitation rather than punishment, the judge becomes a therapeutic administrator when dealing with clients (Burns & Peyrot, 2003). As noted by previous literature studied by Burns and Peyrot (2003), the elemental goal of the judge is to help treat the client of their illicit addictions. In the hearings, the judge often utilizes a tough-love method, leveraging the threat of possible incarceration as a deterrent for the client (Burns & Peyrot, 2003). Similar to the supportive role of a parent, judge's form personalized relationships with the clients while mentoring and motivating them to continue the program and complete treatment (Burns & Peyrot, 2003). Formulating around the same time as DTCs, therapeutic jurisprudence began as an interdisciplinary scholarly approach in the latter half of the 1980s (Winick, 2002). Therapeutic jurisprudence presents the study of ways that adhere to the principles of justice, the theories, knowledge, and insights of mental health and related disciplines to help structure laws (Rottman & Casey, 1999). In essence, therapeutic jurisprudence believes tending to the individual's wellbeing in addition to the issues surrounding a case (Rottman & Casey, 1999) can improve treatment efforts. In criminal court, a judge may stride to balance the application of therapeutic jurisprudence without overriding due process and legal standards. However, in criminal court, there is often greater attention placed on anti-therapeutic laws (Rottman & Casey, 1999) and legal consequences. The more sensitive approach of therapeutic jurisprudence is given greater significance in DTCs. Judges in DTCs aim to apply practices that target recurring problems that appear to be caused by behavioral, psychological, or psychiatric complications or disorders in clients (Winick, 2002). Thus, therapeutic jurisprudence provides a theoretical foundation and guidelines the judge can use to contribute, support and oversee their clients to sobriety.

Methodology

As previously discussed, the goal for this project is to document the roles of interactions of members within the DTC structure. The data presented in the findings section of the study represents empirical information from a DTC session, an interview held with a drug court judge and team member, and film interviews. This section of the paper presents how the observation of the drug court session was obtained and how the information will be analyzed. Additionally, the questions presented during the phone and film interviews are highlighted.

Selecting a Method

To fully assess and measure the interactions seen within the observation, a qualitative methodology is best suited. Specifically, a non-probability sampling approach is employed (Rennison & Hart, 2018). Data was collected using observations and fieldwork as well as interviews. To reiterate, the supportive coordinators of DTCs and the target population of this study are the judge and a drug court coordinator. This population was chosen because they have the most interaction with the client at all stages of the program and are in a position to ensure whether the client has a positive or negative experience within the drug court.

Structure of the Observation

With the type of methodology selected and the target population determined, it is now time to move onto the structure and the mechanics of the observation. The observation of the drug court session lasted for an hour, commencing as a session was already in progress. The beginning of the session was not captured and of the information presented is based on the observations captured within the hour of the observation. The placement of the observation allowed for the entire courtroom environment to be captured. Throughout the observation, roughly ten participants appeared within the hour. These interactions were collected using field notes, quick but descriptive accounts of the phenomenon.

Although the observation lasted for a relatively short period, several pages of raw empirical data were produced. The data produced captured focused on the interactions between the client and the judges, noting the race, gender, and demeanor of the clients, the judge's reaction, and responses from others in the session. Furthermore, a description of the environment is also included, taking into account the physical difference between a drug treatment courtroom and a traditional courtroom.

Processing the Information

To process the information collected, the raw data was openly coded into sections (Rennison & Hart, 2018). To explain, the categories of race, gender, age, behavioral gesture, discussions, environmental descriptions, and personal interpretations were created. Based on the context and dimensions of the raw data, it was then analyzed and coded to fit under one of the categories. Although all of the data from the observation was coded, not all the interactions were included in the findings section of this piece. This is primarily due to the interaction being too similar to a previous interaction already included and to present the former interaction would not add to the findings. Once all of the observations were properly labeled and coded, the information was reviewed again to include any information that may not have been previously mentioned.

To avoid confusing empirical events with personal biases, a separate section was created to capture the personal interpretation of the observer. In essence, categories, such as race, gender, behavioral gestures, etc. features the facts of the events, while the personal interpretations category is reserved for any personal comments or thoughts.

Interview Structures

The second part of the data produced will originate from an interview held over the phone with a DTC judge and a filmed interview from a drug court coordinator. The methodology behind these interviews once more adopt a qualitative approach. The phone interview held with the judge follows a semi-structured interview protocol. Several previously prepared broad questions allowed for a guided conversation surrounding the topics and allowed for additional probing surrounding the topic. The questions presented to the judge included various topics areas, such as the role the judge manifests in DTCs, any accommodations, and resources the judge presents the participants, how the judge handles any issue the participants encounter, and how the judge handles juvenile participants. During the interview, field notes were taken of the conversation that detailed the question and the response of the judge. To process the information captured from the interview, the response from the judge were labeled under each corresponding question. The film interview follows a more structured interview approach. To clarify, the prerecorded film interview with the DTC team member serves as a source to gather information on the structure of drug courts and the regulations featured within the program. The interview consisted of a sit-down with a team member from a DTC and featured a set of questions that were previously prepared. The findings section will only document the responses to the questions, as the observer does not have access to the questions presented by the original interviewer.

Findings

The findings of this piece consist of information obtained from a drug court session in South Florida, a phone interview held with a DTC judge, and a filmed interview from drug court coordinator. This segment of the paper will be divided into three sections - the first section will detail the observational data gathered from the drug court session while the other two will consist of the interviews. As mentioned throughout this exposition, the members of DTCs are apart a team that supports the client throughout the phases of the program. The following paragraphs will describe the behavior and interactions observed between the clients and the judge. This section presents and highlights the pivotal role a judge incorporates as they encourage a client's development throughout treatment.

Observational Data - The Behavior & Interactions between the Client & the Judge

During the observation of a DTC session, several direct interactions were witnessed between the participants and the judge. The courtroom primarily consisted of the judge, the clients, their family members, a few uniformed police officers, a team of people working behind a row of computers. Similar to a traditional court, the judge was seated at an elevated position directly in front of the participants. While observing, the judge, who appeared to be a white female in her mid-to-late 40s, gave a male client an award because he was nearing the end of the program without any recent citations or sanctions. The judge congratulated the client in the presence of his mother, who was sitting in the first few seats of the courtroom. As she spoke to him, he slowly nodded his head and thanked the judge.

As the court session proceeded, it was revealed that one client had been drug tested over 60 times during his treatment and has only violated a few of those screenings. He widely smiled as the judge commended him. The concern the judge has for the wellbeing of her clients can be documented. She questioned one client if he had reliable transportation and a permanent place of residence. The client revealed he had a car and planned to stay with a family member for the duration of his treatment. The judge was willing to provide the client with resources if he did not have transportation or a place to stay. She proposed to arrange for a shuttle bus to come and pick him up and take him to his treatment appointments if he was ever in need. In another encounter, a client claimed his mother recently had open-heart surgery for which he used as an explanation to why he missed a drug screening. The judge expressed sympathy for his situation. Instead of sanctioning him for missing a drug screening, she ordered him to write a 500-word essay about why he is in drug court and issued him a warning.

Although the judge's main objective may be to guide her clients on a substance-free path, not all clients are willing to complete their treatment. The participants who were in police custody were transported directly from the detention center across the street. During the session, two of the participants that were in police custody both expressed their desire to exit the drug court program. One of the participants required a Spanish-speaking translator while the other expressed their desire to leave the program directly to the judge.

It should be noted that the court sessions mainly serve as a check-up to monitor the client's progress in the program. During the session, the judge reviews any progress or citations the client may have received within the span of their last encounter. Based on the observation, the judge has a definitive say on who is allowed into the program. Also, she has the final authority on the rules and expectations of the program. Though, she does take into consideration each client's situation, such as when she granted a client permission to travel to see his grandfather, who is in hospice care. She allowed him to travel outside of the county upon completion of a travel request form.

While away, the client must still adhere to drug screenings and other rules of the program.

Due to the optional nature of DTCs, clients have the option of leaving drug court upon request. During the proceedings, one client chose to go back to jail with a bail of \$5000 rather than complete the program. He spoke clearly and in a monotone manner as he stated his decision. The judge stared at him and reminded him of the consequences several times. When he still requested to leave, she had no other option but to allow him to be removed. Besides warning him of the consequences, she made no other attempt to try and prevent him from leaving. After nearly a dozen participants, the observation of the drug court session ended once the judge released everyone for a lunch recess.

Phone Interview Data – Role of the Judge within the Drug Treatment Program

The interview with the drug court judge began once she answered the call. After establishing the purpose of the call, the first question was presented. The judge was asked of the role she adopts in drug court. She responded that she attempts to take the role of a guide and steers away from the role of a mother or parent.

The next topic inquired how or if the judge accommodates any of the participants. She replied with examples of how she balances the issues a client may be facing. For instance, she spoke about a participant who was supposed to be deported on November 15th due to his criminal background. However, she held his graduation from the drug court program on November 11th, which cleared his charges and prevented him from being deported. To further her point, she described one participant who did not have a job because he smoked marijuana. The participant could not pay for the drug test required to get a job. To help, she referred him to a hospital that provides free drug testing. The participant, however, did not want to take the responsibility of calling the hospital to inquire more information regarding the free drug testing. The judge used these examples to emphasize the accommodations and assistance she attempts to provide the participants.

The following area introduced focused on the main goal of the judge. The question asked wanted her to describe the objective she hopes to accomplish in drug court. The judge replied her main goal is to help the participant realize that their self-worth is more important than their drug of choice. To achieve her goal and promote a substance-free life, she places the participants into groups based on their addictions. If the participants are doing well, they are rewarded with pizza parties or movie tickets, and not required to come to court sessions as much. The judge mentioned perhaps the biggest motivator for the participants is the possibility of having their charges dropped and their records expunged. In addition to her response, she added that she provides the participants with peer coaches, therapists, and substance abuse courses to aid in their rehabilitation.

The ensuring question asked about any opportunities the judge provides the participants. The judge took a great liking to this topic and enthusiastically divulged how she prioritizes reconnecting the participants with society. She revealed how she helps schedule appointments with schools and career sources to help participants find jobs and a career to support themselves upon completing the program.

The last topic of the discussion dealt with the treatment of juvenile participants. The judge was asked how does working with juveniles in drug treatment programs compare to working with adults. In response, she disclosed two different aspects of working with juveniles linked to adults. She disclosed that juveniles cannot be incarcerated and are harder to motivate than adults. Although juveniles cannot be incarcerated, the judge revealed they can be placed on house arrest and have sanctions placed upon them. She then progressed to say that very few things motivate a juvenile but suggested listening to the needs of a juvenile as a possible solution. Once all of the questions were answered, the interview with the judge concluded.

Film Interview – Responsibilities and Roles of the Team Members

The following is a response from a team member within the DTC program. The target population of the drug treatment programs are probation violators and the primary focus of the program is centered around drug use. To enter the program, probation officers must write a letter to the court. A screening of the potential participant is performed while the arrest report is under reviewed. The drug court team member revealed that only non-violent offenders are accepted into the program. Once the review and screening are complete, a home interview is conducted. To be accepted, the participants must have a stable residence. Also, the participants must have a substance abuse diagnosis to enter the program.

After becoming an official participant, the participants are required to go to self-help programs every 30 days. There are four 90-day phases; the entire program last between 12 and 18 months. In phase one, the participants are drug tested 5-6 times a week. They must attend group meetings several times a week and find a sponsor. The first phase often lasts longer than 90 days due to difficulties of adjustment for participants. This is the most intense, time-demanding, structured, and supervised period. After completing the requirements of the first phase, the participants must apply to move to the next stage. The second phase of the program is writing intensive, which can be challenging for some people. In phase two there are fewer meetings with probation officers and more home visits. There are four self-help meetings a week and the participants must have a job or be in school. This stage of the program is heavily focused on life issues, such as obtaining a job. Unlike phase two, phase one primarily focused on following rules; phase two is more catering to disabilities and issues such as mental health and learning deficiencies.

The participants have court appearances every three weeks compared to every other week. Afterward, phase three and four follow similar and less rigorous patterns.

Before beginning drug court, participants must wait until the drug is completely out of their bodily system. There are multiple types of sanctions, such as essays, verbal warnings, and even possible jail time. However, participants are removed from the program after their fifth infraction. When a participant is terminated from drug court, the original charges are returned. There are also various types of non-monetary rewards, such as verbal praise and movie tickets.

An application that reflects the growth and future goals is needed for graduation. During the graduation ceremony, a framed diploma and a medallion are given to the participants. A press release within the local media is held for graduating participants. The press release includes judicial board members, community leaders, religious leaders, news stations, with a party held after the ceremony. When participants graduate, low-level probation is applied for aftercare.

The recidivism rate for this particular drug court is roughly 30% and have major cost-savings benefits. There are about 300 referrals a year for the program but only a third of the referrals enter the program. Over eight years, only 20% of participants have graduated from this drug court program.

Analysis & Discussion

The data from the observations and interviews provide an insight into the structure and responsibilities held by the members of DTCs. Upon review, an elevated level of concern and understanding displaced by the judge is a common element seen in the interviews and observations. The judge, arguably, was the most sensitive and solicitous to each client's individualized situation.

Therapeutic jurisprudence, as mentioned in the literature, can be summarized as the judge disregarding their impartial nature of traditional court for a more moral and empathetic perspective. During the observation and interviews, the judge's genuine concern and inner satisfaction for the success of the participants that are, at the least, attempting to do well in their treatment, is evident. The concern the judge possesses for the participants can be documented through the judge's facial expressions, accommodations, and praise given for good behavior. The positive reinforcement demonstrated reinforces the concept that positive encouragement from the judge is a significant factor as a client goes through drug court. This synergy between the judge and the client demonstrates that although the judge is willing to lend a helping hand whenever needed, their main priority is to ensure the client is receiving the benefits of their treatment.

Furthermore, the literature review emphasized the pivotal role of the judge in DTCs. In the studies researched, the role of the judge can be summarized as that of a central leader, whose primary focus lies in steering the participant toward a path of sobriety. Throughout the observations and interviews, the judges immersed themselves into a role that did not commence or force rehabilitation. In contrast, the judge stepped into a position that oversaw and lightly shepherded the clients towards the right path. To further explain, this study suggests that judges will try to accommodate the client's fight for sobriety to the best of their ability. However, they will not beat a dead horse. If a participant wishes to exit the program or does not maintain the necessary level of compliance needed to complete treatment, the judge will not waste their time on what may be perceived as a lost cause. In comparison to the previous studies conducted, this study details the therapeutic approach and jurisprudence the judge balances while speaking to the clients. The judge was often concerned about the individual well-being of the client but was not ignorant of their infractions and wrongdoings. In simpler words, the judge attempted to tend to the struggles of the client while also delivering sanctions that often requires personal reflection within the client.

The phone and film interviews held with the members of drug court reveal the various roles they perform to rehabilitate the clients. More importantly, they reveal the differences within each DTC program. For example, in the phone interview with the drug court judge, she revealed the accommodations she provides to participants in need, including arranging living conditions. However, in the film interview, the drug court team coordinator noted that if a participant does not have a stable residence they will not be accepted into the program, which potentially excludes the homeless population also suffering from substance abuse. Though distinctions exist among each DTC, it is hard to miss the overarching objective of the program. The members congregate to advocate for the advantage and rehabilitation of the clients. The encouragement provided in drug court allows for participants of various backgrounds to thrive depending on their level of commitment.

Further Research

Based on the findings from this study, more qualitative inquiries should be undertaken to help facilitate policies that further enhance the role of the judge and other team members in DTC programs. Furthermore, monetary funding should be expanded into drug court programs since they require various professional contributors to rehabilitate the participants. An important limitation to note in this study is not having more observations and interviews. For example, our sample is limited to participants from one drug court. Thus, the generalizability of these qualitative findings should be considered in terms of making causal inferences due to its somewhat subjective nature (Barbour, 2000).

Replication in another drug court setting would be appropriate to increase objectivity. By conducting additional qualitative research, policy implications could be developed to understand the process court officials go through when participating in drug court. To specify, qualitative research will permit researchers to engage in an ongoing, continuous, process of evaluating drug practices. This will permit drug court officials to make changes as needed to better enhance clients' time in the program. To further the research on DTCs, interviews with not only DTC team members, but participants also should be conducted to analyze the impact of such rehabilitation programs.

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