A Qualitative Exploration of a Massachusetts Drug Court: How are the 10 Key Components Applied?

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A thesis presented

by

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Abstract

With the overwhelming drug offense and policy changes that occurred in the 1980s, the criminal justice system was forced to create other methods of dealing with offenders suffering from substance abuse problems. Therefore, drug court was created as a diversion program. Drug court was first created in 1989 in Florida to offer a therapeutic method to assist offenders with substance abuse problems and criminal cases. The purpose of drug court was to prevent addicts from constant contact with the criminal justice system. Drug court professionals developed a guideline based on the therapeutic jurisprudence theory called the "10 key component". The purpose of this study was to analyze how closely a Massachusetts drug court adheres to drug court’s 10 key components. Drug court participants’ perceptions on the application of the 10 key components were acquired by an in-depth face-to-face interview session. This research also used court observation to study drug court as an alternative to incarceration. This study found that although this Massachusetts drug court adheres to the 10 key components there is room for improvement.
Introduction

Records show that as of June 2015 there are over 2,800 drug courts in the United States (NIJ, 2014). This finding is remarkable considering that the first drug court was created in Florida in 1989. Since then, there has been a significant amount of research, on the effectiveness of drug courts. In fact, there has been more research on adult drug courts than any other criminal justice program collectively (Marlowe, 2010). Drug courts were created in an effort to help get treatment for people that have open criminal cases and substance abuse problems. The criminal justice system realized that people with substance abuse problems should be offered help and not incarceration. Incarceration can be extremely expensive for the States and for people with substance abuse problems it has shown to be ineffective (Marlowe, Festinger, Schepise, Hazzard, Merrill, Mulvaney & McLellan, 2003).

The effectiveness of drug court is usually measured by graduation\(^1\) rate and drug court’s implementation of the 10 key components (refer to table 1). To successfully graduate drug court, participants are required to complete at least 12 psych educational groups, negative drug tests for 14 sequential weeks, adhere to conditions of probation, pay court fees, attend individual and group therapy, report to court—among other requirements (Dugosh et al., 2014). The National Association Of Drug Court Professionals and Drug Court Standards Committee developed the 10 key components to provide the courts with a program execution guideline (Olson, Lurigio & Albertson, 2001). Studies have shown that the 10 key components were derived from the Therapeutic Jurisprudence Theory. The theory is concerned with a

\(^1\) Participants who completed all of the program’s requirements.
"movement in the law towards a common goal of a more comprehensive, humane and psychological optimal way of handling legal matter" (Winick, 2002, p 1064).

Although there is much research about the effectives of drug court there is not a lot of research on drug court’s application of the 10 key components where the participants are the main source of information. To this researcher’s knowledge this is the first study on adult drug court that incorporates participants’ interviews and court observations as the main source of information in a qualitative manner. The purpose of this study is to offer a new perspective on studying drug courts and to explore how closely a Massachusetts drug court adheres to the 10 key components.

This research studied drug court as an alternative to incarceration according to the participants’ perceptions in an interview setting and court observations. The interview consisted of a series of questions regarding criminal charges, drug use, and experiences in drug court. This study will contribute important information to the criminal justice system, by providing drug court participants with an opportunity to express their sentiments about the policies and procedures of drug court as well as the importance of having drug courts.
Literature review

History of drug court

In 1989, Florida was the first State to create a drug court (NADCP, 2004; Olsen, Lurigio & Albertson, 2001). Court professionals began to feel frustrated concerning the presence of the same people in the courthouse for the same offenses. A group of court professionals questioned whether the system was responsible for this. They realized that they had to do more than process the cases; they had to offer these people what they needed most, which was substance abuse treatment (DeVall, Gregory & Harmann, 2012; NADCP, 2014). By acknowledging their failures, the criminal justice professionals were able to expand the current systems into different methods of dealing with this population (DeVall, Gregory & Harmann, 2012).

Drug court model was based on “immediate interventions, a nonadversarial process, a hands-on judicial role, drug treatment with clearly defined rules and goals, and a team approach” (Olson, Lurigio & Albertson, 2001, p 174). The focus of drug court was to be more therapeutic than punitive (Hiller, Belenko, Taxman, Young, Perdoni & Saum, 2010). Drug court was also created based on the theoretical model of Therapeutic Jurisprudence. Therapeutic jurisprudence “is an interdisciplinary approach to legal scholarship that has law reform agenda...therapeutic jurisprudence is not only concerned with measuring the therapeutic impact of the legal rules and procedures, but also of the way they are applied by various legal actors--judges, lawyers, police officers and expert witness testifying in court, among other” (Winick, 2003, p. 1063).
Therapeutic Jurisprudence was first created in the late 1980s by Wexler as a legal theory that was mostly implemented in the field of mental health law to assure that mental health patients received proper treatment. However, currently therapeutic jurisprudence is being used in a variety of fields — correction, probation, health care etc. (Winick, 2003; DeVall, Gregory & Harmann, 2012).

Studies have shown that the 10 key components were derived from the Therapeutic Jurisprudence Theory. Senjo & Leip (2001), conducted a study where they analyzed the theory and expanded it by adding three focuses: court monitoring, drug treatment and criminal procedure.

This study acknowledged that part of therapeutic jurisprudence is to assure that the offenders are being treated fairly, separating treatment and criminal matters, and providing treatment in a timely manner. In addition to the therapeutic model drug court was created as a way to enhance the speediness and effectiveness of handling cases (Olson, Lurigio & Albertson, 2001). With a conjunction of all the above factors the 10 key components were developed. The 10 key components separate drug courts from traditional courts in regards to their operationalization (Hiller, Belenko, Taxman, Young, Perdoni & Saum, 2010).
Table 1: The “10 Key component” of Drug Court

<table>
<thead>
<tr>
<th>10 Key Components</th>
<th>Description</th>
</tr>
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<tbody>
<tr>
<td>1</td>
<td>Drug courts integrate alcohol and other drug treatment services with justice system case processing.</td>
</tr>
<tr>
<td>2</td>
<td>Using a nonadversarial approach, prosecution and defense counsel promote public safety while protecting participants’ due process rights.</td>
</tr>
<tr>
<td>3</td>
<td>Eligible participants are identified early and promptly placed in the drug court program.</td>
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<tr>
<td>4</td>
<td>Drug courts provide access to a continuum of alcohol, drug and other related treatment and rehabilitation service.</td>
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<tr>
<td>5</td>
<td>Abstinence is monitored by frequent alcohol and other drug testing.</td>
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<tr>
<td>6</td>
<td>A coordinated strategy governs drug court responses to participants’ compliance.</td>
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<tr>
<td>7</td>
<td>Ongoing judicial interaction with each drug court participant is essential.</td>
</tr>
<tr>
<td>8</td>
<td>Monitoring and evaluation measures of achievement of program goals and gauge effectiveness.</td>
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<tr>
<td>9</td>
<td>Continuing interdisciplinary education promotes effective drug court planning, implementation, and operations.</td>
</tr>
<tr>
<td>10</td>
<td>Forging partnership among drug court, public agencies, and community-based organizations generates local support and enhances drug court program effectiveness.</td>
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The 10 key components are used as a guide for the implementation of drug courts (Finigan & Pukstas, 2008). Although the initial idea was to use the components as a guideline, currently, it is being used to implement policies and as a way to measure truthfulness of drug courts (Hiller, Belenko, Taxman, Young, Perdoni & Saum, 2010). Studies have shown that drug courts throughout the United States may run differently from one another, but commonly they share similar rules and regulations (Marlowe et al., 2003; Hiller, Belenko, Taxman, Young, Perdoni & Saum, 2010; Marlowe, Festinger, Dugosh, Benasutti, Fox & Harron, 2013). This model was created to be flexible for the courts to implement, in a way that fits the population served (Finigan & Pukstas, 2008). In some courts, a guilty plea is entered and once the participants graduate the case will be dismissed. If the participants do not graduate, the guilty plea will be officially submitted (Marlowe et al., 2003; Marlowe, Festinger, Dugosh, Benasutti, Fox & Harron, 2013). Participants who
successfully complete drug court must be compliant with all the requirements. However, many researches have shown drug courts that do not follow the 10 key components faithfully usually fail (NADCP, 2013).

According to Marlowe et al. (2003), there is not a lot of research on the effectiveness of the 10 key components. The research is uncertain about which of the components are more important than others. The studies that are usually conducted on drug court involve comparisons between drug court and traditional court. Therefore, there is not a lot of research that analyzes only the 10 key components to discover which component is crucial to the success of drug courts (Olson, Lurigio & Albertson, 2001; NADCP, 2013). Hiller, Belenko, Taxman, Young, Perdoni & Saum, (2010) conducted a research analysis where they Measured Drug Court Structure and Operation, their analysis indicate that the 10 key components were applied in all of their samples of drug courts. However, they suggest perhaps the 10 key components should be revisited, and revised since it was created over 15 years ago.

Many researches have shown the success of drug court in other ways. For instance, drug courts have been shown to be effective in reducing crimes related to substance abuse with little cost to the State budget. Because of the way drug court is set up there are fewer probation violations and fewer re-arrests (Marlowe, 2010). Drug courts have also been shown to be successful regardless of the participant's main drug choice (Marlowe & Carey, 2012). Olson, Lurigio & Albertson (2001), conducted research where they compared three different drug courts’ implementation of the 10 key components and found that interactions with different
program providers, especially with treatment providers were extremely beneficial because of the experience they received regarding addictions. Additionally, they found that when judges fail to recognize the importance of teamwork in drug court, it causes friction between staff members. Drug court process of handling addicts is different than the regular courts; drug courts address the main issues, which includes addiction, in a collaborative way with drug court staff and treatment providers.

**Drug court services**

Most drug courts consist of a Judge, Public Defender, Prosecutor, Probation Officer, Case Manager (Olson, Lurigio & Albertson, 2001; Marlowe, 2010; Melnick et al., 2012; Guastaferro & Daigle, 2012), and treatment providers. They have a staff meeting (staffing) before the court session to review the progress of each participant. According to Marlowe (2010), drug courts that have every member of the staff participate in the meeting have been shown to be successful in achieving their goals. There have been tremendous amounts of criticism regarding drug court’s participants *due process*. However, most drug courts currently have a full-time public defender on staff to assure the participant’s due process is not being violated (Guastaferro & Daigle, 2012). Research has also found drug courts that included the defense attorney and prosecutor in their weekly staff meeting were more successful because it expedited decision making (Carey, Finigan & Pukstas, 2008).

Drug courts must collaborate with treatment providers for the success of the participants (Lindquist, Krebs, Lattimore, 2006; Marlowe et al., 2013). However, the
roles are clearly defined. The treatment providers are there to provide services to participants. The criminal justice system is responsible for keeping the public safe and therefore will use punitive measure to adhere compliance (Marlowe et al., 2013). However, drug court is not only responsible for public safety, but also for collaborating with treatment providers to assure participants are receiving the necessary services. Studies have shown drug court is an effective way to deal with offenders with substance abuse problems. The earlier the offenders are identified as possible candidates and enrolled in treatment, the better the results (Gallagher, 2012).

**Participants**

Drug court should be reserved for people who are at a greater threat of re-offending and people who present more anti-social behaviors (Marlowe, 2010; Dugosh, Festinger, Clement & Marlowe, 2014). Drug court should also be reserved for people with severe substance abuse/dependency illness and people who are nonviolent (Olson, Lurigio & Albertson, 2001). There have been mixed research results regarding the effectiveness of drug court according to a participant's age and drug choices. Some research has shown younger adults are more likely to succeed in drug court, but other research has shown older adults are more likely to succeed (Brocato & Wagner, 2008). However, more importantly, drug court should be reserved for people with severe alcohol and drug problems.

According to Drug & Crime Data (1994), alcoholism is not the only problem. Research has also reported people who use cannabis or cocaine are more prone to commit crimes. The typical crimes committed by drug users are: probation/parole
violation, prostitution, assault, and traffic violation (Drug & Crime Data, 1994).

People with substance abuse or dependency are more prone to be involved in the criminal justice system (Gallagher, 2012). Research has shown incarceration has negligible impact on alcohol and drug user rehabilitation (NCADD, 2014). According to Fleury, Grenier, Bamvita, Perreault & Caron (2014), people who suffer from addiction usually do not have higher education. Females are more prone to have mental health disorders and males tend to have antisocial conditions. Participants with addictions tend to move often. Participants who lived in poor neighborhoods are stigmatized or are socially secluded and need to be monitored closely (Fleury et al., 2014).

Participants in drug court need to be closely monitored for the first 30 days (Gallagher, 2012). They need to feel safe, have weekly court attendance, have random drug tests, and provide a progress report for attendance in program such as therapy (Lindquist, Krebs, Lattimore, 2006; Marlowe, Festinger, Dugosh, Benasutti, Fox & Harron, 2013; Lutze, Wormer, 2014). While drug testing is extremely important, frequent drug testing is the best indicator of program and treatment compliance (Lindquist, Krebs & Lattimore, 2006). To be effective, drug tests results ought to be collected immediately after the test was conducted (Carey, Finigan & Pukstas, 2008).

Treatment

According to Gallagher (2012), when participants receive treatment they tend to succeed in drug court. Once the participants are admitted to drug court, a treatment plan is established. “Each treatment plan has measurable treatment goals
and objectives that focus on substance use and other criminogenic factors such as
cognitive deficits and distortions, antisocial attitudes and acquaintances, and time
management” (Guastaferro & Daigle, 2012, p 403). Studies have shown drug court is
an effective way to deal with offenders with substance abuse problems. The earlier
people begin treatment, the better the results (Gallagher, 2012). It is important that
treatment be offered to offenders with serious drug addiction. Otherwise, there is a
high possibility of recidivism. Providing treatment to participants who are not
addicts can have a reverse effect since it can expose them to peers who display anti-
social behaviors (Dugosh, Festinger, Clements & Marlowe, 2014).

Research has shown that during the first 6-12 weeks participants had a
higher rate of drug use especially cannabis. Therefore, frequent drug testing is
important (Marlowe, Festinger, Dugosh, Benasutti, Fox & Harron, 2013). Frequent
drug testing is important because most violations occur due to relapse and
participants struggle with their sobriety (Guastaferro & Daigle, 2012). Possession of
marijuana or marijuana-related paraphernalia is the reason for most arrests of drug
court participants (Guastaferro & Daigle, 2012; Marlowe, Festinger, Dugosh,
Benasutti, Fox & Harron, 2013).

According to Guastaferro & Daigle (2012), marijuana rated as one of the most
problematic drugs. They stress the importance of frequent drug testing and a good
relationship between court and treatment providers. Research has found treatment
providers have a significant role in the success of the participants. For instance,
Carey, Finigan & Pukstas (2008), found that courts that utilize only one-treatment
providers were more successful because it facilitates communication between treatment providers and the courts.

**Graduation/termination**

Drug court deals with criminal issues, but also provides extra support for participants. While going through drug court, participants receive assistance with treatment, education, work, mental health treatment (if applicable), transportation, childcare, housing etc. (Marlowe, 2010; Lutze & Wormer, 2014). Participants have the opportunity to earn several incentives. However, they can also be sanctioned for probation violations. Incentives are less specific than sanctions, and incentives may include gift cards, reduced court appearance, unsupervised visitation with their children, praises—and more. Drug courts may also provide incentives and rewards to promote positive changes and accomplishments (Lutze & Wormer, 2014; Gifford, Eldred, Vernerey & Sloan, 2014). Praise was reported to be the number one incentive in the drug court program (Lindquist, Krebs & Lattimore, 2006).

Sanctions and incentives have shown to encourage participants to succeed with drug court requirements and change their lives (Lindquist, Krebs & Lattimore, 2006; Marlowe, 2010). Although incentives are widely used in drug courts, program violation will incur sanctions. Sanctions are imposed to punish the violation and attempt to modify bad behaviors. The primary objective of sanction is to punish minor violator to prevent serious violations. For a sanction to be effective it must be imposed swiftly, steadily, and properly (Lindquist, Krebs & Lattimore, 2006; Guastaferro & Daigle, 2012). Drug courts try to avoid using incarceration as a form of punishment; removal or threat of removal of custody is often used as a sanction.
However, incarceration can be used to encourage compliance and finish treatment (Lindquist, Krebs & Lattimore, 2006; Gifford et al., 2014).

The judge has the discretion to implement several sanction options. However, in most drug courts, the team makes the decision and the judge delivers the sanction (Guastaferro & Daigle, 2012). For instance, a judge may order additional drug/alcohol testing and court appearances. Therefore, sanctions are not always incarceration (Marlowe et al., 2003). Researchers have shown sanctions have to be imposed in a certain way to be considered effective. For instance, participants need to be aware that when they violate program's rule there will be sanctions.

Drug court should not have extreme expectations that make it impossible for the participants to achieve sobriety. It can cause frequent violations and program failure (Lindquist, Krebs, Lattimore, 2006). When a violation is noted, the punishment should be imposed immediately, and should fit the violation (Lindquist, Krebs, Lattimore, 2006; Carey, Finigan & Pukstas, 2008). However, frequent interaction with the judge is ineffective because frequent interaction means more opportunity for the judge to encounter probation violations (Marlowe et al., 2003).

Research suggests that required alcohol and substance abuse treatment should not be used as a punishment for violation (Marlowe et al., 2013). Instead, treatment should be presented as an incentive to getting the participants' lives back on track and possibly reuniting with their children. Treatment should also be presented as a way to keep them out of jail. Guastaferro & Daigle (2012), conducted a research study on "The use of graduated sanctions in Felony-Level Drug Court" and
they found that 60 percent of the sanctions imposed were incarceration and 50 percent were community services. The reasons for the sanctions were normally positive drug screening and violations of the testing policies. They also found a great number of participants (71%) had an average of four sanctions during the course of the program.

Lindquist, Krebs & Lattimore (2006), also conducted research to study the key factors associated with applying sanctions. They found the most frequently punished violation was drug test failure: 66 percent of their participants were sanctioned for positive drug screening. Other violations include failure to attend treatment, bad manners, and sometimes but not frequently, escaping/hiding. They also found jail was the most frequently used sanction. Sanctions could be implemented anywhere from a weekend in jail to 30 days in jail, and most participants understood sanctioning and it's process. However, some participants reported not understanding sanctions and what infractions could lead to sanctions. Graduation is heavily weighed on the completion of treatment.

People who do not graduate from drug court are at a higher risk to recidivate (Guastaferro & Daigle, 2012; Gallagher, 2012), since research has proven that drug court can decrease recidivism, drug use and criminal behavior (Olson, Lurigio & Albertson, 2001; Marlowe, 2010; Lutze & Wormer, 2014). Studies have also shown that an estimated 78 percent of drug courts have a significant decline in delinquency (Marlowe, 2010). It is important to find useful and operational interventions that deal with substance use and reduce re-arrests (Gallagher, 2012).
Programs should meet the needs of the participants and their education level. Dugosh et al. (2014) stated that to successfully graduate drug court, participants should have at least 12 psych educational groups, have negative drug tests for 14 sequential weeks, adhere to conditions of probation, pay court fees, attend individual and group therapy, and report to court—among other requirements. Research shows race has no effect on graduation or recidivism rate; age is also not a meaningful factor (Gallagher, 2012; Marlowe et al., 2013). Frequent drug testing and court hearings have been recurring subjects in much of the research as a way to ensure participants' success (Marlowe, 2010; Marlowe et al., 2013; Gifford et al., 2014).

Failure in drug court does not always mean that the participants are not compliant but could mean that the types of services received were not tailored to their needs (Marlowe et al., 2013). Research has also shown that when participants are forced into treatment, there is low probability of compliance. Therefore, the probability of relapse is extremely high (Brocato & Wagner, 2008). Participants who graduate from drug court have indicated a decrease in drug and alcohol use. Drug court has shown to be effective in reducing crime—involving people with substance abuse problems, but have also improved the participants' lives because of the amount of attention they receive from drug court service providers and outside agencies. Drug court participants have also been able to improve their relationship with their families (Marlowe, 2010).

Research has shown a good relationship with treatment providers and court staff is important to ensure graduation. According to Brocato & Wagner (2008)
graduation is linked to participants' motivation to change their lives, therapy compliance, satisfaction and good relationships with court staff—judges, probation officers, case managers and their attorneys. Therefore, it is important that drug courts keep the same staff, especially the same judge, for best results (Carey, Finigan & Pukstas, 2008). However, the most important aspect in graduation is the participant's motivation to change and live a drug free life. Although their legal issues may be the primary reason they were enrolled in drug court, changing their lives can be a primary focus for most participants to consider (Brocato & Wagner, 2008). Research has shown that a number of participants who completed drug court discontinued personal relationships with people who were still addicts. Participants have conveyed that drug courts not only helped them with their addiction and criminal conduct but it also had a positive influence on their personal lives (DeVall, Gregory & Harmann, 2012)

**Improving Services**

Due to the collaborative work necessary for drug court to succeed, it is important for members to communicate well (Olson, Lurigio & Albertson, 2001; Melnick, Wexler, Rajan, 2012; Lutze & Wormer, 2014). It is also important for drug court members to collaborate and coordinate to assure that participants are receiving the best treatment possible. For example, the prosecutor and the public defender should have common goals for participants (Olson, Lurigio & Albertson, 2001; Finigan & Pukstas, 2008; Melnick et al., 2012). Studies have shown that working collaboratively for a shared goal is important. However, the staff credential is important as well (Olson, Lurigio & Albertson, 2001; Finigan & Pukstas,
Staff should be encouraged to receive continued training and education to maintain the programs’ commitment and honesty (Olson, Lurigio & Albertson, 2001; Finigan & Pukstas, 2008; Lutze & Wormer, 2014). Studies have also shown failure of a new program is positively associated with poor application, not understanding drug court model and not being able to find answers for differences between colleagues (Lutze & Wormer, 2014).

Drug courts must have a cohesive agreement about the mission, objective and structures of the program (Lutze & Wormer, 2014). The court must not stigmatize or embarrass the participants. Courts should have smaller programs to assure the best service possible, and they should focus on the positive and not the negative, using participants’ strengths to succeed (Lutze & Wormer, 2014).

Consensus is important in drug court because of the diverse discipline and variety of responsibility to the public and drug court participant (Melnick et al., 2012). While there is much research that can account for the success of drug court, it is important to note the issues that need to be kept in mind. For instance, drug court should not have more than 125 participants because it has been shown that more than 125 participants decrease the effectiveness of the program (Marlowe et al., 2013). Drug court should be kept small for individuals to receive individualized attention from their Probation Officer. Drug courts should also utilize participants’ assessments and criticism of their program to make changes (Finigan & Pukstas, 2008).
Methodology

Qualitative Research

This study used a qualitative approach to study drug courts. Qualitative research can be described as "ethnographic, naturalistic, anthropological, field or participant observer research" (Key, 1997). It stresses the significance of observing variables in their environmental settings. Using a qualitative approach researchers were seeking to gain not only an overall understanding of drug court and its process but also understand drug court as an alternative to incarceration. Qualitative research is different from quantitative research because quantitative research has pre-defined variables that the researchers seek to investigate (Key, 1997). Therefore, this method allowed researchers the ability to obtain information about drug court from the participants themselves and by observing participants.

This research was designed to study how closely a Massachusetts drug court adheres to the 10 key components. In the process drug court was studied as an alternative to incarceration. This study used two different approaches for data collection: face-to-face interviews and court observations. Participants were observed during five different drug court sessions where field notes were taken in five court observations. Face-to-face interviews as well as court observations were used to measure drug court policies and procedures.

The interviews were conducted in a semistandardized interview process. This form of interview contains application of a number of predetermined questions and unique themes prepared in words familiar to the people being interviewed. The
questions can be reordered and flexible during the interview process. The wording of the questions may be altered to ensure participants' understanding (Berg, 2007).

In addition to interviews five drug court sessions were observed. Observation research has been used in different fields of study. Observational research is defined as “data collection without experimentation” (Dewey, 2014). This research used Naturalistic Observation. It is defined as research that occurs in a natural environment (Dewey, 2014). The researcher sat on a bench located in the back of the courtroom. The researcher remained discreet and did not engage in conversations with any participants to minimize the observer’s influence. This technique was used to assist the researchers in understanding how the 10 key components of drug court were applied. Observations were also used to study the relationship between drug court staff and participants. Drug court operates differently than traditional court. Therefore, it was important to study all aspects of drug court, including court interactions.

Bridgewater State University Institutional Review Board (IRB) approved this study. This study included contacts with living subjects for the purpose of data collection. Therefore, it had to be approved by IRB to assure the rights, safety and comfort of the participants were not violated.

**Interview Questions**

All of the interviews occurred in the same setting, at the local library’s Café. The interviews were tape recorded and transcribed verbatim. Six participants agreed to an in-depth face-to-face interview. The interview questions were broken down into ten different categories:
• Demographic
• Education
• Criminal Activities
• Defense/Prosecutor
• Drugs and Alcohol
• Family
• Treatment
• Drug court
• Relationships with drug court personnel
• Sanctions and Incentives
• Other services

The interview questions were derived from previous research conducted by the National Drug Court Institute. The National Drug Court Institute developed a series of questions for future researchers interested in studying drug court. The questions for this research were also tailored and based on the 10 key components. This recommendation was also provided for the courts themselves to gather data for court evaluation (Heck, 2006).

**Participant Recruitment and Sample**

Before drug court session began participants had a designated area where they sit and wait for the court officer to let them in the courtroom. This study obtained permission from drug court to approach participants. Flyers were given to participants asking for their participation. There were anywhere from 16-30 participants in each drug court session. The chief of probation approved this study. The research questions, a brief explanation of the study, a consent form for participants to sign, as well as a consent form for the Chief to sign was provided to the probation department. The chief signed the consent form allowing access to approach participants. Flyers were distributed on Thursdays, which was when drug
court session was held. The co-investigator handed out flyers on nine separate occasions.

The flyers included the researchers' contact information to set up date, time and place to go over the consent form. Attending different court sessions gave researchers the opportunity to reach out to all drug court participants in different phases (excluding participants that were incarcerated or on a warrant). During the course of this study drug court was monitoring fifty active cases and ten cases were on warrants. A total of 35 flyers were distributed to drug court participants. Some participants declined to take a flyer.

The participants who were interested in the study made appointments with the co-investigator. A total of eight participants agreed to a face-to-face interview sessions. However, one Caucasian male participant was detained for a probation violation and therefore was unable to participate. Another Caucasian female had agreed to a face-to-face interview but changed her mind and later declined to interview. All interviews were held on a Thursday either before court session or after court session. The interviews took place at the local library's café. The café was an ideal place to conduct the interviews because it was public and it made the participants and interviewer feel safe. The local library was also convenient for participants to meet because they did not have personal vehicles and the library was one block from the courthouse.

The goal of this study was to interview ten participants. However, only six participants were interviewed. Taking into account the similarities after the sixth interview the study reached “Saturation.” Saturation is defined as “the point at
which no new information or themes are observed in the data" (Guest, Bunce & Johnson, 2006, p. 59). Saturation has served as a guide for many qualitative researchers to establish an acceptable data sample size.

All participants were asked the same questions in the same order. However, some of the later questions were answered while participants told their story. After the third interview, a pattern and similarities began to emerge within the participants' answers. The questions were asked to each participant in the same order to ensure accurate analysis.

In many qualitative studies once the study reached a point where there are no new themes emerging, the data is deemed sufficient for analysis (Francis, Johnston, Robertson, Glidewell, Entwistle, Eccles & Grimshaw, 2010; Guest et al., 2006). However, there is no technique of instituting when data saturation has been reached (Francis et al., 2010). Mason (2010), conducted research and created a guideline for PhD students for assistance with data sample size selection. He reported that the guidelines he offered were not faultless and saturation was accomplished at fairly low level. This study had a sample size of six participants.

This study reached saturation based on the following reasons:

1. Following the third interview no new themes emerged.

2. The nature of drug court made it difficult for the researcher to reach different participants.

3. During this study the researcher came in contact with only three female participants. They all declined face-to-face interviews for different reasons.
4. The researcher also approached the only African American participant. He also declined face-to-face interview.

5. Different phases required different court appearances, which also caused the data to be unique. Participants in phase one had to attend court hearing once a week, phase two every two weeks, phase three once every three weeks and phase four once a month. This presented an issue where the researcher was encountering the same people every court visit.

According Mason (2010), a study can reach its goal with a small sample. Mason (2010), conducted research where he looked at qualitative research that clearly described the number of interviews that were used to reach data saturation. Out of 560 studies, the median and the mean were 28 and 31 participants respectively.

According to Mason (2010), “all of the phenomenological studies identified had at least six participants (p 12). Guest et al. (2006), also reported that it is recommended at least six participants for phenomenological studies; approximately thirty five participants for ethnographies, grounded theory studies, and ethnoscientific studies” (p. 61).

Phenomenological study is defined as a “lived experience of a phenomenon.” Patton (1991), described it this way “a phenomenological study... is one that focused on descriptions of what people experience and how it is that they experience what they experience. One can employ general phenomenological perspective to elucidate the importance of using methods that capture people’s experience of the world without conducting a phenomenological study that focuses on the essence of shared experience” (p. 71). Themes relating to treatment, drug court process,
defense/prosecution and sanctions/incentives were observed from court observations and interviews.

The researchers made the scientific decision to stop the interviewing process. Another justification to stop the interview was that it became difficult to acquire willing participants to agree to a face-to-face interview session without receiving any physical incentives. However, in spite of the limitations the researchers believed the information they acquired from the interviews and court observations were sufficient enough to add a wealth of knowledge to the study of drug court.

In this study, the researchers used *Purposive of a non-probability sample technique*. This technique is defined as selecting people, groups or organizations only because it is the population chosen to answer the research question, and because their answers could not be obtained by other methods. This sampling method can lead the researchers to obtain rich information from a small sample of cases that were specifically chosen for the study conducted (Teddlie & Yu, 2007).

Data was collected from a drug court in the state of Massachusetts. All participants interviewed were from a drug court in the State of Massachusetts. They were all Caucasian males. Currently, this drug court is supervising fifty active participants and ten on warrants. The demographic are as followed: six Caucasian females, one African American female, three African American males, one Asian male, one Hispanic male and the rest are all Caucasian males. During the course of this study the researcher only interacted with three Caucasian females, one African American and one Asian, and the rest were all Caucasian males. The demographic of drug court explained reasons why only
Caucasian males were interviewed. This was due to the probability of more frequent interactions with Caucasian males than the rest of the drug court population. The ages of participants’ interviewed ranged from 28-47 with a mean of 39.33. Education level varied among the participants. Two participants graduated from high school, one took college courses and the other attended a five-year study in plumbing school. Three participants had a GED; one attended a vocational training in state licensing electrician, the other two participants did not attend college or any technical/specialized school. One participant completed the 9th grade (see table 1).

Participants were asked about the criminal charges that led them to drug court. No two participants had the same charge. Charges included assault, unauthorized use of a credit card, unarmed robbery, destruction of property and vandalism, larceny over $250, and domestic violence. When asked how many times they had been arrested, one indicated four times, and the remaining respondents had been arrested over ten times. One participant reported being arrested between 20-30 times. This finding questioned drug court component 3, which states that eligible participants are identified early in the criminal justice process. If this is the case, the criminal justice system is failing the participants, otherwise they would not have as many arrests. Component 3 will be discussed later in greater detail.

In response to when they began using drugs, participants reported using illicit drugs at a fairly young age. Three participants reported smoking marijuana at the age of 12 and escalating to cocaine, ecstasy and opiates. The other participants began smoking marijuana at the ages of 13, 15 and 18 and then escalating to heroin.
cocaine and LSD. All participants reported drinking alcohol about the same time they began using drugs.

Drug courts typically operate on a multiphase treatment method normally separated “into a stabilization phase, an intensive treatment phase, and a transition phase” (NADCP, 2004, p. 1). Participants have to report to court according to their phases. Participants were asked the phases they were in drug court and duration they had been in drug court. Drug court is an 18-month program, however, participants tend to stay longer than 18 months. This could be due to probation violations.

According to the probation department, phase 1 participants are in a residential program for a minimum of six months and will report to court weekly depending on where their placement is. Phase 2 participants are still in a residential program and are transitioning into a sober house for six months; they report to court every other week. Phase 3 participants are in a sober house and will begin transitioning back home or to a sober environment. Sometimes, participants choose to stay at their sober houses, as they do not have anywhere else to go and will report to court every 3 weeks. Phase 4 participants are usually living independently and will report to court once every four weeks.

Participants were asked their phases in drug court and the duration of their stay in drug court: participant A was in phase two and had been in drug court for nine months (no violations). Participant B was in phase two and had been in drug court for nine months (no violations). Participant C was in phase one and had been in drug court for three and a half months (no violations). Participant D was in phase
three and had been in drug court for three years (due to one violation). Participant E was in phase one and had been in drug court for two years (due to five probation violations). Participant F was in phase one and had been in drug court for two months (no violations). When participants violate probation they may be required to begin from phase 1 or be demoted to a lower phase. For example if participants were in phase 3 they may be placed back on phase 2.

**Table 1. Characteristics of Participants**

<table>
<thead>
<tr>
<th>Fictitious Name</th>
<th>Age</th>
<th>Marital Status</th>
<th>Race</th>
<th>Drugs used</th>
<th>Age of first drug use</th>
<th>Times arrested</th>
</tr>
</thead>
<tbody>
<tr>
<td>Participant A</td>
<td>28</td>
<td>Single</td>
<td>Caucasian</td>
<td>Marijuana and heroin</td>
<td>15</td>
<td>About 20 times</td>
</tr>
<tr>
<td>Participant B</td>
<td>34</td>
<td>Single</td>
<td>Caucasian</td>
<td>Marijuana, alcohol, ecstasy, cocaine &amp; opiates</td>
<td>12</td>
<td>About 10 times</td>
</tr>
<tr>
<td>Participant C</td>
<td>47</td>
<td>Single</td>
<td>Caucasian</td>
<td>Reported he has tried everything “except for crystal meth and exotic things kids are doing these days”</td>
<td>12</td>
<td>20-30 times</td>
</tr>
<tr>
<td>Participant D</td>
<td>47</td>
<td>Single</td>
<td>Caucasian</td>
<td>Marijuana, alcohol, “pills” &amp; heroin</td>
<td>13</td>
<td>About 15 times</td>
</tr>
<tr>
<td>Participant E</td>
<td>46</td>
<td>Single</td>
<td>Caucasian</td>
<td>Marijuana, cocaine &amp; LSD</td>
<td>18</td>
<td>About 10 times</td>
</tr>
<tr>
<td>Participant F</td>
<td>34</td>
<td>Single</td>
<td>Caucasian</td>
<td>Alcohol, marijuana, cocaine, ecstasy and prescription medications</td>
<td>12</td>
<td>4 times</td>
</tr>
</tbody>
</table>
Method of Analysis

Analyzing qualitative data included: listening to the tape recording several times, getting familiar with the data obtained, understanding it, and transcribing the interviews verbatim. The answers were reviewed to find common themes and patterns. All data collected for the purpose of this study was locked in a cabinet in the investigator and co-investigator's possession. Once the transcription was completed, the recordings were erased. Participants were also observed during five drug court sessions. Field notes were taken on all five observations. This technique helped the researchers understand how the 10 key components were applied.

The participants' answers were reviewed to find common ideas and patterns and arranged in different categories. Once the patterns were identified the next step was to select the ideas that were relevant to the study. The researchers carefully examined if there was a connection between different ideas (Taylor-Powell & Renner, 2003).

The audio recordings of the interviews were transcribed verbatim. While transcribing the interviews, different themes that emerged within the transcription were coded. The researcher read the transcription and the written court observation multiple times and documented relevant concepts and their relationship to drug court's 10 key components. Different categories and patterns were identified within the data such as: similarities of age of first illicit drug use, the attendance of multiple substance abuse treatment prior to drug court and the lack of support from the defense attorney and the prosecutor.
Consistencies in the interview questions, contradictions and relationships within the answers were identified to further test the emerging categories. The fundamental categories in drug court were: treatments, sanctions, incentives, and participants' behavior. As the relationships between the different categories became more evident, the fundamental category that described how the different categories were linked was identified. As a result of this process of ongoing analysis, the procedure of how a MA drug court adhere to the 10 key components were identified.

**Results**

This study has identified the common practices of a MA drug court as it relates to the National Drug Court Institute 10 key components. There were strong predictors of adherence of most of the 10 key components. The results presented in the following sections were derived from observing actual drug court sessions and in-depth face-to-face interviews. Court Observations and interviews data will be presented and discussed by first describing the physical environment and process of drug court, followed by a section for each of the 10 components and how each component relates to court observations and the interviews.

Court observations were used as a method of identifying if this particular drug court adheres to the 10 key components. The observation was also used to compare participant’s experience of drug court and researchers’ observation of their experiences. This study was conducted to contribute important information to the criminal justice system, by providing drug court participants with an opportunity to express their sentiments about the policies and procedures of drug
court as well as the importance of having drug courts. This study will also offer a new and different approach on future research on drug courts.

**Drug Court Environment**

**Courtroom set up**

Drug court operates differently than traditional court. Therefore, the following description of courtroom set-up will illustrate the differences between drug court and traditional court. Participants enter the courtroom through double doors. The court officer lets everyone in the courtroom when court session is about to begin. There are two rows of benches. The left side benches are reserved for the probationers. In front of the left side benches, there are five conference chairs reserved for defense attorneys and prosecutors. This process illustrates the importance of the second key component, which stresses the significance of a non-adversarial approach between defense and prosecutions.

In front of the conference chairs there is a table with three more conference chairs reserved for probation. On the left side there are two smaller benches for detainees; the court staff refer to it as the “dock or docket.” The dock is fenced in, however it does not obstruct the participants’ vision. Next to the dock there is a small enclosure for the court officers. The right sets of benches are reserved for courtroom staff, treatment providers, reporters and interns. Component 1 and research have demonstrated that a good relationship with treatment providers is important for participants’ success. Therefore, they are welcomed in drug court. Before the court session defense attorney goes in and out of the dock to speak to their detained clients. Although drug court operates on a non-adversarial method, it
is important for participants to have a defense attorney present when they are being sanctioned to protect their due process rights. The probation officer also speaks to some participants before the judge enters the courtroom.

In traditional court the set up is more adversarial. The prosecutor and the defense counselor have an oppositional role. The court environment is formal. The defendants are expected to be serious and dressed appropriate. There is no laughter, and the judges’ tone of voice is authoritative. The offenders are permitted to leave the courtroom after speaking to the judge.

**Component 1:** Drug courts integrate alcohol and other drug treatment services with justice system case processing. According to the NADCP (2004), component 1 is the fundamental and initial process of drug court. Participants are given information about their responsibility in drug court. The judge plays a crucial role in participants’ rehabilitation process, by praising good behavior and immediately reacting to probation violations (NADCP, 2004). The criminal justice system should be in constant interactive communication with the treatment providers to guarantee drug court is receiving frequent and correct reports of participants’ treatment status.

**Observations:** Remaining sober can be difficult. As stated above on component 1 it is important that drug court play the lead role in the participant’s recovery. When participants were having trouble remaining sober, regardless of what phase they were in, they had to report to drug court more frequently until they were stabilized. During drug court, each participant was required to attend numerous groups such as Living in Balance, Advanced Living in Balance,
Relationships in Recovery, Fatherhood/Motherhood and counseling. The judge referred participants to the Gavin Foundation service providers that were in the courtroom. They were instructed to meet with the service provider and make appointments. Different programs/recommendations were made depending on the individual’s needs.

Two treatment providers’ representatives from the Gavin Foundation were always present at court to transport selected participants to “groups.” The Gavin Foundation was founded in 1963 with a mission to offer substance abuse treatment to high-risk probationers in place of imprisonment. They provide treatment, education and different types of support to addicts. The Gavin Foundation is focused on enhancing people’s lives, offering different types of recovery services that are accessible within the community (The Gavin Foundation, n.d.).

The participants who were part of the group were called first to speak to the judge and then dismissed with the treatment providers. The treatment liaison was also always present during drug court sessions and stayed until court finished. The treatment liaison was in charge of transporting new drug court participants and returning participants to the residential program when released from jail. The three treatment providers that were frequently referred to were: The Gavin Foundation, Salvation Army and MASS Rehab. The court staff seemed to have a good rapport with the treatment facilities.

The Salvation Army is an international program ministry that provides services to children, adults, families and disaster relief. They operate according to biblical principles. One of the services they provide is adult rehabilitation. The
Salvation Army “offers residential housing, work, and group/individual therapy, all in a clean wholesome environment” (The Salvation Army, n.d.). The Salvation Army is not a governmental program. They rely exclusively on donations from within the community.

MASS Rehab provides individual and group therapy for individuals suffering from substance abuse problems. Drug court recommends MASS Rehab for their participants. Their representatives were never at drug court. However, drug court seemed to have a good relationship with them. The judge made it clear to the participants that it was mandatory for them to seek services at MASS Rehab.

**Interview:** Following admission to drug court, participants were required to be admitted to a residential program, a halfway house. There were two options in selecting which house\(^2\) to which participants would go. They could be referred by drug court to a house that had available beds open or they could find it on their own. However, if they found a house on their own drug court had to approve it before they could move in. Most participants interviewed were referred to the house by drug court. Participants were also required to attend individual and group therapy. According to one participant, the group was called “living in balance” provided by The Gavin Foundation which was a sixteen-week meeting, and the facilitator transported the selected participants to group after drug court session and back to their houses.

When participants were asked if the current treatment was better than treatments they had participated in the past, all the participants agreed that the

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\(^2\) The house is where participant resides, either halfway house or sober house.
structure and strictness of the house was what allowed them to succeed in becoming sober. One participant believed the longevity of the program was what made the house different than detox or other inpatient facilities. Another participant believed that in order to succeed in the treatment program one had to have a different mindset. He believed that becoming sober had to be a choice and it should never be forced. All participants agreed that facility staff also had big impact on their recovery. When staff is approachable, knowledgeable, and caring, participants are more inclined to seek help when facing obstacles that threatens their sobriety.

**Component 2:** Using a non-adversarial approach, prosecution and defense counsel promote public safety while protecting participants' due process rights. Non-adversarial in drug court means that the defense attorney and the prosecutor are working together instead of having oppositional roles that they would have in traditional courts. According to NADCP (2004), the prosecutor and the defense counsel are responsible for screening and determining eligibility. They are also responsible for explaining policies and procedures of drug court. It is important that they work together for a common goal, which is to ensure public safety and participant's rehabilitation. However, they also have their individual goals. The prosecutor is responsible for protecting the community by ensuring proper screening of each participant who enters drug court. The defense counsel is liable for protecting participant's due process rights and encouraging compliance.

**Observations:** Drug court operates differently than traditional court. When participants were in custody or violated probation, the probation officer was responsible for bringing the case forward. In traditional court, the prosecutor is
responsible for presenting the case to the judge. There were several defense attorneys in the courtroom. It was unclear who was the official drug court defense attorney. The defense attorneys had access to “lock-up” during court session to speak to their clients. The judge, defense and the probation officer took “side bar” when defense counsel asked for it. In most traditional courts when a person is in custody he/she is behind glass and not easily assessable by their defense counsel. Also, the detainee does not have a view of the entire courtroom. As described above, in drug court participants who are detained have a view of on the entire courtroom.

When participants had private defense counsel, they were given priority when called to the podium or when they were in custody. Defense attorneys are responsible for protecting participants’ due process, therefore, when participants opted out of drug court it is their responsibility to abide by telling the judge that a participant is refusing drug court. One participant opted out of drug court and the defense counsel asked the judge if drug court could take “time served” into account when deciding the participant’s sentence. One participant’s private counsel was not present during his probation violation hearing and therefore, instead of incarcerating him, the judge ordered him to report to probation once a week until his surrender hearing was rescheduled.

**Interview:** Participants were asked several questions about defense and prosecutor and their sentiments of drug court non-adversarial set up. When participants were asked if they could describe the relationship between the defense attorneys in the courtroom. It was unclear who was the official drug court defense attorney. The defense attorneys had access to “lock-up” during court session to speak to their clients. The judge, defense and the probation officer took “side bar” when defense counsel asked for it. In most traditional courts when a person is in custody he/she is behind glass and not easily assessable by their defense counsel. Also, the detainee does not have a view of the entire courtroom. As described above, in drug court participants who are detained have a view of on the entire courtroom.

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3 Lock-up: jail cell in the basement of the district court
4 Side bar: conference between defense counsel, judge and probation during court session
5 Time served: time participant had been incarcerated
attorney and prosecutor they did not know how to answer this question. All but one participant answered that the defense counsel and prosecution got along. One participant had this to say about the relationship:

I was umm, very suspect then. There was more or less an understanding between my lawyer and the prosecutor that I was going to do what they wanted me to do. I really didn’t have much choice. I wanted to argue it, I wanted to be Breathalyzed, I wanted to be urine tested I was not given the option. I did not want to go to drug court. My intentions were to pay my fines that I owed on the existing case that was about 3 years old and umm, just go back and keep doing my thing in AA.

When participants were asked about their relationship with the prosecutor, the majority of participants did not know whom the drug court prosecutor was. They knew who the traditional court prosecutor was. When participants were asked about their relationship with their attorney, all the answers agreed that the meeting was brief. All participants reported that they only saw their defense attorney when they were incarcerated and when probation was violated. The following quotes illustrate participants’ sentiments towards their defense attorneys:

Well it was brief, it was just umm, I got, I got a bad urine and they arrested me and I went to [jail] for couple days and they brought me back to court and I literally just met this guy for that afternoon and we talked about it and he said the option is drug court or jail. And we discussed it and he told me all about drug court I accepted it. So I really only met him for maybe an hour but yeah that was that.

Another participant reported that he spoke with his defense attorney for about two minutes and that was about it therefore, no relationship to report. Another participant’s perception was more explicit and full of anger when responding to his relationship with his defense attorney:
Short, brief and very unprofessional. Umm, she basically told me just go to jail. Drug court is not going to work for you; you’ll never make it. Umm, that’s, that’s probably the one thing that stands out that she said to me aside from her language was deplorable for a lawyer.

When participants were asked if they believed that having the prosecutor and defense counsel working together gave them the opportunity for a fair defense only two participants answered yes. They believe the prosecutor and the defense are looking out for their best interests. However, the remaining four participants did not believe that they had a fair defense. One participant had the following to say: “Not really cus I had a court appointed lawyer, if I had a paid lawyer I wouldn’t be in drug court...court appointed lawyers don’t really care, they have so many cases to deal with, you’re just a number to them, so no I don’t.” Another participant went further and made the following remarks:

I don’t think it really does, you know what I mean. Because they’re working for a commons umm, goal. You know what I mean, and if they’re working for a common goal then how can you say you’re trying to help me and give me a lesser time. You’re working on whatever he’s trying, you know what I mean. And prosecution don’t budge much see what I’m saying unless you have a good case, so it’s basically what they say.

Unlike traditional court, drug court operates on non-adversarial approach. Therefore, participants should have a clear understanding of what it means to have a non-adversarial approach. The participants interviewed were not clear on what the role of the prosecution and defense counsel were. This is an opportunity for this particular drug court to address.

Component 3: Eligible participants are identified early and promptly placed in the drug court program. According to NADCP (2004), people should be assessed
immediately following an arrest. An arrest can be a traumatic experience for anybody. Therefore, offering a life changing opportunity such as suspended sentence, probation and rehabilitation can have tremendously positive impact in someone's life.

Observation: This study did not observe any activity that supports this component. Better field notes may be required to determine how this Massachusetts drug court adheres to component 3.

Interview: Participants were asked at what point during the criminal justice process they were offered the option to enter drug court. The following responses were obtained during the interview: Two participants were incarcerated for one month before they were offered drug court. One stayed an additional two months waiting for available inpatient placement. The other participant stayed an additional two weeks waiting for available inpatient treatment facility. The next two participants were incarcerated for two and a half months before they were offered drug court. One stayed an additional five to six weeks in jail before he was placed in an inpatient facility. It is unknown how long the other participant stayed incarcerated after they took the offer of drug court. One participant was incarcerated for one month and a half and did not know how long he stayed incarcerated before inpatient treatment facility placement. The last participant was not incarcerated; he was on probation with the traditional court. Because he had several positive drug tests he was offered the option of drug court and placed in an inpatient treatment facility.
Based on the participants' answers it appeared that participants were identified early, after their arrests or probation violations from traditional court. However, all participants had a large high number of arrests, which could indicate that they were not identified as alcohol/drug addicts early within the criminal justice process. However, further research is required to properly answer this question.

**Component 4:** *Drug Courts provide access to a continuum of alcohol, drug, and other related treatment and rehabilitation.* This component is important because substance abuse treatment is essential for participants to succeed in drug court. According to NADCP (2004), treatment is an ongoing process throughout participants' time in drug court. Drug court needs to be therapeutic in its process. As stated above, active communication with the treatment provider is imperative to ensure compliance. Treatment providers have to be certified according to their fields. The main focus of drug court should be criminal behavior and substance abuse. However, drug court needs to provide assistance with other services such as obtaining healthcare, education, employment planning, and other reasonable services considered important for the participants.

**Observations:** All drug court participants were required to enroll in a substance abuse program. The judge asked everyone about his or her progress at his or her selective treatment providers. The judge was knowledgeable of each participant's treatment providers. This was apparent by her referencing to the name of the house instead of saying sober house or halfway house. When participants were asked, "how are you?" by the judge they always immediately spoke about their
treatment process. They reported on the prior week and spoke about their struggles and success during that week.

**Interview:** When asked if aside from the mandatory services provided by drug court the court helped or referred them to any other services such as Housing transportation, vocational, educational, public assistance, medical and family, all participants but one responded yes, that they had been helped with other services. The following quotes further illustrate the type of help participants received: “yes, they try to, to help you with everything. Like if you talk to them and let know that something’s going on, or you know, trying and get this they’ll research get numbers for you Internet stuff, at least [probation officer] will.” Another participant had this to say about receiving additional assistance from drug court: “Yeah, I mean we do the outside classes but you know [probation officer] is always you know giving me, umm, you know on ideas on like what else to do. It’s not mandatory but you know it doesn’t hurt.”

The participant that had answered no to the question about additional services had this to say, which indicates that additional assistance is offered:

No, they offer umm, mission forward. They actually require you to go to mission forward program and they will help with anything that your house doesn’t help you with... it’s run by the Gavin Foundation and they will help you get umm, health insurance. They’ll will help you get outside counseling. Umm, they will help you with a lot of stuff. They’ll go to court for you if you, umm, custody issues with your children and stuff and they’ll really, they’ll really help you with everything that the court doesn’t, you know.

For this participant drug court did not help him directly. However, drug court gave him the option to see providers such as The Gavin Foundations to assist him
with his specific needs. Participants were also asked if they had been in other
treatment programs prior to drug court. All but one participant reported yes. The
reasons for failure at other programs were: the program was not long enough, there
were no structure, not enough support, they were arrested again for new charges or
believed they were “better” and did not need to continue to attend AA meetings.
Most common treatment providers used by participants prior to drug court were:
detoxes, AA and being sectioned to an inpatient treatment facility by the traditional
courts (section 35).

**Component 5: Abstinence is monitored by frequent alcohol and other drug testing.**
According to NADCP (2004), it is important that participants are tested frequently
and accurately for alcohol and drugs. This is when communication between drug
court and treatment providers becomes crucial. When there is good communication
treatment providers are able to report to court immediately for the sanction to be
swift. As stated above, sanctions are effective when served immediately after a
violation. However, test administration is also important. For instance, the agency
administering the tests needs to observe participants while taking the test for
accurate record of chain of custody, value and reliability of the method.

**Observations:** The judge was very open and approachable. She expressed
her understanding of how difficult it was to remain sober and the difficulties of
addictions. The judge also stressed the importance of using drug court staff,
treatment providers, peers and sponsors when dealing with any issues that could
possibly cause a relapse. When the participants were called to the podium to speak

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6 Alcoholics Anonymous
to the judge, all reported doing well. During one court observation, a participant had an overdose and died. Overdose is very common in drug court. During the length of this study there were two-overdosed deaths. This shows how important it is for participants to be closely monitored and frequently drug tested. The judge made it her goal to ask every single participant how he or she felt about the situation. Only one participant did not know the deceased, as he was new to drug court.

**Interview:** Participants were asked the frequency of drug testing and the method of testing they had to submit to. All participants reported being tested for drugs. Some participants got tested randomly and some participants got tested on set days. The days reported for testing were, Tuesdays, Thursdays and Saturdays. One participant reported having to submit to a random Breathalyzer test when he first entered the halfway house. The participants got tested at their respective halfway house or sober house. However, one participant reported that probation officer has the right to ask them to submit to a random drug test at the courthouse.

The following were participants’ reports on treatment schedules at the halfway house, sober house, AA and The Gavin Foundation. Some houses had designated days when they drug tested participants, which was three times a week, other houses tested three times a week on random days, and one house tested three times a week and also did random tests. The probation officer also held the right to drug test participants randomly. They were all required to attend AA meetings every night, they had counseling sessions, groups, and they were also required to have a sponsor. This was important because frequent drug testing ensure that
participants remain sober. When participants were drug tested frequently the
treatment facility was able to know if they were using illicit substances.

Participants reported loss of jobs, businesses, homes and relationships with
family due to their addiction. Most of the participants reported one of the reasons
drug court works is because it is long term. They all tried to quit drugs and alcohol
on their own but they were unsuccessful. They believed that the structure of the
program mixed with the procedures of drug court was what helped them remain
sober. All participants reported attempts to quit drug or alcohol without the
assistance of a structured program and failing at doing so.

Component 6: A coordinated strategy governs drug court responses to participants' compliance. According to NADCP (2004), it is important to understand that addiction is difficult and relapse is part of the disease. Abstinence from drugs and alcohol is a learning process and it takes time to master. Drug court measures its success by participants' compliance and remaining sober or drug free. However, court appearances, treatment adherence, praise from judges and court staff is also important. It is essential for drug court to reward good behavior and punish bad behavior. For example praises from the judge and/or treatment providers can serve an encouragement for participant to continue to do well. According to NADCP (2004), participants must have a verbal and written explanation of incentives and sanctions when they are accepted to enter drug court. Incentive and sanctions can vary in nature.

Observations: The judge was always pleasant. She gave praises to every participant even participant that were on “the dock.” This was evident by the
following quotes by the judge: “I’m proud of you.” “You can smile, it’s okay, I allow that, in fact I encourage it.” These quotes were said to a participant who was having problems at his house because he felt that The Salvation Army was aggressively pushing him towards God. Other quotes used by the judge were: “I’m giving you a lot of freedom here... you know what we require here...you understand that you are not in charge.” The quotes were powerful because they showed that the judge treated the participant as an adult and gave him responsibility. Yet, she made it clear that she was in charge and would do what was necessary to ensure compliance.

The judge showed compassion to the participants who were incarcerated. She expressed her sentiment about a participant having to be in jail longer waiting for an available inpatient treatment facility. “You’re in jail but you are safe and alive...I know it’s not ideal but it’s part of being in the program...hang in there [name] I know it’s not easy.” One participant had written a letter to the judge asking for re-admission into drug court after he violated probation and was on the run. The judge said the following to the participant: “That’s a good letter...you identified where you went wrong and insight is the key. That helps me make a decision.” The judge recognized when a participant had taken on too much responsibility that can jeopardize their recovery process. She said, “there’s a lot happening, don’t get ahead of yourself. You may end up off track. It’s a good plan to have but don’t set yourself up for failure.” This shows that she understood recovery and she understood that participants must remain focused and prioritize their recovery.

Participants were aware of what was required of them and if probation was violated there were consequences. The following sanction was used for probation
violation although the researcher was unclear about all the violations that occurred. One participant was ordered to write an essay on her state of mind when she relapsed (smoked marijuana). The reason she had this sanction was because she told staff at her sober house that she had used and she also informed the probation officer that she had used drugs. The judge and the probation officer felt that because she was honest and admitted to her mistake before she had to be drug tested was a testament of what drug court was all about.

**Interview:** Participants were asked if they had been sanctioned for probation violation and what was the sanction imposed. Participants were unclear about this question because drug courts operate on a range of different options for sanctions. It was stated that a sanction has to fit the punishment therefore, having one type of sanction for different types of violation is counterproductive. However, the participants were all aware that if they violate probation they would be sanctioned. All participants reported that incarceration was the most frequently applied sanction. One participant was sanctioned to eight hours community service when he failed to present progress report during his court hearing. He had the following to say about his sanction:

I didn't take drugs so you know what I mean. It shouldn't be an issue because I'm sober you know what I mean and that's how I feel. Yeah people are gonna get in trouble but it might be for a low fraction stuff and you shouldn't treat them like a piece of shit you know you. You shouldn't cus I seen it happened dudes forgot, I forgot my paper when the other judge was here and they gave me 8 hours community service. I was like I tried everything I could. I went to the program director and said I need my paperwork and he would not give it to me. He said I'm going to give it to you the day of court and then he ended up saying, umm, the
day before I went to him again. I wen to him three times and the 3rd time he goes, he goes you been a nuisance. Basically told me that I was bothering him. He said I'm going to give it to [staff name] cus I know you working. He never gave it to him so I went to court and dint' have it and I told them everything. I still got 8 hours community service that it was like, umm it was like, like somebody spit in your face. You know what I mean, it pissed me off.

The above quote emphasizes how important communication with the treatment provider is. This issue could have been handled differently. Court staff should have called the treatment providers to get their version of the story instead of assuming the participant's version is false.

Another participant was sanctioned to jail when he left his sober house and was on the run. He believed this sanction was especially hard because during the time he was on the run he was sober. He made the following remarks:

When I was in drug court I was at violation and I was on the run so I had a warrant but I umm, I was doing the right thing I was going out to dinner. I was paying my bills. I was spending time with my son. I was, I had money in my pocket I was working. I was living normal which I haven't done in so long and it stunk I had that warrant so when they picked me up I was kind of upset that they didn't take any of that in account that I was sober... maybe they can give me another a different way of handling rather than throwing me back into a halfway house that's just my situation

Participants were asked to give their opinion about sanctions. This participant believed that sanctions should be part of drug court because it helps keep people in check. He had the following to say about sanctions:

Being on drug court it's never happed to me but when I see it happen I know that they're not just doing it to throw you in jail. They're doing it to, to benefit you, you know. They umm, they want people to get sober, they don't want people to be incarcerated but you know, I
know you do get locked up if you, you know violate but they for the most part find you umm another treatment program to go to.

The above quote reinforces that one type of treatment was not suited for all. Therefore, when a participant was not doing well drug court made the effort to find them another treatment facility that was more suitable for the participants' individual needs. It was important that participants were receiving the right type of services because it ensures compliance and graduation.

Participants were asked to give their opinion about incentives in drug court. All participants reported that the biggest incentive they received from drug court was being out of jail. They also believed that having a judge who cared made them feel good about themselves. Some participants reported receiving gift cards not only from drug court but also from The Gavin Foundation for completing six-month individual counseling sessions. One participant reported that he did not expect any incentives from drug court. The fact that he was sober and clean and able to repair relationships with family and friends was sufficient for him. One participant had the following to say regarding receiving incentives in drug court:

Staying out of jail is a pretty big incentive. You know, it's a shot. Umm, I grew up in [state] and down there they'll just lock you up and throw away the key until you do your time. So, I think it's a good enough incentive just to, to be able to change your life without having to do many many years in jail.

The following quote not only illustrated the importance of incentives in drug court but it also showed that participants did appreciate being praised for doing well. One participant clarified:
Like I said, I mean just, just the recognition itself is an incentive you know what I mean. When somebody says hey, like this judge now like she said you’re doing good you know what I mean, you’re a good guy, stuff like that, that makes you feel good. Doesn’t make you feel like a judge is out to get you and like see what you’re doing wrong or see if you’re being sneaky or you know what I mean. A lot of people, like the time people would go to drug court and get hard like scared you know what I mean. That shouldn’t be a feeling going there when you’re in front of all these people and you got to talk you know what I mean. That’s already, like I said, now it’s, it happens but it’s not like it was it’s better you know. Like you can get more comfortable too.

As stated before, incentives did not have to be in physical form. Praises and encouragement were said to be powerful in drug court, especially when the praise was coming from a person with high authority such as the judge. One participant had the following to say about incentives:

We do get gift cards you know [probation officer] is always giving me Dunkin Donuts gift cards, not always but every once in a while. And like the judge she’s always saying good job, good job, you know and to me that’s an incentive especially coming from a judge. It feels good to walk out of the courtroom and umm, positive attitude. Cus of my past I either a. I never walk out of the courtroom or b. It was always negative you know. Cus I did something wrong, it was my own fault but now that I’m on the path it’s, it’s completely different it motivates me, you know.

**Component 7: Ongoing judicial interaction with each drug court participant is essential.** The judge is the head of drug court. The judge is what connects participants with treatment providers and the criminal justice system. “This active, supervising relationship, maintained throughout treatment, increases the likelihood that a participant will remain in treatment and improves the chances for sobriety and law-abiding behavior (NADCP, 2004, p. 15). According to NADCP (2004), regular status
hearings especially during the initial phases are very important. Frequent contact
with the judge reinforces drug courts procedures and guarantees successful
supervision. Also having all participants in one session and having them stay
throughout the session even after they have spoken to the judge is a great teaching
opportunity for the judge. Again, drug court applies applicable sanctions and
incentives according to participants' treatment progress.

**Observations:** Once the court was in session the clerk began to call
participants one by one, they walked to the microphone and handed progress notes
to the probation officer. The probation officer then handed the progress report to
the judge. The judge skimmed the notes while asking participants questions. The
dress code was informal, participants went to court dressed in jeans and t-shirts,
which was different than traditional court where it was expected for defendants to
dress appropriately when they made a court appearance. Frequently participants
had dirty clothing covered in paint indicating that they came to court straight from
work. It was required that participants work while in drug court. Participants’
interactions with the judge took between five to ten minutes depending on how
much information they disclosed to the judge. The interaction was never rushed.
The participants were free to speak uninterrupted about any topics.

The judge was always engaged and interested in what the participants had to
say. This was evident by her actively listening to what participants had to say.
Participants seemed to be comfortable with the judge and the judge had a wealth of
knowledge about her participants. Both participant and the judge made jokes during
court hearings. The judge was always friendly and inviting--during one court
observation she held a participant's baby while she spoke with her. This shows that this court adheres to component 7 because the judge practices active listening. However, the judge was also firm and honest about her expectation from the participants. She told one participant that drug court “is not only about being clean and sober, it's also about behavior and surrender...if you’re not able to surrender yourself than drug court is not for you.” She explained that honesty was very important in drug court. They appeared to respect her and her advice. This was evident by participants’ responses to the judge; they listened to her without interrupting. They spoke to her in a professional manner. Therefore, it was understandable that both judge and the participants had mutual respect for each other. There had to be mutual respect because the judge was the head of drug court.

The judge was very open with the participants regarding some aspect of her personal life. Another example she disclosed was that her daughter played softball and she loved sports. She spoke about having “the talk7” with her son when he was eight years old. The reason she disclosed this information was to make it comfortable for one participant to have “the talk” with his ten-year-old son. She recommended books to one participant because she was aware he loved to read. She asked if he would like to borrow some of her books. She kept the same tone when speaking to the detainees. The judge asked questions about employment, treatment, children, family and special events happening in their lives. For instance, one participant’s mother had knee replacement surgery and the judge disclosed that her

7 The talk is having conversation with children about sex.
mother also had knee replacement surgery and offered helpful advise to the participant.

One participant was moved from phase 1 to phase 2. The probation officer presented reasons why he should be moved to phase 2 to the judge. The judge accepted the reasons and agreed. The participant was given the opportunity to speak to his fellow friends. He spoke about his progress in drug court and how drug court had been a tremendous support in his recovery. The judge then presented him with a certificate, hugged him and said a few words in his ear. The phases are explained in more detail below.

**Interview:** There were three participants on phase 1, two participants on phase 2 and one participant on phase 3. Participants on phase 1 had to report to court once a week, phase 2 every other week and phase 3 every third week, they also met with the probation officer respectively. All participants reported that if they needed to meet more often with probation officer the option was available. Most participants reported taking advantage of checking in with probation more often than required. When asked to describe the phases and their paths through the phases, participants were not able to accurately describe the phases. However, they knew what was required of them within their current phases. They reported that the paths were either not explained or not explained in detail.

When asked if they felt they had a choice in participating in drug court all but one participant responded yes. They felt that they could have elected to serve time rather than going to drug court and they believed they made the right choice to participate. However, research has shown that a person forced to submit to
treatment by the criminal justice system is likely to succeed as well as those who enter treatment voluntarily (NADCP, 2004). Before admission to drug court staff assessed participants. The probation officer assessed five participants and the case manager accessed one participant. All participants reported being incarcerated for no longer than five weeks before drug court was offered. However, the time they get released depended on availability of inpatient treatment facility. Frequently, participants stayed additional weeks or months in jail after being admitted waiting on beds.

When participants were asked to describe their relationship with the judge and the probation officer all responses were positive. Although they had different ways of defining their relationships, the themes were all very positive. For instance one participant referred the judge and the probation officer as counselors and not law enforcement. They believed that the judge and the probation officer were there to help them, that they cared, and they were truly there to help. One participant described the relationship as being cordial, friendly and respectful.

One participant reported that the judge was always positive and spoke softly and gently to them. Participants who had been in drug court longer praised this judge as more understanding of addictions and more lenient with participants. However, all participants were aware that if they violated probation they would be sanctioned despite having a good and close relationship with the probation officer and the judge. One participant put it this way “no matter how much caring you have when you’re in [probation officer] position you still have a job to do so you can’t let anything personal come between you and that job, so there’s a big duality with what
she does." One participant spoke exceptionally of the judge and the probation
officer, however, believed that they might have secret agendas and also drug court
was a mass conspiracy for the state to spend less money incarcerating people. He
then explained that the program was a good program but did have flaws, which will
be discussed later on.

Participants were also asked about their interaction with the judge during
court sessions. Three participants reported feeling nervous when speaking to the
judge. However, they also expressed that they knew there were no reasons to be
nervous because they had not violated probation. Two participants described the
encounters with the judge as being informal and pleasant. They believed because
the judge was very welcoming there were no reasons to be nervous. They believed
she had knowledge of addiction and understood that they made a mistake and that
they were worthy of love and care. "I know she cares, umm, she doesn't look at us
like criminals she looks at people at us like people that need help and that's exactly
what she does, she helps us...she has a lot of good advice you know she can see
when you are struggling and when you are doing good."

Another participant had the following to say regarding the same question:

[judge's name] yeah she really know what the hell, you know what I mean. When she says so
how's your kids and they still playing you know what I mean she know that from like three
weeks ago. When I said it last year judge she didn't do that she dint' try to work with you like
everybody. It's umm you know what I mean everybody like screws up and it doesn't have to
be with drugs that was one of the things I was gonna say today. If I was gonna get a bomb, I
was gonna tell her I didn't know that this was driving without a license court, it's drug court
you know what I mean.
**Component 8:** Monitoring and evaluation measure the achievement of program goals and gauge effectiveness. According to NADCP (2004), “fundamental to the effective operation of drug courts are coordinated management, monitoring, and evaluation system” (p. 17). Drug court goals should be clear and measurable for funding purposes and for policymakers. It is important to manage and monitor the success or failures of drug court by frequently collecting important data. Data collected can serve to evaluate the effectiveness of the program and its accomplishments. Drug court should also have internal and external evaluations to obtain accurate and measurable results. Drug court is to follow up with participants six months after graduation or termination in order to gather data regarding participants' criminal behavior, employment, health and relationship updates. (NADCP, 2004).

**Observations:** During data collections, this study attempted to use multiple drug courts. Unfortunately, two other Massachusetts drug court and one Rhode Island drug court denied entrance to the court for research purpose. These courts also denied access to data collected by the courts themselves. This shows that this particular drug court was adhering to the 10 key components by allowing external evaluations. The probation department welcomed this study. The probation department also showed enthusiasm and excitement in reading participants' sentiment about their policy and procedures once the study is completed.

**Interview:** although not directly correlated to component 8 participants were asked if there were anything that they wanted to add that they felt drug court could provide in order to make their treatment process more effective. The researcher felt that since this component discuss evaluation that it was imperative
and significant to this research that participants give their evaluation of drug court. The following quotes emphasize the effectiveness of drug court according to participants’ views: “Probably not having to go to drug court every other week or as often as we do, and probably like incentives like gift cards to Dunkin\(^8\) that would be pretty cool. That’s about it.”

One participant believed that most programs were not long enough to achieve sobriety. Unlike one of his companion he believed 18 months was just right to learn coping skills and other practical skills in becoming drug free. He had the following to say:

Honestly, like drug court’s been the most effective, you know treatment program that I’ve been through yet, you know I think it’s great that it’s 18 months, cus like I said earlier sometimes 6 months ain’t enough it’s not long enough, you know, these 18 months you get that foundation where you learn to be an adult again you know but I really don’t have any complaints about how drug court’s run, how they operate and you know, I think they’re great.

Another participant believed that the work drug court is doing is life saving. Although he had issues due to his own fault he still believed that drug court was a great program. He had the following to say about his sentiment and experience:

It’s saving lives 18 months I never dreamed I’d have months now I, I was on the run for 9 months when I was in drug court I was at violation and I was on the run so I had a warrant but I umm, I was doing the right thing I was going out to dinner. I was paying my bills. I was spending time with my son. I was, I had money in my pocket I was working. I was living normal which I haven’t done in so long and it stunk I had that warrant so when they picked me up I was kind of upset that they didn’t take any of that in account that I was sober...

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\(^8\) Dunkin: Dunkin Donuts
maybe they can give me another a different way of handling rather than throwing me back into a halfway house that's just my situation... But I'm grateful I'm not in prison I mean I was only in prison for little while but you know, you know it's, it's a good program they save lives, you know people are dying left and right so it saves lives... I'm happy to be part of it.

The judge stressed the importance that drug court was not only about getting sober but it was also about behavior. Participants were aware that running 9 was not an acceptable behavior and they would face consequences.

One participant had the following to say regarding improving services in drug court:

Yeah I would like to see incentives, I would like to see an incentive that if you're doing well that you should be allowed to go to a sober house or umm be out of a sober house and on your own longer. Like if you're doing the right thing you should be moved along. This 18 months it's a ridiculous amount of time. You know, by the time a year and half rolls around so so sobriety you don't need to be babysat by the court. But once again I'm sure if they could have it 3 years without it sounding ridiculous they do it for 3 years. Cus if you mess up you go back to the very beginning or somewhat. I mean if you're in level 4 sometimes they wont put you back to the very beginning depending on the nature of your violation but that's all what I mean It's all the nature of the violation. Who says that this is worst than than. Who says that coming home late isn't as bad as the fact that you had a bad drug test. Maybe you're coming home late and you're drunk and no one breathalyses you.

Another participant stated that drug court is a good program and had the following to say “I think it's a good program, I think it saves lives. It's I I think it's helping a lot of people. Umm, I know that they just opened another one up in [city] court which is good.” Another participant indicated that he believed drug court was

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9 Running is when participants do not surrender themselves to drug court when they violate probation.
a great program and that “they do so much like I really don’t think there’s much to change. You know, umm, no I really don’t have any ideas on that.”

One participant had the following regards to say about improving services in drug court:

Umm, I mean I think somebody said that you have to pay $150 dollars for DNA test at the end of drug court or your hair tested whatever the heck it is I don’t think we should have to pay for it...I don’t know, yeah I just think it’s crazy I’m like don’t you know how many bills I got [laughs]. Yeah I mean it’s just another thing to you know worry about. You shouldn’t have to worry that far into recovery cus that just bring you back out.”

In regards to the above quote NADCP (2004) has reported that participants are assessed individually. Therefore, if a participant is assessed and they don’t meet the financial requirements the fee would be waived. This is a matter of better communication between drug court and participants.

One participating reported that drug court need to offer more assistance, bellow are his suggestions for his individual needs:

Yeah phone number for, for proper therapy and stuff like that. Umm, I’m trying to find therapy right now you know, I got to you know find’em all basically on my own... You know even, even my house doesn’t have any and real information on it you know so other than that it’s still a court so they can only meddle in your life so much you know... you know a lot of people, there’s a lot of people in jail before I came in into the program and there were all like this don’t, don’t do it take your time cus you’ll, you’ll never pass if you can’t stay clean you know but I don’t know I think it’s, I thought it was a great idea you know help me change my life I don’t know.

This particular participant asked for the option of drug court it was not offered to him. He believed that getting sober was a state of mind and he felt that
drug court was the best option for him. One participant felt that the program was very good and organized however, would like to see more incentives such as gift cards for good behaviors.

**Component 9:** _Continuing disciplinary education promotes effective drug court planning implementation, and operation._ “Periodic education and training ensure that the drug court’s goals and objectives, as well as policies and procedures, are understood not only by the drug court leaders and senior managers, but also by those indirectly involved in the program” (NADCP, 2004, p. 21). Because drug court model is based on therapeutic jurisprudence it is important for personnel to have ongoing training on substance abuse. With development of new technologies and new evolving research on substance abuse disorder, drug court personnel should be up to date with the latest development. According to NADCP (2004), court observation of an existing drug court is a cost effective way of training new drug court staff. This method allows new staff to interact with their colleagues and ask questions. Staff should seek further trainings in drug court process, substance abuse treatment, relapse prevention, basic criminal justice system policies/terminologies and other important topics relating to this population.

**Observations:** The research did not observe any evidence to support this component. However, the researcher attended a two day training solicited by the NADCP. During this training the researcher encountered staff from multiple Massachusetts drug courts. Including the drug court where this research was conducted. This shows that this particular drug court and most Massachusetts drug courts adhere to this component. The training was informative because it provided
drug court professionals with evidence base practices and current information on how to make this program succeed.

**Interview**: The participants were not asked any questions to support component 9. Perhaps future research can add questions to confirm if their drug courts observe this component. This component is very important because as stated above the field of substance abuse treatment is ever changing. Therefore frequent and continues training is essential for a successful program.

**Component 10**: *Ongoing partnership among drug courts public agencies, and community-based organization generates local support and enhances drug court programs effectiveness.* "As part of, and as a leader in, the formation and operation of community partnerships, drug courts can help restore public faith in the criminal justice process" (NADCP, 2004, p. 23). This can be achieved by system wide commitment within the community, not limited to treatment providers but expanding communications to private community based establishments. An effective way of achieving such goal is by creating nonprofit organizations that includes all drug court stakeholders as well and outside partners to act as a medium for fundraising and resource attainments.

**Observation**: There were no data collected during observation to support this component. More research is needed to study this component further.

**Interview**: Although no direct connection to component 10, participants were asked how closely they were monitored by drug court, which their answers implied that the court has a good relationship with treatment providers. All but one participant agreed that the court monitored them very closely. They reported that
the court was in constant contact with the treatment providers and they were required to bring weekly progress notes to the judge. One participant did not believe that the court monitored them at all. He believed that the drug court was not aware of his whereabouts until he presented the progress reports to the judge.

“Drug court doesn’t know I’m alive and dead from week to week as far as I know.”

Aside from the above question, no questions were asked to directly report if this drug court adheres to component 10.

**Discussion**

In an effort to study drug court as an alternative to incarceration, this study conducted court observations as well as face-to-interviews to review a Massachusetts drug court’s application of the 10 key components. Prior studies have indicated that drug courts that adhere to all of the 10 key components have better outcomes.

Results from drug court observations suggested that the therapeutic jurisprudence method is implemented in this drug court. In general, the observations revealed that this drug court follows most of the 10 key components. No direct observation was made to support the applications of components 3 and 10. However, this did not indicate that this drug court did not adhere to components 3 and 10. It suggested that more research was needed. Perhaps future research can interview drug court staff with questions directed at the application of components 3 and 10.

The use of a therapeutic jurisprudence appeared to be an effective approach to treat substance abuse problems and suppress criminal behaviors. This drug court
focused on behavior modification. The judge reminded participants in multiple occasions that drug court was not only about remaining drug free but it was also about behavior modification. The way drug court achieved behavior modification was by having clear and open communications with the participants. For instance, the judge was always welcoming to the participants. She did not shout or made the participant feel ashamed of their past. This was evident by the way she spoke to each of the participants.

The judge had a wealth of knowledge of the participants' personal lives. The judge spent reasonable time on increasing awareness of substance abuse problems and how participants could avoid relapses. She used their individual struggles as a teaching moment for all participants.

During face-to-face interviews the researcher noticed patterns and similarities within the participants answers that were a significant predictor of the court's adherence to the 10 key components. The 10 key components can be broken down into three categories: treatment which includes component 1, 4 and 5; Defense counsel which is component 2; drug court process which includes components 3, 6, 8, 9, and 10.

_Treatment:_ All participants in drug court were required to be admitted to an inpatient treatment facility. Most of the participants interviewed were referred to the impatient facility by drug court. In addition to an impatient treatment facility, participants were also required to attend outpatient treatment programs such as AA, individual and group therapy. All participants interviewed reported that drug court was effective because of its structure and strictness. This finding showed that
this Massachusetts drug court adheres to component 1. Component 1 states that drug courts integrate alcohol and other drug treatment services with justice system case processing.

As stated above treatment was required in drug court. However, aside from treatment drug courts provided additional services to the participants. Participants reported receiving a variety of extra services such as help with housing, finding appropriate outpatient counseling, education, medical—and more. However, when drug court was unable to provide other services participants were referred to other agencies that were able to provide the services needed. All participants reported being able to rely on their probation officer for assistance with their individualized needs. These findings illustrated the importance of component 4. Component 4 states that drug courts provide access to a continuum of alcohol, drug and other related treatment and rehabilitation. Research has shown that treatment should be the main focus of drug court. Therefore, having multiple drug court components that addressed treatment was important because it demonstrated that treatment must be incorporated in drug court.

Participants were drug tested to ensure treatment compliance. Participants reported being drug tested randomly and/or on a designated date. When participants were drug-tested randomly by their sober house or halfway house they were tested three times. Participants that had designated tests days were also tested three times, they were tested Tuesdays, Thursdays and Saturdays. Those participants reported being tested on a random basis as well. Although drug testing took place at the participants designated house the probation department reserved
the right to drug test participants as well and on a random basis. Drug court component 5 explains that abstinence is monitored by frequent drug testing. Therefore, this drug courts is indeed adhering to component 5.

*Defense and prosecution:* drug court was designed to operate differently than traditional court. Therefore, component 2 required that drug court use a non-adversarial approach, prosecution and defense counsel promote public safety while protecting participants' due process right. However, according to participants this component was unclear. Participants reported either no relationship with their defense counsel or negative relationship with their defense counsel. Participants should have a good and positive relationship with their defense counsel. They should feel that their defense counsel is competent and able to defend their due process. Unfortunately, this was not the case according to all six participants interviewed. This component seemed to be extremely difficult for participants. Four of the participants interviewed reported that they felt they did not have a fair defense. They felt public defenders were overwhelmed and overworked and did not have the time to devote to their specific cases. Most of the participants did not know who the prosecutor was. This was alarming because in drug court defense and prosecution were supposed to have a non-adversarial approach. Therefore, it is important that this Massachusetts drug court revisit this component.

*Drug court process:* components 3, 6, 7, 8, 9, 10 incorporate instructions on the design and policy of drug court. Unfortunately, no direct observation was made to confirm the application of component 3. However, participates were asked how long they were incarcerated before the criminal justice system offered them the
option of drug court. Participants were incarcerated no longer than five weeks before admission to drug court, which could indicate that component 3, was being applied. Component 3 explains that eligible participants are identified early and promptly placed in the drug court program. However, most of the participants had an extensive criminal record, which could indicate that perhaps the criminal justice system did not identifying participants early and promptly. More research is needed to better answer this question including asking questions about the details of the criminal charges. Studies have shown drug court participants often have drug charges.

According to component 6, a coordinated strategy governs drug court responses to participants' compliance. This component incorporates different aspect of drug court such as treatment, drug testing, court appearances and incentives. There are different research findings on frequent court appearances. Some research has found that it is the best way to monitor participants. Other research has found that frequent court appearances can lead to a judge finding more infractions and violations.

Participants reported court appearances according to their phases on drug court. Participants on phase 1 had to appear in court once a week, phase 2- once every other week, phase 3-once every third week and phase 4 once a month. Most of the participants understood reasoning for appearing in court as often as they do. However, some participants believed that they should not have to appear in court as often. Participant also believed that drug court should offer incentives when they were compliant with treatment and probation.
There has been much research on incentives in drug court. All participants interviewed did not expect monetary incentives. They believed that praise from the judge was the best incentive they could receive. One participant stated that he knew he made a mistake and he was in drug court because he committed a crime. However, he felt appreciated that the judge was cordial, respectful and full of praises. He stated that contact with the criminal justice system was scary and having a judge treated him like a human being and not a criminal was very comforting. Participants’ answers from the face-to-face interviews suggested that this drug court adheres to component 6.

Component 7 is an extension of component 6, which states that ongoing judicial interaction with each drug court participant is essential. As stated above the participants have designated dates where they have to appear in court. During interviews all participants reported that they met with the probation officer more than was required. This was due to needing more support. Most participants believed they had a choice in participating in drug court. This finding was important because research has shown that participants whom were forced to submit to treatment usually fail. As one participant stated that in order for treatment to be effective a person must desire the change. He went further to explain that a person has to have a different mindset for treatment to be successful.

Participants reported that drug court was a good program because it focused on treating the addiction. Therefore, it was important to ask questions where participants were able to give their evaluation of drug court. According to component 8, monitoring and evaluation measure the achievement of program
goals and gauge effectiveness. All participants agreed that the goal of drug court was to help them achieve sobriety and modify their criminal behaviors. Although participants had many positive evaluations of drug court they believed there were plenty of room for improvements. For instance, participants believed they should receive gift cards as an incentive, although they do not expect it but believed it would be nice. One participant believed they should not have to pay fees once they graduate drug court.

Component 9 explains that continuing disciplinary education promotes effective drug court planning implementation, and operation. Unfortunately, this study was not able to confirm if this Massachusetts drug court adhere to component 9. More research is needed to answer this question. Perhaps future research can develop questions for drug court staff to answer regarding this component. The researcher felt that participants would not have a way to know if this component was being applied in this Massachusetts drug court.

Last but not least is component 10 which states that ongoing partnership amount drug courts public agencies, and community based organization generates local support and enhances drug court program effectiveness. No direct questions were asked to support this component.

Drug court approach to criminal behavior and addiction makes it possible for the judge to teach participants all at once. As mentioned before, participants were not allowed to leave the courtroom after they have spoken to the judge, unless they had permission from probation. Therefore, participants were fully aware of one another's struggles. One very notable teaching moment was when one participant
from drug court had overdosed and passed away. The judge used this tragedy to reach out to participants to remind them that they had a wealth of support. She explained that participants should reach out to drug court, treatment provider and/or their sponsor when they were faced with difficult circumstance that can trigger a relapse.

This study used qualitative method in open-ended interview session with drug court participants as well as observing the participants during their drug court sessions. By using open-ended questions the researchers obtained information that was not anticipated. The information was collected through audio recording that was transcribed to gather information. The data analysis consisted of finding common themes and developing a coding system to discuss the important and thematic variables.

The researchers understood the sensitivity required when doing research involving human subjects. Although, most of the questions asked could have been obtained through public records, the researchers were careful with personal information obtained from participants. The researchers also strived to make certain participants were comfortable with the interview settings. The researchers engaged with each participant, however, they refrained from giving their opinion about drug court. It was important to assure the participants were fully aware this research was voluntary and that the researchers tried their best to keep their personal information private.

To the researchers' knowledge, this was the first qualitative study that used an interactive interview session where the participants were the main source of
data to study the drug court as an alternative to incarceration. This study added knowledge to the criminal justice system and the drug court. Although, this study had many limitations, it can serve as an informative way of knowing how the participants felt about drug court and its processes. This research was designed to add a different approach in studying drug courts.

**Limitations**

The current study had several limitations. This study had a small sample of participants. Six participants were interviewed and they were all Caucasian males. The sample size could have been expanded if researcher offered some type of incentive to participate i.e. gift cards. Although the study had reached saturation with six interviews the goal was to interview ten participants. Several restrictions played a role in the study's sample size. For instance the participants represented a limited range of drug court demographic. The majority of participants in drug court were Caucasian males. During this study there were six Caucasian females and one African American female, three African American males, one Asian male and one Hispanic male. The current demographic made it very difficult to receive diverse perspectives of different race and/or gender. The researcher came across three female participants. Two of the females declined to interview, one had agreed and then changed her mind.

The phases of drug court posed the biggest limitation. The researcher kept encountering the same participants over and over. This was due to many participants being on phases 1 and 2. As stated before participants on phase 1 had to report to court once a week and participants on phase 2 had to report to court
every 2 weeks. Many participants were on phase 1. Therefore, they were on a stricter schedule. A couple of participants on phase 1 declined to interview due to strict schedule at their halfway houses. One African American participant reported that due to transportation issues and the rigorous schedule at his sober house he was unable to meet for a face-to-face interview.

Other limitations included participants committing probation violations or relapsing. This limitation made it difficult to have available and reliable data. One participant had agreed to an interview. However, he committed a probation violation during the week he was scheduled to be interviewed. He was incarcerated, therefore, he was not able to participate in this research. For future research methodology could have also included interviews with court staff. Interviews with staff would have answered questions about component 10.

This study used a qualitative approach to gather data by conducting face-to-face interviews. This meant that the information obtained was from participants self-reporting. Therefore, the data cannot be individually corroborated. Self-reporting data can be biased. This study ran the risk of receiving incorrect information from participants. Although participants signed consent form that clearly indicated that the interviews were confidential, participant could be reserved about what information they provide to the researcher. Participants could fear probation violation if they feared that the interviews were not confidential.

**Conclusion**

The drug court program arose over two decades ago in reaction to the overwhelming concerns of substance abuse and amplified imprisonment rates.
Historically, the 20 years of studies on drug courts have confirmed progressive outcomes for participants who graduated drug courts program compared to their counterparts. This research has shown that this Massachusetts drug court adheres to the 10 key components. Although there were strong predictors of adherence to most of the components more research is needed to confirm adherence to all 10 components. During court observation it appeared that the judge and the probation officer were knowledgeable and competent of running a successful drug court. Also during observation it was clear that this drug court atmosphere was different from traditional courts. Participants in drug court were more relaxed, the court session felt informal and casual. A copy of the thesis was provided to the drug court, which included data that could be used later to improve services to the participants. These were reasons drug courts were created and is imperative that the States continue to fund it—to help people get treatment and to save states money on unnecessary incarceration.

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Appendices

Appendix A: Institutional Review Board (IRB) approval letter

Appendix B: Interview Questions

Appendix C: Flyer
Appendix A: Institutional Review Board (IRB) approval letter
June 9, 2015

Dr. Jennifer Hartsfield  
Criminal Justice  
311C Maxwell Library  

Re: IRB Application – Case#2015108

Your proposal, *A Qualitative Exploration of a Massachusetts Drug Court: How are the 10 Key Components Applied*, is approved by the Full Board of the Institutional Review Board.

The approval for your study is active for a period of one (1) year from the date of this letter. You are expected to adhere to the procedures as outlined in your proposal. Any changes in procedures, protocol, or the consent form will require the approval of the Institutional Review Board. You are also expected to notify the IRB immediately in the event of injury to or any problem with the subject participating in the study.

As the principal investigator, you have primary responsibility for protecting the rights and welfare of human research subjects and for complying with the provisions of the Institutional Review Board.

Best wishes on the completion of your research project. Please contact me if you have any questions.

Sincerely,

Elizabeth Spievak, Ph.D  
Chair, Institutional Review Board

ES/dfd

Cc: Isabel Pires
Appendix B: Interview Questions

A Qualitative Exploration of a Massachusetts Drug Court: How are the 10 Key Components Applied?

Interview Questions

I. Demographic
1. Fictitious name
2. Age
3. Gender
4. Race

II. Education
1. What is the highest grade you have completed?
2. Have you taken any college courses?
3. Have you attended a technical or specialized school?

III. Criminal Activities
1. I would like to know about the charges that led you to drug court, do you mind telling me about the event that led you to drug court?
   a. At what point during the criminal justice process were you offered the option to enter drug court? Can you tell me about this process?
   b. Do you know what the sentence would have been if you were not in drug court? If so, what?
2. Is this your first criminal charge?
   a. If not, how many times have you been arrested?
3. Have you ever served time in jail or prison in the past?

V. Defense/Prosecutor
1. Can you tell me a little about the relationship between your defense attorney and the prosecutor in your case?
   a. Do you feel the defense attorney and the prosecutor share a common goal regarding your defense?
   b. Do you feel that your attorney and the prosecutor working together gives you the opportunity for a fair defense?
2. Tell me about your relationship with your attorney?
3. Tell me about your relationship with the prosecutor?

VI. Drugs and Alcohol
1. Can you describe your relationship with drugs and alcohol?
   a. When did your first use illicit drugs/alcohol?
   b. Have you used more than one type of drug?
2. What substance abuse treatment programs have you tried in the past?
   (a) 12 steps treatment program?
3. Have you ever tried to quit drugs or alcohol on your own before without the help of a structured program?

VII. Family
1. Can you tell me about your family?
   a. What is your marital status?
   b. Do you have any children?
   c. If so, do you have custody of your child/children?
2. How do you support yourself and your family?
3. Tell me about your living situation?
4. How long have you live there?
5. During your first 18 years of life did you live with someone that was a problem drinker?
   a. Who in your household was a problem drinker?
6. During your first 18 years of life did you live with someone that was a problem drug user?
   a. Who was a problem drug user?

IX. Drug court treatment
1. Tell me about the treatment you receive?
   (a) Schedule
   (b) Type
   (c) Organization
   (d) Referral
2. How do you feel about this plan is benefiting you?
3. How could it be improved?
4. Compared to other treatment how is this treatment better than the ones you participated in before?

X. Drug Court
1. I would like turn focus to the process of drug court. How long have you been in drug court?
2. Do you feel you had any choice in participating in drug court?
3. Can you describe the initial assessment the court did?
   a. Who conducted the assessment?
   b. When were you assessed?
4. Can you describe the phases of drug court and your path through the phases?
   a. What phase are you in right now?
5. How often do you go in front of the judge?
   a. Can you describe these encounters?
6. Do you have a schedule for substance testing?
   a. How often are you tested?
   b. What type of test is administered?
   c. Have ever had a positive drug test, and what happened as a result?
X. Relationship with drug court personnel
   1. Describe your relationship with the judge?
   2. Describe your relationship with your probation officer?
   3. How often do you see your probation officer?
      a. How closely are you monitored?
         i. Do you think they check in with your treatment providers
         ii. Does your probation officer checks in with anyone else or any
             other agencies such as family members or employment?
   4. If there is a case manager at the court, how often do you see him/her?
   5. Do you have to present progress notes every court hearing?

XI. Sanctions and incentives
   1. Tell me about sanctions?
   2. Have you been sanctioned for any probation violation?
      (a) Violation
      (b) Sanction imposed
      (c) How long
      (d) Your thoughts about the sanction
   3. Tell me about incentives
   4. Have you received any incentives for good behavior?
      (a) Please describe?
      (b) What are your feelings about it?

XII. Other services

Aside from the mandatory services provided by the drug court, does your court help
you or refer you to any other services?

   What about:
   Housing
   Transportation
   Vocational
   Educational
   Public assistance
   Medical
   Family

XIII. Is there anything you want to add that you feel the court could provide in order
to make your treatment process more effective?
   1. Easier?
If you are interested in participating or would like more information regarding the study please contact the researcher, Isabel Pires or Dr. Jennifer Hartsfield, via phone or email at Lpires16@yahoo.com or 508-531-2718.