Drug Courts: A Study of Retention and Suspension in the Kalamazoo County Drug Court Program

James H. Houston
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DRUG COURTS: A STUDY OF RETENTION AND SUSPENSION
IN THE KALAMAZOO COUNTY DRUG COURT
PROGRAM

By

James H. Houston

A Dissertation
Submitted to the
Faculty of the Graduation College
in Fulfillment of the Requirements for the
Degree of Doctor of Public Administration
School of Public Affairs and Administration

Western Michigan University
April 2003
This is a study of the Kalamazoo County Drug Treatment Court Programs. Participants in the court programs are men and women who reside in the county and are charged with drug-related non-violent felonies. These participants, along with judges and administrators of the program, were interviewed for the study. The interviews were held in face-to-face meetings: participants on neutral ground and court functionaries in their offices.

The study sought to determine what factors contributed to the success or failure of drug court participants. It asked to what extent program requirements are perceived by the participants to be coercive, and how this perception might be related to such variables as age, race, gender, education, marital status, and others. It also sought to determine to what extent program requirements are perceived by judges and administrators to be coercive, and how their perception might be related to such variables as age, experience on the job, gender, race and others. Critical to the study was how these two perceptions of coercions differed.

A major finding of the study showed there were some differences between the extent to which judges and administrators did.
ACKNOWLEDGMENTS

I would like to acknowledge the person whose vision and hard work inspired the idea of a drug court in Kalamazoo County, Judge William Schma. Through his work with other judges in the Circuit Court of Kalamazoo County, the drug court became one of the earliest and most successful in the country, and is the groundwork for this dissertation. Included in this group are Judges Carolyn Williams, Robert Kroft, Philip Schaefer, and Patricia Conlon. Also to be acknowledged are the very helpful and professional staff of the drug court administration, including caseworkers and probation officers. I especially thank Mary Bombich, Drug Court Coordinator.

Secondly, I would like to thank my most supportive and patient dissertation committee, particularly Dr. Kathleen Reding, who steered me to the drug court study, and Dr. James Visser, without whose guidance this work might not have been realized. Dr. Peter Renstrom and Dr. Victoria Ross provided invaluable input along the way, and helped bring this work to completion.

Lastly, but most importantly, I would like to thank my wife, Marianne Houston, for having the patience to stand by me as I struggled through the dissertation process. Her support never wavered.

James H. Houston
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CHAPTER I

INTRODUCTION

In the ongoing battle against crime in America, the criminal justice system has sought various ways in which the link between drugs and crime might be broken. In the traditional penal system there are programs to treat offenders' addiction, but they are not the norms. In 1996 there were 840,000 prisoners in state prisons that required drug treatment but only 150,000 received any service. This was a decrease of more 18,000 from the number that received service in 1995 (National Prison Project Journal, 1997-98). In 1994 there were roughly 870,000 felony convictions in state courts. Thirty-one percent of those convictions were for felony drug trafficking or possession. Drug trafficking comprised the largest conviction category, while convictions for felony possession ranked third behind larceny (National Prison Project Journal, 1997-98).

Data from a 1999 study by the Justice Department found that 57 percent of state prisoners and 45 percent of federal prisoners surveyed in 1997 said they used drugs in the month before their offense. This is up from 50 percent and 32 percent reported in a 1991 survey by the Bureau of Justice Statistics. Eighty-three percent of state prisoners and 73 of federal prisoners had used drugs at some time in the past (Bureau of Justice Statistics, 1999).
Therefore, hardly a dent has been made in the bond that connects the two, and those sent to prison often return more addicted than ever to their drug of choice. This is mainly due to the lack of adequate treatment programs in prisons.

The traditional prison treatment of drug offenders has resulted in a revolving door process where offenders often rotate between the court, prison, community, and back again to the court. The traditional criminal justice system becomes an unwitting enabler of continuing drug use because drugs are often available in the penal institutions, and because few immediate consequences for continued alcohol and drug use are imposed. This is to say that traditionally, when prisoners are caught using drugs in prison there are no actions taken to punish or treat the prisoners for the drug use, according to the 1991 Report of the New Jersey Supreme Court Task Force on Drugs and the Courts. This traditional practice is still followed in some states, but more and more states are implementing some type of treatment program. In the new diversion programs being implemented in most states, drug offenders are monitored closely for continued drug use and those detected as using receives an immediate consequence, such as, being sentenced to short periods in jail, or being required to perform community service. Meanwhile, we have seen larger and larger segments of our society using drugs (New Jersey Supreme Court Task Force on Drugs and the Courts, 1991), and in recent years drug use has reached epidemic proportions. The statistics show that there has been an increased involvement by teen-agers in substance abuse since 1992. A 1997 report by the National
Institute on Drug Abuse found that 22 percent of eight-graders, 39 percent of tenth-graders and 42 percent of twelfth-graders reported using an illicit drug (primarily marijuana) in the past year (Winters, 1998).

A recent response to this dilemma is the "drug court." The first drug court was opened in 1989 in Dade County Florida, and was backed fully by then State Prosecutor Janet Reno. Located in the City of Miami, this first drug court was initiated to solve the problem of overloaded dockets in its criminal division. Targeting first-time felony drug offenders, the program allowed criminals the choice of prosecution with the possibility of incarceration or participation in a one-year treatment program.

As of January 10, 2000, all 50 states, including the District of Columbia and Puerto Rico, have implemented drug courts. The total number of drug courts either in operation across the United States, or in the planning phase are 683 (403 are in operation, and 280 are in the planning stage), as indicated in Table 1.

Let me now explain the research reported on in this study. In this doctoral dissertation, I have focused on the operation of two of the three Kalamazoo County, Michigan drug courts, the adult male court and the adult female court. The Kalamazoo County Drug Treatment Court Program is a collaborative partnership between the courts, law enforcement, prosecutors, and the treatment communities. The common goal of these collaborations is not only to make offenders accountable for their deeds, but to assist offenders in leading drug free and crime free lives.
The adult female court has been in operation since 1992; the adult male court has been in operation since 1997. The success of those who have completed the programs of these two courts is well documented (Office of Drug Treatment Court Programs, 2001), and show results similar to that of other jurisdictions. These results show very low rates of recidivism for graduates of these programs. Little is known about those individuals who do not graduate (38%) except that their original charges are reinstated, at which point they must process through the regular court system.

Some measures used by the Kalamazoo County drug courts to determine the success of their programs is the number of study participants that complete the program, the number that are still active in the program, and the number that have not been charged with additional offenses one year after completing the program. Currently, there are actual numbers and percentages of graduates and non graduates, however, no set percentages or actual numbers have been established or agreed upon to determine what constitutes success. However, as more data are gathered and the programs are developed, a measurement of success can be determined.

We all applaud the successes of the drug courts, but we must ask about those study participants who for various reasons do not complete the drug court program. Have the drug courts failed them, or have they failed themselves? How can the drug court increase its rate of completion, and in what way?
In an attempt to answer these questions, this study looks at the perceptions of three groups in the drug court: drug court study participants, Judges, and drug court personnel.

In order to identify the barriers to completing the drug court program this study seeks to identify coercive factors that may serve as barriers or contribute to the study participants’ feeling that they are coerced into participating in the drug court program, and how ultimately this leads to their inability or unwillingness to conform to the demands of the drug court program. These coercive factors include judges, prosecutors, police officers, probation officers, counselors, as well as program requirements of urine tests, and requirement of frequent court appearances on the part of those in the program. Questionnaires were developed that ask questions about these areas. These questionnaires were administered to the drug court study participants, judges and court personnel.

The main research questions of this study are: (1) What factors, as perceived by study participants, judges, and program court personnel, interfere with an individual’s capacity or willingness to adhere to the rules of the program, resulting in involuntary dismissal from the program; (2) what factors, as perceived by study participants, judges, and court personnel lead a participant to voluntarily remove himself or herself from the program, and (3) what factors, as perceived by study participants, judges, and court personnel lead to a participant successfully graduating from the program.
The areas and variables to be considered including demographic variables (age, sex, race, marital status, number of children, education, health status, income, living environment, and employment status), attitude toward the program (judges review, court appearance, police, lawyers, probation officers, prosecutors, counseling drug tests, and job/school), and program variables (length of time in program, entrance age, dismissal age, graduation age, type of offenses, number of offenses, duration of drug use, substance of choice, and reason for dismissal).

In general this study finds that there seems to be some resistance to several of the requirements of the program, such as the requirements for drug testing and coming to court sessions. These requirements seem to be more coercive to the study participants than other requirements of the program.

This study does find that there seems to be a difference in perception between how the study participants are affected by these requirements and how judges and court personnel perceive the effects of the requirements on the study participants. The study shows that other requirements of the program also have some effect on the study participants. These effects are perceived differently by judges and court personnel than by those of the study participants. These requirements include the requirement to meet with counselors, caseworkers, and probation officers.
CHAPTER II

STATEMENT OF PURPOSE

The purpose of this study is to identify those factors which determine why study participants in the Kalamazoo County adult male and female drug court programs are involuntarily dismissed from the drug court programs, voluntarily leave the drug court programs before completion, or graduate from the program. Those who are given a choice of participating in the drug court program and choose not to participate is not considered part of the drug court program.

A better understanding of the offender perceptions of drug court programs can help us determine whether specific components of the program model (e.g., personal responsibility, swift and certain sanctions) meet study participants’ expectations and thus whether or not theoretical concepts are being implemented correctly.
CHAPTER III
SIGNIFICANCE OF STUDY

As a result of this study factors have been identified that contribute to study participants leaving the drug court program, either voluntarily or involuntarily, or successfully completing the program. Results have shown which requirements of the drug court program are perceived to have the least affect on participant, and which requirements are perceived to have the greatest effect. Other results have indicated which personal variables contribute to study participants' failure to comply with program requirements.

To-date the literature has focused on the success of drug courts in reducing recidivism, from both the offender's perspective and program planners' perspective, but the literature which addressees the factors that contribute to study participants being unsuccessful in completing the drug court program has not received as much attention.. The focus of this study is to fill the gap referred to above. By ascertaining what factors prevent study participants from completing the drug court program, it is our hope that those providing services to the study participants (judges, social workers, counselors, probation officers, and prosecutors) will gain a better insight into how they may improve their roles or modes of treatment in the program, thereby reducing the number of study participants that do not complete the program.
CHAPTER IV
LITERATURE REVIEW

Background

According to the Drug Court Clearinghouse and Technical Assistance Project report (1997), many states in the mid-1980's saw their state and local criminal justice systems inundated with felony drug cases. Court dockets became overloaded with drug cases and drug-involved offenders, leaving fewer resources available to adjudicate serious, violent felonies. It became increasingly clear to most jurisdictions that incarceration in and of itself does little to break the link between illegal drug use and crime. Offenders sentenced to incarceration for substance related offenses exhibit a higher rate of recidivism once they are released (Sniffen, 1996). Drug abuse treatment is demonstrably effective in reducing both drug addition and drug-related crime if study participants remain in treatment for an adequate period of time. The Drug Court Clearinghouse and Technical Assistance Project report (1997) state further, that by the early 1990's a number of jurisdictions began to rethink their approach to handling defendants charged with drug and drug-related offenses. They have explored, as well, ways to adapt the "drug court" concept, introduced by Dade County, Florida in 1989. Those chosen to participate in the drug court program have generally been nonviolent offenders whose current involvement with the criminal justice system is primarily due to their substance addiction. This appears to be consistent in all states that have a drug
court program. Offenders determined to be eligible for the drug court are identified as soon as possible after their arrest. If they are accepted and choose to participate, they are referred immediately to a multi phased outpatient treatment program. This program includes multiple weekly, even daily contacts with the treatment provider for counseling, therapy and education. Frequent urinalyses (at least weekly), frequent status hearings before the drug court judge (biweekly or more often at first), and a rehabilitation program entailing vocational, educational, family, medical, and other support services. All these are integral to the program.

At first, most drug court programs focused on first time offenders, but increasingly jurisdictions are targeting more serious offenders for two reasons: First, there is the recognition of the apparent futility of traditional probation and/or incarceration sentences which have already been imposed on many of these defendants and have failed to prevent continued drug use and criminal activity. Second, a court program decided to use the limited resources available to the drug court for persons with serious substance addiction problems, rather than those with fewer severe problems who might be served through other programs. Although the Dade County drug court initially targeted only third-degree felony drug possession cases with no prior convictions, by 1990, persons with initial charges involving selected second-degree drug felonies (purchase of drugs) were considered for the program, as well as some defendants with prior convictions (Goldkamp and Weiland, 1993, p. 11).
The Kalamazoo County Drug Treatment Court Program limits its study participants to those with nonviolent felonies (Office of Drug Treatment Court Programs, 2001).

Programs Before Drug Courts

Before the existence of drug courts, drug offenders sent into the prison systems had little opportunity for treatment. The demand for treatment outpaced the number of qualified professionals available to provide it (Manisses Communications Group, 1998). While all the states estimate that 70 to 85 percent of their inmates need some substance-abuse treatment, only 13 percent of these inmates received any treatment in 1996 (Blanchard, 1999). This means that the vast majority of drug offenders are incarcerated without treatment.

Methods for treating drug abusers—both criminal and non-criminal—include: (1) detoxification, which is essential to end immediate drug use and help the drug user cope with the physical symptoms of withdrawal. They are usually done on an inpatient basis. (2) Therapeutic communities and long-term residential treatment, which are residential facilities where treatment involves personality restructuring. Study participants are made to accept responsibility for their actions and change their attitudes and behaviors. (3) Short-term residential treatment, where the programs focus on the 12-step model. This includes the person admits to addiction and the need to confront the harm one has done. Also, study participants learn about addiction and learn how to avoid relapses. In
addition, the family serves as a key support in this process. (4) **Half-way houses** that are designed to help the client bridge the transition from a therapeutic or residential setting back to the community. The focus of this method is on personal accountability and responsibility, coping skills, relapse prevention, job training, and educational development. (5) **Methadone treatment** uses a legally controlled synthetic medication that, when taken orally, relieves the withdrawal symptoms of heroin. (6) **Outpatient treatment** for group and/or individual counseling serves a number of different types of individuals and families: addicts who have sought treatment before; those who have successfully completed another type of treatment and need continued support and counseling, that includes group, individual, and family counseling. Recovering addicts who have relapsed following treatment and addicts who require aftercare services following a residential treatment stay are included as well (Feldkamp, 1995).

These are treatment methods that preceded drug courts. Some, such as the 12-step program and outpatients’ treatment, which include such programs as AA, NA, CA, day programs and others, have been incorporated into the treatment phase of the drug court program.

**Early Non-Acceptance of Drug Courts**

In spite of the recognition of the need to treat rather than incarcerate offenders drug courts, initially, were not very well received. There was much doubt about the
effectiveness of this new concept. Prosecutors and defense lawyers disagreed about the benefits to offenders, and whether or not due process rights would be protected.

On March 18, 1991, Richard Connelly wrote in the Texas Lawyer about the efforts of criminal defense lawyers from Houston to lobby the governor's office in order to kill a plan to create four temporary courts to handle felony drug cases. The defense lawyers said that "the new courts would treat drug defendants differently from other accused felons and would subject them to judges who are not accountable to the voters of Harris County." (Connelly, 1991). The lawyers also voiced concern about the offenders' due process protections in stating that a new class of offenders was being created and denying it the rights that are due others. On the other side of the debate, Administrative Judge Miron Love of the 177th District urged the Harris County commission to go ahead with plans to seek a grant which would keep the courts in operation for a year. He further cited the county's figures that showed that the new courts are needed to deal with a 321 percent increase in felony drug cases in the past years. He noted that the number of new drug indictments increased from 2,330 in 1980 to 9,820 in 1990 in his jurisdiction alone (Connelly, 1991).

Another source is the New Jersey Law Journal published on May 30, 1991, the Report of the Supreme Court Task Force on Drugs and Courts. This report is the result of a charge by Chief Justice Wilentz's to the Task Force to "develop a comprehensive approach to drug case processing, supervision of pretrial defendants, and the adjudication
of drug offenses, including imprisonment or its alternatives" and "to establish mechanisms to better coordinate the judiciary's work with the executive and legislative branches of state government and with drug treatment and education programs" (New Jersey Supreme Court Task Force, 1991). What prompted this charge by Judge Wilentz? It was a result of the tough new laws enacted by the State Legislature and the increased rates of arrests and prosecutions of an unprecedented number of offenders. This in turn generated an overwhelming number of cases that directly or indirectly involved drug abuse. Judge Wilentz stated that the "war on drugs cannot succeed unless the courts, together with prosecutors and defense counsel, have the programs and resources to handle increasing numbers of arrests for drug offenses" (New Jersey Supreme Court Task Force, 1991).

Why drug courts were not accepted during the early days of drug courts, differs from state to state. In Harris County, Texas the resistance centered around the concern for the study participants’ due process rights. The main concern in Pennsylvania was how drug courts could help alleviate the growing number of cases involving drug abuse.

Not having the resources to form a drug court led Chester County Pennsylvania Board of Commissioners to reject the first drug court for the state of Pennsylvania. Under the drug court proposal, drug offenders who had not, and had never been charged with a violent crime would be eligible to be placed in a treatment program rather than jail, with the court overseeing their progress (Resnick, 1996). The Board of Commissioners
refused to even sign an application to secure funding for the program. This was in part because the court would have been saddled with paying for the entire program within four years, according to commissioner Colin A. Hanna. However, Larry Scherff, director of adult probation, said the county would have to spend money "down the line" in housing future drug offenders. (Resnick, 1996).

In contrast to the Chester County situation, the District of Columbia Superior Court's special drug court has received praise as a relatively effective means of ensuring that drug felons get appropriate treatment. In 1994, the Superior Court of the District of Columbia received a five-year, $5 million dollar grant from the U.S. Department of Health and Human Services to set up the court. The purpose of this court was to divert selected drug defendants into an intensive therapy and testing program. In early August of 1996, the program received an $800,000, 18-month grant to expand the pilot program (Skolinik, 1996). All this resulted in the drug court being authorized by the 1994 Crime Act. The court operates out of one courtroom and is geared toward people alleged to have committed a drug-related misdemeanor, or who are arrested for other misdemeanors and test positive for drugs (Skolnik, 1996). In the current District of Columbia Superior Court's drug court, defendants receive a mixture of incentives and punishments as a means of getting them off drugs. They are often assigned to an intensive drug treatment and testing program.
In the felony drug court, in contrast to the misdemeanor drug court, most of the felons still face the possibility of prison even if their efforts to stay clean are successful. The felony court, it seems, offers less of an incentive to defendants to undergo treatment if the possibility of prison still exists after they have successfully remained clean. On the other hand, if the misdemeanants pass another drug test following the "aftercare" part of the program, in which they receive further counseling, treatment, and testing, their records can be expunged.

Sniffen (1996) cites an academic study which shows that nonviolent drug offenders referred to treatment through special drug courts were much less likely to return to crime than those imprisoned without treatment. The study, "Summary Assessment of the Drug Court Experience" by American University, was released by Attorney General Janet Reno when she announced an $8.5 million dollar series of federal grants to set up nine new drug courts and expand seven existing ones around the nation. Reno stated, "These courts can make and are making a difference. They give nonviolent offenders charged with possession of small amounts of drugs a choice: either complies with the conditions of treatment and supervision or face punishment" (Sniffen, 1996). The study found that fewer than 4 percent of drug offenders who complete drug court treatment programs return to crime. Data from eleven drug courts showed that among all study participants, including those who do not finish the treatment, rates of return to crime ranged from 5 percent to 28 percent. The study, "Summary Assessment of the
Drug Court Experience" found that at least 45 percent of defendants convicted in regular
courts of drug possession and given no treatment commit a similar offense within two or
three years. Also quoted in this article is Barry McCaffrey, National Drug Control Policy
Director who added, "If you don't like paying for jails, if you don't like a waste of tax
dollars, then you'll like the concept of drug courts. This is an initiative that's been
working" (Sniffen, 1996). The rates of success, however, are not given in this article.

At Janet Reno's weekly news conference, McCaffrey presented data that showed
the costs of drug court treatment and supervision programs for offenders are $1,000 a
year to run. On the other hand it costs $15,000 a year to simply lock up a nonviolent,
first-time drug offender (Sniffen, 1996). As more and more states became aware of this
kind of result there has been an increase in the number of drug courts nationwide. In
January 2002 there were four hundred and three drug courts in operation in fifty states,
Puerto Rico and the District of Columbia, and two hundred and eighty more planned in
all fifty states, Puerto Rico, and the District of Columbia.

Other States With Drug Courts

A summary by the Office of Justice Program Clearinghouse dated January 17,
2002 shows the current number of drug courts, and the number of planned drug courts in
each state (Table 1).
### Table 1
Summary of Drug Court Activity by State
as of January 17, 2002

<table>
<thead>
<tr>
<th>States</th>
<th>NO. OF CURRENT courts</th>
<th>NO. OF PLANNED Courts</th>
<th>States</th>
<th>NO. OF CURRENT courts</th>
<th>NO. OF PLANNED Courts</th>
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<td>New Hampshire</td>
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<td>2</td>
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<td>New Mexico</td>
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**TOTALS** 403 280

(Bureau of Justice Statistics, 2002)
The reasons for the increase in the number of states developing drug court programs are supported by data from a study by the Justice Department. This 1999 study found that 57 percent of state prisoners and 45 percent of federal prisoners surveyed in 1997 said they used drugs in the month before their offense. This is up from 50 percent and 32 percent reported in a 1991 survey by the Bureau of Justice Statistics. Eighty-three percent of state prisoners and 73 percent federal prisoners had used drugs at some time in the past (Bureau of Justice Statistics, 2000).

**Incarceration of Drug Abusers**

**History**

There are many problems that prisons must face in incarcerating drug abusers. They include treatment of their addiction and housing the increasing numbers of felons for drug-related crimes. Many jails and prisons have some type of treatment program, but their approaches are quite diverse. In-jail programs often combine elements of several types of treatment approaches. For example, several programs have developed psycho-educational approaches within therapeutic community settings. Factors that influence the type of treatment implemented in jails include the program budget, anticipated length of stay of the inmate population selected for treatment, perceived level of treatment needs among jail inmates, levels of staff experience and training, facility program space, and treatment approaches used by community substance abuse agencies (Incairdi, 1993).
Other types of treatment approaches available in addition to psycho-educational approaches are pharmacological approaches. Psycho-educational approaches assist inmates in developing individualized responses to common problems (e.g., coping with high-risk situations faced following release from jail) through modeling, role play, rehearsal, and homework, which frequently involves use of self-monitoring skills. Pharmacological approaches are most often used in the treatment of offenders who are addicted to opiates. These include narcotics agonists such as methadone, which replace the physiological need for opiates, and narcotic antagonists such as naltrexone, which block the euphoric effects of opiates (Inciardi, 1993).

Housing the increasing numbers of prisoners is the greatest challenge facing most of the state’s prisons. The state of Missouri is an example of the problem confronting states as they reevaluate the strategies to be used in addressing the increasing numbers of those living within the walls of penal institutions. In his article "Drug Abuse and the States," Robert Clayton (1998) describes the crisis facing the corrections’ institutions in Missouri. The central question addressed by the article is: How does the State of Missouri house individuals convicted of drug and alcohol related crimes and sentenced to lengthy terms of incarceration? Initially, the solution focused on building additional penal facilities. Two such facilities were under construction in 1991, and added 3,435 additional beds to the system. Since 1991, two additional facilities have been finished, adding an additional 1,596 beds in each facility. This increasing number of drug and
alcohol related offenses created a concern for individual circuit courts, and judges undertook an initiative of learning how to better deal with this type of felon. In October of 1993 in Jackson County, Missouri, which includes a substantial part of the Kansas City metropolitan area, the first drug courts were implemented (Clayton, 1998). Although drug courts originated in the circuit courts of the largest metropolitan areas of Missouri, a number of smaller, rural communities have established drug courts in an effort to provide effective alternatives to punishment. Currently, drug courts can be found in six counties ranging in population from a high of 646,000 to a low of 40,000. Each drug court varies in its type of diversion and its eligibility requirements. Most focus on adult felony cases, while some focus on adult misdemeanor and juvenile drug-offender cases (Clayton, 1998).

Clayton (1998) highlights the fact that while the focus is on rehabilitation and treatment, the offender must recognize the seriousness of the proceedings. A guilty plea to the alleged crime is required and the "hammer" of probation revocation must also be present to insure an offender is aware of the consequences of future actions. A public defender or private attorney must be available to insure that a defendant is properly counseled in his or her rights and understands the seriousness of a drug-court setting. Although a program participant will be placed on probation, a felony conviction could still be on his or her record, which could later be used in subsequent criminal prosecutions.
Furthermore, Clayton (1998) states the goal of drug courts is not simply to reduce the prison population in the state of Missouri. They offer an opportunity for "real" rehabilitation of an offender in hopes that crime rates will decrease and that a productive citizen will be returned to society. Four drug courts in Missouri have recorded promising results. Jackson County, which is the largest drug court operating in the state, has, since 1993, 387 graduates of its program, with only 6 percent being rearrested for subsequent felony charges. Lafayette County has had 15 graduates with no re-arrests. Scott County has seen two of its 10 graduates being referred to juvenile court on subsequent charges.

In California (Cox, 1998) the first drug court began as an experimental program in 1994, with one lawyer, Kathleen Cantella, representing defendants. Within two years, the Drug Court Clearinghouse at Washington, D.C.'s American University declared Los Angeles a national model. The Los Angeles model calls for judges to prod defendants into sticking with year-long, privately run treatment plans based on Alcoholics Anonymous' 12-step program. Monitoring is intensive, with urinalysis tests as often as daily. Graduation leads to prosecutors' dropping the charge, flunking out sends an addict back to regular court for trial.

**Measuring Success**

In defining success, Missouri's Jackson County drug court requires that study participants have no felony arrests following completion of the drug court program. How long after completion of the program a participant must remain without felony arrests has
not been determined by the drug court program. However, the Los Angeles drug courts differ somewhat.

How does the Los Angeles drug court define success? According to Cox (1998), the Los Angeles drug courts uses a stiffer definition of success than the national standards. For graduates there must be no arrests for felonies or misdemeanors, including traffic violations, for as long as they have been out of the program. Based on 380 graduates, the success rate is more than 80 percent. In contrast, there is a 60 percent rate of arrests among offenders who did jail time instead. These statistics were released by the San Fernando Valley, Los Angeles’ Countywide Criminal Justice Coordinating Committee.

It is clear from the literature that the approaches of drug courts in different states and jurisdictions vary. Some states and jurisdictions will only admit offenders that have no felony convictions, while some will admit nonviolent felons. Others will wipe clean the record of study participants who complete the drug court programs. There are some courts that will keep the offenses on the study participants’ records.

Drug courts in Missouri and California focus mainly on adult offenders, while other states, such as Michigan, have started juvenile drug courts. Also, in Michigan, in addition to juvenile drug courts, there are separate drug courts for male and female offenders, which seem to suggest that female drug courts are better able to address the
needs of female offenders, just as juvenile drug courts are better able to address the needs of juvenile offenders, especially when those needs are impacted by incarceration.

Elizabeth Amon (1998) reports that New Jersey’s fast growing four-county drug court program is drawing some unexpected assessments from lawyers and judges who are accustomed to traditional criminal processes. More surprising is that prosecutors, public defenders and judges all agree with the court concept. Their agreement is based on the view that cost savings can be attained without compromising public safety. They view cost saving measures as the best hope in years for ridding the state of drug-driven crime, and thereby, decreasing the incarceration rates in the state. In Essex County, Superior Court Judge Paul Vichness, says, "I don’t speak through a lawyer. I speak to the study participants every week. We talk about problems and good things happening in their lives" (Amon, 1998). In Camden County, Superior Court Judge Stephen Thompson is making house calls to see how the study participants in his drug court are faring. So far, the numbers of study participants have been small. In the years 1996 and 1997, a little more than 300 adult addicts have gone through New Jersey’s programs. There have been 200 in Camden since 1996, 60 in Essex since May 1997 and 50 to 60 in Passaic since October 1997 (Amon, 1998).

In New Jersey, as elsewhere, no two drug courts are alike. This is due to the fact that no agreeable standard has been established on any level of government (national, state, or county). In Essex County, study participants have a 7:00 p.m. curfew, report
once a week for drug court, are visited by probation officers frequently and submit to
drug tests three or four times a week. The Passaic County program is limited to those
who have dealt drugs within 1,000 feet of a school, although probation violators will be
included, they have only recently been so. In Hudson County, drug courts are for
juveniles only. Camden and Essex Counties also have juvenile programs (Amon, 1998).

New Jersey reports that in addition to reduced recidivism, there are financial
benefits as well, especially from revenues created when study participants pay taxes. But,
be that as it may, treatment program costs are not cheap. The programs are tailored to fit
the needs of each participant, and the requirements vary from courtroom to courtroom.
In most New Jersey drug courts, there is a holistic approach; in addition to treatment, the
teams try to find employment and housing for the study participants (Amon, 1998).

Judge Thompson of the Camden County Superior Court, says drug courts try to
be creative in their search for jobs for study participants. For example, the linen company
that supplies the Department of Corrections has hired a number of Camden graduates. In
Essex, Public Defender Segars boasts that her Federal Express delivery person is a
graduate of the local program (Amon, 1998).

In New Jersey the most important distinction in the programs is between those
that accept only offenders who have sold drugs in a school zone and those that accept a
broader range of offenders (Amon, 1998)
In the state of Illinois, Will, McHenry, and Dupage counties have received grants of up to $30,000 from the U.S. Justice Department to plan independent drug courts which would divert nonviolent offenders from the clogged court system (Goldberg, 1998). Will County officials will spend the next year (1999) studying prototype drug courts in Kansas City, Missouri, and Edwardsville, Illinois.

Goldberg (1998) reports that the proposed drug courts would deal with nonviolent offenders more actively and economically than the normal criminal courts. What has really pushed the creation of drug courts in Illinois is the ballooning number of drug offenders in the custody of the Illinois Department of Correction, which has forced communities like Will County to treat drug users before they become a burden on the state tax rolls. Cases that used to take three months now take two years to process, and that amounts to a total space crunch.

Program Eligibility

To be eligible for the drug court in Illinois, study participants generally would have no criminal history other than drug-related offenses. This is different from drug courts in Michigan, New Jersey, and California, where they need not have committed violent felonies. They would undergo drug testing regularly and would be participant to sanctions for failing to comply with treatment. Continual failure to comply would lead to expulsion from the program and incarceration (Goldberg, 1998).
With the growth of drug courts across the country more and more knowledge will be collected on the effectiveness of the drug courts, and their impact on the "traditional" drug court participant. In addition, drug court personnel are beginning to realize that other offenders may also benefit from the drug court programs. The realization of this has brought about the establishment of the Sentenced-Drug-Offender Program. This program deals mostly with defendants who have already been sentenced to state prison (MetNews, 2000).

As more and more people are being incarcerated for a drug related crime, our prison system is being stretched to their limits. This fact is causing more states to look for alternatives to incarceration, and is bringing various legal actors, such as prosecutors, law enforcement officers, public defenders, and judges into agreement on the effectiveness of drug courts.

Offenders Perception of Drug Courts

Much of the drug court research has been on the implementation and effectiveness of drug courts (Goldkamp, 1994; Incairdi, McBride and Rivers, 1996; Substance Abuse and Mental Health Services Administration, 1996). The knowledge that this body of work has given us is invaluable, although it provides only part of the picture. To fully understand a program’s effectiveness, we must also be aware of the perceptions of its study participants (Turner et al., 1999).
Over the years, insight into the unique role of the judge in the drug court has been gained (Satel, 1998; Tauber, 1993; National Association of Drug Court Professionals, 1997). Evidence suggests that drug court study participants positively value the increased role of the judge. Study participants perceive the judge's participation as a means of having someone in power overseeing their cases. We have also seen that study participants see drug court as a way to reduce their potential sentences (Satel, 1998).

Beyond this, knowledge of the offender's view of the drug court experience is limited. A better understanding of the offender perceptions of drug court programs can help us determine whether specific components of the program model (e.g., personal responsibility, swift and certain sanctions) meet study participants' expectations and thus whether theoretical concepts are being implemented correctly. Offender perceptions can also help us gauge the severity and effectiveness of drug court sanctions as seen through the eyes of those who are participant to them. This information is particularly salient as we contend with detractors who claim that drug courts are too lenient (Incaiardi et al., 1996; Leen & Van Natta, 1994).

In 1994, the RAND Corporation conducted a 36-month follow-up study of offenders participating in the Maricopa County, Arizona drug court program and other Maricopa offenders sentenced to standard probation. The follow-up study included personal interviews with approximately 25 percent of the study participants from each group. For those in the drug court sample, the interviews included questions designed to
As part of its 36-month follow-up evaluation of the Maricopa FTDO, RAND conducted individual interviews with a sample of drug court study participants. RAND used the interviews to gather self-reported information on offender demographics, drug use, and crime on a monthly basis over the full follow-up period. Information was also gathered on HIV risk behaviors; offender attitudes and perceptions regarding crime, drug abuse treatment, and HIV risk; and the nature of treatment services received (e.g., frequency and duration), (Turner et al., 1999).

As the RAND Study reveals, the perceptions of the offenders were mainly focused on the program requirements, such as those detailed in Turner et al. (1999). The RAND interviews do not consider the coercive nature of the major actors in the drug court process, beyond the judges. Neither do the RAND assessments ascertain how relevant the study participants’ perceptions are in determining whether the study participants remain in the drug court programs.

Turner et al. (1999) present the findings of the RAND interviews pertaining to drug court study participants’ perceptions of the drug program. Specifically, the study focuses on the interviewees’ assessments of: (1) the difficulty of drug court program compliance, (2) the helpfulness of the drug court experience, (3) the strengths and
weaknesses of the program, (4) and whether they would recommend the program to other first-time drug offenders.

Although the RAND study results are based on a relatively small sample of drug court study participants in a post-sentence drug court model, they nevertheless provide new insights into how offenders view the drug court experience. Among the insights revealed in the study were how important it was for the study participants to appear in court on a regular basis, and secondly, how the attitude of the judges was from the study participants' perspective. Results such as these can be useful to program planners and policymakers in their quest to ensure that drug court programs respond to the needs of offenders and serve as sound community supervision options (Turner et al., 1999).

The Rand study differs from the current study in that the current study seeks to go beyond perceptions and identify the factors that directly or indirectly determine if a participant will continue in the drug court program. These factors may influence perceptions.

In measuring the perception of the treatment related requirements of the drug court, Turner et al., (1999) observed that researchers used a similar 1-to-5 Likert scale ranging from "not at all difficult" to "very difficult." The results showed that 86 percent of the respondents felt that urinalysis (UA) testing requirements were "not at all difficult" to complete, and more than half felt the same way about the difficulty of attending AA/NA meetings and treatment groups. Fewer than 5 percent felt that submitting to UA
testing or a weekly treatment group was very difficult.

The overall conclusions of the RAND study found that the 31 drug court study participants who were interviewed (both graduates and those who did not complete the program) were very positive in their evaluations of the program. The overwhelming majority would recommend the program to other offenders. Most of their recommendations seem to be based primarily on the perceptions that the drug court 1) helped them remain crime free, and 2) provided them with a means to reduce the length of their probation sentence (Turner et al., 1999).

Turner et al. (1999) found that the study participants recognized the program components (e.g., appearing before the judge, structuring probation, urine analysis monitoring) that program planners feel are important to drug court models as strengths. At the same time, however, they did not feel the program had a positive impact on all areas of their lives. Furthermore, despite the primary focus on drug treatment, a greater percentage of offenders felt the drug court was a greater help in remaining "crime free" than "drug free." Negative perceptions were also particularly apparent in terms of obtaining and maintaining employment (Turner et al., 1999). These negative perceptions are interpreted as saying that the drug court was neither a help nor a hindrance in getting and keeping a job.

Although it might be expected that the focus on monitoring provided by UAs and the intensity of the treatment program requirements would serve as a tough sanction, the
monitoring and treatment components of the drug court were actually perceived as relatively easy to complete. Accordingly, most offenders rated these components as either "easy" or "very easy." The requirements that were perceived as difficult to complete were probation conditions completely unrelated to the drug court program, i.e., payment of financial conditions and, to a lesser extent, completion of community service (Turner et al., 1999).

The RAND study did not make a comparison of data on offender perceptions of the difficulties in completing routine probation requirements, as it relates to drug court participant and probationer perceptions. Therefore, such comparison with the current study is not possible at this time. However, if drug courts are to be a serious intermediate sanction (research has shown that both offenders and staff can rank "equivalencies" of punishment between community-based sanctions and incarceration) (Petersilia & Deschenes, 1994), we need to improve our understanding of the components of the programs. It may be that offenders do not perceive drug courts in the same way program planners do. For this reason Turner et al. (1999) feel that we must not overlook the important role of offender perceptions in the development of intermediate sanctions.

Literature Review Summary

The literature has shown that since the 1980's the justice system at all levels of government has become overloaded with felony drug cases. Drug related crime has tripled during the period from the 1980's to the early 2000's. The literature has also
shown that those incarcerated for substance abuse related offenses have a higher rate of recidivism once released from jail or prison.

Efforts to stem the increase in the number of drug related felonies have resulted in a new approach called the drug court. There are many variations in drug court programs; some programs only accept nonviolent felons, and others accept only third-degree felony drug possession cases with no prior convictions.

Prior to the drug courts, the methods most often used to treat drug offenders, according to many publications, were programs such as the 12-step program, and other programs such as AA, NA, CA, and others. Several of these programs have been incorporated into drug court programs.

Though drug courts experienced some resistance early on, especially from prosecutors and defense lawyers, they have rapidly gained acceptance across the country, and are becoming a tremendous force in treating those with substance abuse problems, and thereby reducing the number of offenders going to prison.
CHAPTER V

KALAMAZOO COUNTY DRUG TREATMENT COURT PROGRAM

Introduction

As of January 2002 there were twenty drug courts operating in the State of Michigan, and twenty more were in the planning stage. Counties with drug courts include Berrien County, Eaton County, Kalamazoo County, Oakland County, Macomb County, Monroe County, Oakland County, Wayne County, and Sault St. Marie Tribe of Chippewa Indians. Additional drug courts are being planned in Barry County, Genesee County, Grand Traverse County, Ingham County, Isabella County, Kent County, Lapeer County, and Livingston County (see table 1).

The Kalamazoo County Drug Treatment Court Programs (DCP) is established with a primary goal of diverting nonviolent felons, with substance abuse problems, from incarceration in jail and/or prison. Study participants are given an opportunity to become involved in substance abuse treatment and to comply with other requirements such as attending biweekly court sessions, submitting random urinalysis samples, and reporting to DCP staff, weekly or biweekly. They must also follow up on referrals made to other community agencies which may include the Family Independence Agency, Housing Resources, Maternal Support Services, the YWCA Sexual and Domestic Assault Programs, the Upjohn Institute for Employment Research and others. Upon successful completion of treatment and other program components, and after they have stayed drug
and arrest free for one year, study participants have an opportunity to have pending charges dismissed (Office of Drug Treatment Court Programs, 2001).

The drug court program began as a "demonstration project" administered through the Kalamazoo County Office of Community Corrections. This demonstration project originally targeted female offenders and was funded with federal dollars distributed by the State of Michigan Office of Drug Control Policy, with matching dollars from the State Office of Community Corrections. Kalamazoo County assumed fiscal responsibility to continue the women's program in August of 1997, and it is now funded by the Circuit Court/General Fund (Office of Drug Treatment Court Programs, 2001).

In January of 1997, the Adult Drug Court Program received a 18-month expansion grant from the U.S. Department of Justice, Office of Justice Programs, Drug Court Programs Office, to begin a program for male offenders. On December 1, 1999, the Drug Treatment Court Program received and began using grant funds from the state, which are administered through the State Court Administrative office. On October 1, 2001, the Drug Treatment Court Program received and began using Byrne Memorial Formula Grant funds from the Office of Drug Control Policy. In addition, Public Act 2 Alcohol Tax and Circuit Court/General Fund provide funding support for the Drug Treatment Court Programs (Office of Drug Treatment Court Programs, 2001).

The procedure by which study participants are referred to the Drug Treatment Court Program is illustrated in Figure 1, on the following page. This chart presents the
Figure 1: DCP Flow Chart
various stages at which the study participants undergo scrutiny from referral agencies. These include the Office of Prosecuting Attorney, judges, attorneys, probation officers and the Office of the Circuit Court.

Kalamazoo Drug Court Data

A report issued by the Kalamazoo County Drug Treatment Court Program (Office of Drug Treatment Court Programs, 2001) shows that of the 480 enrollees in women's court since its inceptions in 1992, 175 (36%) have successfully completed the program and had their charges dismissed, and only 21 (12%) have been convicted for committing new offenses. The more recently established men's drug court shows that of the 367 enrollees in the program, 108 (29%) have successfully completed the program and had their charges dismissed, and 10 (9%) have been convicted of a new misdemeanor (no felony convictions) within three years of completing the program. Ninety-eight (91%) have had no subsequent convictions within three years of successfully completing the program. (See Tables 2 and 3)

The report also shows that of the 480 female offenders enrolled in the drug court program, 32 (7%) have opted out the program, 224 (47%) have been involuntarily discharged from the program, 175 (36%) have graduated from the program, and the remaining 49 (10%) are still in the program. The men's program which began in January of 1997 has had similar results in these two areas. It shows that from 1997 to December of 2001 there have been a total of 367 enrollees in the
Table 2
Summary of Results
Kalamazoo County Drug Treatment Court Program

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<th>Women</th>
<th>Percentage</th>
<th>Men</th>
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<td>108</td>
<td>29%</td>
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<td>Completed Phase I</td>
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<td>Remain in Phase I</td>
<td>33</td>
<td>7%</td>
<td>58</td>
<td>16%</td>
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<tr>
<td>Opted out of program</td>
<td>32</td>
<td>7%</td>
<td>33</td>
<td>9%</td>
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<tr>
<td>Involuntarily discharged</td>
<td>224</td>
<td>47%</td>
<td>122</td>
<td>33%</td>
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<tr>
<td>Total</td>
<td>480</td>
<td>100%</td>
<td>367</td>
<td>100%</td>
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(Office of Drug Treatment Court Programs, 2001)

Table 3
Successful Results

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<th>%</th>
<th>Men</th>
<th>%</th>
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</thead>
<tbody>
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<td>Charges dropped</td>
<td>175</td>
<td>100%</td>
<td>108</td>
<td>100%</td>
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<td>Convicted of new charges</td>
<td>21</td>
<td>12%</td>
<td>10</td>
<td>9%</td>
</tr>
<tr>
<td>No new convictions</td>
<td>154</td>
<td>88%</td>
<td>98</td>
<td>91%</td>
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</table>

(Office of Drug Treatment Court Programs, 2001)

drug court program with 33 (9%) opting out of the program, 122 (33%) have been involuntarily discharged from the program, 108 (29%) have graduated from the drug
court program, and 103 (28%) remain in the drug court program (Office of Drug Treatment Court Programs, 2001). See Table 3.

Since its inception the women's Substance Abuse Diversion Program has had 1,424 women referred for enrollment. Approximately 80% of those assessed were found to have a substance abuse problem. Those found not to have substance abuse problems are processed in regular courts. The majority of the referrals came from the Office of the Prosecuting Attorney, with 1,047, or 74.3%. Other referral sources include the Department of Correction Probation (8%) and Parole (2%), Circuit Court (2%), Self-referral (2%), Jail staff (7%), Lawyers (1%), and District Court (4%). (See Table 4).

Of the 1,277 women referred for enrollment, only 453 were actually enrolled. Those who are not enrolled are not arrested and do not contact the drug court office, or they contact the drug court office, but decline to participate or deny they have substance abuse problems.

The women enrollees range in age from seventeen to fifty-two years of age, with a mean age of 33 years. The median age is 29 and the mode is 32 years of age. The largest racial groups consist of Caucasian who numbered 246, or 51%, followed by African-Americans who numbered 215, or 45%, Hispanic 11 (2%), Asian 5 (1%), Native American 2 (.4%), and Other 1 (.2%). (Office of Drug Treatment Court Programs, 2001). (See Table 6).
Table 4
Referral Source

<table>
<thead>
<tr>
<th>Source</th>
<th>Women</th>
<th>%</th>
<th>Men</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Office of Pros. Attorney</td>
<td>1047</td>
<td>74%</td>
<td>1083</td>
<td>85%</td>
</tr>
<tr>
<td>Circuit Court</td>
<td>23</td>
<td>2%</td>
<td>56</td>
<td>4%</td>
</tr>
<tr>
<td>Lawyers</td>
<td>15</td>
<td>1%</td>
<td>26</td>
<td>2%</td>
</tr>
<tr>
<td>Parole Staff</td>
<td>33</td>
<td>2%</td>
<td>38</td>
<td>3%</td>
</tr>
<tr>
<td>Probation Staff</td>
<td>120</td>
<td>8%</td>
<td>65</td>
<td>5%</td>
</tr>
<tr>
<td>Jail Staff</td>
<td>105</td>
<td>7%</td>
<td>9</td>
<td>1%</td>
</tr>
<tr>
<td>District Court</td>
<td>51</td>
<td>4%</td>
<td>0</td>
<td>0%</td>
</tr>
<tr>
<td>Self</td>
<td>25</td>
<td>2%</td>
<td>3</td>
<td>0%</td>
</tr>
<tr>
<td>Other</td>
<td>5</td>
<td>0%</td>
<td>0</td>
<td>0%</td>
</tr>
<tr>
<td>Total Referred</td>
<td>1424</td>
<td>100%</td>
<td>1280</td>
<td>100%</td>
</tr>
</tbody>
</table>

(Office of Drug Treatment Court Programs, 2001)

Offenses that qualified enrollees in both the men's and women's courts for the program were broken down by the drug court program into five basic categories: (1) Drug offenses related to use, including possession; (2) fraud offenses that included NSF checks, illegal use of credit cards, etc.; (3) larceny offenses, such as retail fraud (taking without intending to return); (4) burglary offenses, such as breaking and entering; (5) destruction of property, and Other (i.e., Prostitution, Maintaining House of Ill Fame, etc.)

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Although, the program is geared toward individuals with no prior criminal history, some are eligible if their prior offenses are nonviolent. There were 214 (45%) of the female enrollees that had no prior felonies in their history, and 266 (55%) that had prior histories of felonies. The data for the 266 showed that 160 (33%) had one prior felony, 65 (14%) had two prior felonies, 15 (3%) had three prior felonies, 14 (3%) had four prior felonies, and 12 (3%) had five or more prior felonies.

Male Drug Court Data

There were 1,280 men referred for enrollment in the Men’s Drug Court Program, but only 367 were actually enrolled in the program. Those who were not enrolled in the program were either screened out, or refused to enter the program. Of the 367 enrollees in the men's program, the age range was from 17 to 60 years of age, with an average of 32 years of age. The median age was 30 years and the mode was 31 years. Two hundred and thirty-three (63%) were Caucasian, 121 (33%) were African-American, six (1%) were Hispanic, one (.02%) was Native American, four (1%) was Asian, and two (.5%) were in the Other category. (Office of Drug Treatment Court Programs, 2001).

There were 201 (55%) of the male enrollees who had no prior felonies in their criminal history. However, 90 (25%) had one felony, 34 (9%) had two felonies, 25 (7%) had three felonies, six (2%) had four felonies, and 11 (3%) had five or more felonies.
Table 5
Race Categories

<table>
<thead>
<tr>
<th>Race</th>
<th>Women</th>
<th>%</th>
<th>Men</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Caucasian</td>
<td>246</td>
<td>51%</td>
<td>233</td>
<td>63%</td>
</tr>
<tr>
<td>African-American</td>
<td>215</td>
<td>45%</td>
<td>121</td>
<td>33%</td>
</tr>
<tr>
<td>Hispanic</td>
<td>11</td>
<td>2%</td>
<td>6</td>
<td>2%</td>
</tr>
<tr>
<td>Native American</td>
<td>2</td>
<td>.4%</td>
<td>1</td>
<td>.3%</td>
</tr>
<tr>
<td>Asian</td>
<td>5</td>
<td>1%</td>
<td>4</td>
<td>1%</td>
</tr>
<tr>
<td>Other</td>
<td>1</td>
<td>.2%</td>
<td>2</td>
<td>.7%</td>
</tr>
<tr>
<td>Total</td>
<td>480</td>
<td>100%</td>
<td>367</td>
<td>100%</td>
</tr>
</tbody>
</table>

(Office of Drug Treatment Court Programs, 2001)

The results at the end of 2001 showed that 108 (29%) men successfully completed the program and had their charges dismissed, 46 (13%) men remain active in Phase I of the program (they are attending treatment, attending drug court, and providing urine screens at least three times weekly), 20 (5%) men are inactive, 37 (10%) have completed the treatment portion of the program and transitioned to Phase II and remain drug and arrest-free at this time; 122 (33%) men have been automatically discharged for committing new offenses; and 33 (9%) men have voluntarily opted out of the program (Office of Drug Treatment Court Programs, 2001).
Study Participants' Drug Use Patterns

When the drug use patterns of the study participants in the two courts were examined by treatment providers they found that 383 (80%) of the female study participants and 306 (83%) of the male study participants were poly-drug abusers. These are men and women who are cross-addicted to more than one substance, most commonly a combination of crack cocaine, marijuana, and alcohol. Of the remainder of the study participants, 33 males and 23 females were addicted to alcohol, 20 males and 26 females were addicted to marijuana, one male and eight females were addicted to amphetamines, four males and 30 females were addicted to cocaine, one male and eight females were addicted to opiates, one male and eight females were addicted to Amphetamines, and four males and four female have other addictions that include prescription drugs. (Office of Drug Treatment Court Programs, 2001)

Study Participants' Drug Use Histories

The histories of the study participants' drug use showed that the average length of use for females was 11 years, and 12 years for males. The shortest duration of drug use reported was three months for females and six months for males, with the longest duration reported as 35 years for females and 41 years for males. The average age at which study participants began using was 19 years of age for females and 16 years of age for males. The youngest age at which drug use began was seven years of age for females and three years of age for males. The oldest age of persons beginning drug use was 46
years of age for females and 50 years of age for males. There were 88 female study participants and 227 male study participants that reported using drugs by the age of 16. (Office of Drug Treatment Court Programs, 2001)

**Drug Court Treatment Information**

The treatment data showed that 259 (54%) female study participants and 227 (62%) male study participants enrolled in the programs had never received formal substance abuse treatment prior to engagement in the Drug Court Program. The Drug Court Program require study participants to participate in a formal treatment setting along with self-help groups. These formal treatment methods include: short and long-term residential, individual counseling (one hour per session), day treatment (five days per week, minimum of five hours per day), intensive outpatient treatment (6-8 weeks/4 days per week/minimum three hours per day), outpatient intensive (two days per week, minimum of two hours per day plus one hour individual appointment per week). Whether minimum treatment or longer treatment is required for a participant is determined jointly by the substance abuse counselor and the drug court judge (Office of Drug Treatment Court Programs, 2001).

**Cost Comparison Data**

Other data related to the operation of the male and female drug courts are the incarceration days saved, attorney fees saved, and employment of study participants.
Incarceration days saved are calculated based on the offense, sentence guideline score, prior criminal history, prior incarceration, and probation/parole status. Based on this information, it is estimated that 9,465 jail days were saved (at a rate of $21 per day) totaling $198,765, and 10,105 prison days were saved (at a rate of $65 per day) totaling $656,825 for the Women’s Drug Court Program. Based on the same information it is estimated that 4,845 jail days were saved (at a rate of $21 per day) totaling $101,745, and 9,430 prison days were saved (at a rate of $65 per day) totaling $612,950 for the Men’s Drug Court Program (Table 6). ((Office of Drug Treatment Court Programs, 2000)).

The Estimated savings was adjusted downward to reflect Circuit Court recoupment rates of 40% for attorney fees. The savings was $36,332 for the women’s program and $23,933 for the men’s program ((Office of Drug Treatment Court Programs, 2000)).

The combined savings for the female and male courts was: 33,845 total jail/prison days, at a total cost savings of $1,570,285.

Two hundred and sixty-five of the women and 162 of the men engaged in the program waived their right to a court-appointed attorney and had no attorney representation. One hundred and fifty-three of the women and 80 of the men had representation by an attorney (either court appointed or private). The Women’s Drug Court Program estimates that a minimum of $36,332 was saved in court appointed
attorney fees, and the Men’s Drug Court Program estimates that its study participants saved the court $23,933 in court appointed attorney fees. These savings cover the period of inception to the end of December 1999 for each program. These are the most current cost data available at this time.

Those study participants who remained in the drug court program during the period of inception to December 31, 2001, and who achieved some degree of stability in their recovery were assisted by staff members of the Kalamazoo County Drug Treatment Court Program in finding employment, or they were referred to job training and/or further education. The report of the Kalamazoo County Drug Treatment Court Program (2001) show that of the 480 women enrolled in the program 36% were employed upon

<table>
<thead>
<tr>
<th>Table 6</th>
<th>Cost Comparison Data</th>
</tr>
</thead>
<tbody>
<tr>
<td>Female Court</td>
<td></td>
</tr>
<tr>
<td>Type Days</td>
<td>Days Saved</td>
</tr>
<tr>
<td>Jail</td>
<td>9,465</td>
</tr>
<tr>
<td>Prison</td>
<td>10,105</td>
</tr>
<tr>
<td>Male Court</td>
<td></td>
</tr>
<tr>
<td>Jail</td>
<td>4,845</td>
</tr>
<tr>
<td>Prison</td>
<td>9,430</td>
</tr>
<tr>
<td>TOTAL</td>
<td>33,845</td>
</tr>
</tbody>
</table>

(Office of Drug Treatment Court Programs, 2001)
enrollment, and of the 367 men enrolled in the program 75% were employed upon enrollment. There were 16 women and 46 men that remained in Phase I treatment, and of these study participants there are 63% women and 67% men who are employed or attending school. Twelve women and 37 men have completed Phase I and transitioned to Phase II, and of these study participants 75% women and 78% men are employed or attending school. Of the 175 women and 108 men who have completed the program in its entirety, 100% were employed or attending school upon completion. (Office of Drug Treatment Court Programs, 2001)
CHAPTER VI

RESEARCH DESIGN AND METHODOLOGY

Research Questions and General Hypothesis

This study proposes to explain the following questions: What are the coercive factors that determine why study participants in the Kalamazoo County adult male and female drug court programs are dismissed involuntarily from the drug court program, voluntarily leave the drug court programs before completion, or successfully complete the programs? In what ways do these factors have coercive influence on the perceptions of study participants? Can these factors have a positive influence on study participants? The study will specifically focus on variables related to the drug court program, its key actors, procedures and standards, as seen through the eyes of both the program participants and the drug court personnel.

This study attempts to show that the number of drug court study participants that voluntarily and involuntarily leave the Kalamazoo County Drug Treatment Court Program is related to the amount of contact that drug court participants have with judges, court appearances, police, lawyers, probation officers, prosecutors, counselors, drug tests, and in meeting job and school requirements.

The study proposes to show that these contacts and requirements manifest themselves in a manner that is coercive to the drug court study participants, thereby influencing the study participants’ decision to leave the drug court program, or being
dismissed from the drug court program because they are not able to adhere to the requirements of the drug court program.

I will attempt to show that it may also be that study participants are struggling with addiction and are unable to adhere to program requirements, even when they put forth the effort. The result is that they leave (opt out), or are involuntarily dismissed from the program.

Coercion Model or Conceptual Framework

The conceptual framework for this study is a coercion model which looks at the coercive factors that may influence program study participants either to remain in the program, or to be dismissed from the program. Whether these factors are coercive is determined by the perceptions of study participants, judges, and Court personnel. Perceptions of all parties in the process is determinant to the success or lack of success of those in the program. These parties in question are judges, court personnel, and study participants.

Coercion: A Factor In Drug Treatment

Terminology

It seems important to emphasize at the outset that the terminology in this arena is complex: "coerced," "compulsory," "mandated," "involuntary," "legal pressure," and "criminal justice referral" are all used in the literature, and sometimes used interchangeably within the same article. These terms are variously used to
describe such actions as a probation officer's recommendation to enter treatment, or a judge's offer of a choice between treatment, jail, or probation (Farabee et al., 1998).

However they are described, coercive treatments for addiction have been applied consistently throughout the twentieth century, beginning with morphine maintenance clinics during the 1920s. Federal narcotics treatment facilities in Texas and Kentucky in the 1930s, and civil commitment procedures implemented in federal systems in the 1960s, also used coercive treatment for addicts. Present practice emphasizes voluntary community-based treatment as an alternative to incarceration or as a condition of probation or parole (Farabee et al., 1998).

Some researchers argue that little benefit is derived when a drug user is forced, by whatever manner, into treatment. Many oppose coerced treatment on philosophical or constitutional grounds, while others oppose it on clinical grounds, maintaining that treatment is effective only if there is inner motivation to change (Farabee, Prendergast & Douglas, 1998).

On the other hand, several researchers (Anglin & Maugh, 1992; Salmon & Salmon, 1983) argue that few chronic addicts enter and remain in treatment without some external motivation, legal otherwise. Controlling drug abuse and addiction benefits society as a whole, is pointed out by Anglin, (1988); and Anglin & Hser, (1991). Therefore, they argue that the justice system should forcibly bring pressures to bear on drug abusers to enter into treatment.
In some studies it appears that coercion as a factor has demonstrated preponderantly that it is an effective means to bring about success in treatment programs, however some studies have demonstrated no effect and others demonstrate a negative rather than positive effects.

Farabee et al (1998) reviewed several studies involving coercion, and found three reasons for the variations in study findings.

A study by Salmon and Salmon (1983), explored the impact of Treatment Alternatives to Street Crime (TASC) referrals on the rehabilitation of drug abusers in a methadone maintenance clinic and a drug-free treatment setting (clients abusing only alcohol or marijuana were excluded). The study found that coercion facilitated success for certain population groups (older, long-term heroin addicts), for certain criteria (arrest and abstinence), and for certain treatment settings (drug-free versus methadone maintenance programs), (Farabee et al, 1998).

Schnoll et al. (1980) conducted another study that found a positive relationship between legal status and treatment outcomes. This study examined a modified therapeutic community treating both alcoholics and drug-dependent clients in inpatient and residential programs. Schnoll and colleagues found that residents admitted directly from prison were more likely to complete inpatient treatment than any other group since they faced the possibility of incarceration if they did not do so. Siddall and Conway (1988) reported similar results in their study of 100 substance abuse clients in a residential...
treatment center, 42 of whom were involuntary admissions. They found that clients who successfully completed treatment were more likely to have been admitted on an involuntary basis. Unfortunately, definitions of "voluntary" and "involuntary" were not given. The Rosenberg & Liftik (1976) study reporting a positive relationship between legal coercion and treatment outcomes focused on outpatient treatment of alcoholism. The investigators found that the weekly attendance patterns of drivers who were convicted of driving under the influence and who were mandated to treatment were significantly better than those of voluntary admissions.

Several of the studies reviewed by Farabee et al. (1998) found that legal coercion made no difference in substance abuse treatment outcomes (Anglin et al., 1989; Brecht & Anglin, 1993; McLellan & Druley, 1977). Despite differences in outcome measures, these group of studies concluded that clients who enter treatment under some degree of coercion did as well as clients entering treatment voluntarily or under minimal levels of coercion (Farabee et al., 1998).

Farabee et al. (1998) found a negative relationship between legal coercion and substance misuse treatment outcomes in a study by Harford et al. (1976). This study found that measures of legal pressure were either unrelated or negatively related to treatment retention and outcome in five drug abuse treatment modalities: (1) a residential program for adolescents, (2) a residential therapeutic community for young adults, (3) a day program for adolescents, (4) an outpatient abstinence and narcotic antagonist

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program serving primarily young adults, (5) and a methadone treatment program. Legal pressure was defined as existing if the applicant reported being on probation, on parole, or awaiting trial at the time of admission. The investigators found that older methadone clients and adolescent clients who were admitted for treatment while on probation were retained in treatment for shorter periods of time than were clients who were not on probation. No other differences in retention or graduation rates involving any of the measures of legal pressure were statistically significant. The authors suggested the possibility that legal pressure inhibits rather than facilitates treatment for addiction among some clients (Farabee et al., 1998).

In another study (Howard & McCaughrin, 1996) of a nationally representative sample of 330 non-methadone outpatient substance misuse treatment organizations, investigators found that organizations with 75 percent (or more) of court-mandated clients had a greater rate of clients failing to comply with their treatment plan than organizations with 25 percent or less court-mandated clients. There were no differences in clients meeting the goals of their treatment (Farabee, et al., 1998).

Upon further review, Farabee et al. (1998) found that the majority of the variation in coerced treatment outcomes of the various studies is due to (1) inconsistent terminologies, (2) neglected emphasis on internal motivation, and (3) infidelity in program implementation.
Much of the inconsistent terminology centers around the terms "voluntary" and "involuntary." According to Gilboy & Schmidt (1971), the importance of this distinction is clearly evident in studies of psychiatric populations, which show that the majority of patients whose official records indicated that they entered treatment voluntarily actually were under some form of official custody and were under the threat of involuntary commitment if they failed to enter treatment "voluntarily."

Many offenders deemed eligible for treatment by the criminal justice referral source may not necessarily be appropriate candidates for a given modality or for treatment in general. According to Anglin et al. (1998), substance abuse treatment appeared to have more favorable effects on "hardcore" abusers than those with the lowest problem severity. As a result, program variations in screening and referral criteria can have a profound impact on the measurable success of these programs (Farabee et al., 1998).

While the preceding studies involved coercion as it pertained to treatment of drug users in various other treatment programs, this study focuses on coercion of defendants that are involved in drug treatment court programs.

While the Rand study sought to measure the helpfulness of the drug court program, the purpose of this dissertation study was to determine the amount of coercion exerted by the various components that make up the drug court program, such as: judges, court appearances, police, lawyers, probation officers, prosecutors, counselors drug tests,
and the job/school requirement, and whether they contribute to study participants staying in the program or leaving the program.

In this study the investigator takes a closer look at the requirements of the program (drug tests, counseling, AA meetings, etc.), as well as how study participants interact with program personnel, such as judges, caseworkers, police officers, and probation officers. In so doing, the investigator attempts to determine if these requirements and interactions have a positive or negative effect on how study participants react to the program. Also whether their reactions results in their leaving the drug program. In the studies reviewed by Farabee et al., the participants were mandated for treatment; either as a condition of the legal system or by some other custodial body.. The same is true for this study. Study participants are in the program through legal conditions of parole for having committed some drug related crime, and as an alternative to jail. In addition, those who successfully complete the drug program will have all charges cleared from their records.

**Referral Source Theory**

Much of the literature on coercion assumes that coercion and referral source are interchangeable concepts, alternatively, that coercion can be directly inferred from referral source. For example, Weisner (1990) defined coercion as "a form of institutionalized pressure" and outlined a continuum of coercion ranging from legal mandates (e.g., civil commitments, referrals from the criminal justice system) to informal sources (e.g.,
referrals from employers, family, and early intervention programs). By emphasizing the source, rather than the experience, of pressures to enter substance abuse treatment, this definition downplays individual client’s perceptions. Consequently, claims about the prevalence and efficacy of coerced treatment have been made by reporting the number of clients seeking treatment from different referral sources (e.g., court referrals vs. other referrals) and by comparing coerced (court, family, or Employee Assistance Program (EAP)-referred) and non-coerced (self-referred) client groups on demographic characteristics, alcohol and other drug dependence, treatment retention, and outcome (Weisner, 1990).

**Coercion Model: Flow Chart and Variables**

Figure 2a, Coercion Model Flow Chart, depicts the variables that influence study participants as they enter the drug program. Study participants may experience coercive influences based on the attributes that they bring with them into the program (age, gender, education, employment, race, etc.), program variables they encounter once they are in the program (time in the program, age when entered the program, type of offenses, duration of drug use, etc.), and coercion variables, such as judges review, court appearances, counseling, and drug testing. How much these influences affect the study participants will have one of two outcomes for the study participants. They will either have a successful outcome and graduate from the program, or an unsuccessful outcome and involuntarily leave the program, or voluntarily leave (opt out) the program.
This study uses the coercion model to examine the question of whether drug court study participants perceive that they are coerced during their participation in the drug court program in Kalamazoo County, Michigan. It also, looks at the perceptions of judges and program Court personnel to determine their perceptions about the effects of coercion on program study participants, and whether or not there are differences in perception among the groups. The study looks at various factors, and whether or not they are perceived to exert some degree of coercion (positive or negative) on drug court study participants.

These factors include demographic variables (gender, education, income, marital status, number of children less than six years of age, race, and living environment), program variables (length of time in program, age when entered the program, age when dismissed or left program, type of offense, number of offenses, and reason for dismissal), and coercion variables (judges, court appearances, police oversight, probation officers, prosecutors, counseling, and drug tests).

The schematic representation of factors of the coercion models potentially influencing participants’ drug program behavior is represented in Figure 2b.

Participant Demographic Attributes

The demographic factors involved in the coercion model consist of the participant attributes of gender, education, income, marital status, number of children less than six years of age, race, and living environment. For example, one gender may find it more
difficult to follow program guidelines than the other gender; or those with the most
education are better able to understand why certain rules must be followed; or those who
have children may do it for the sake of the children. Perhaps some may believe it is not a
question of whether or not demographic factors impact coercion, but a question of how
much impact they have on coercion.

Participant Program Variables

The program variables that affect study participants’ decisions consist of length of
time in the program, age of the participant when he or she entered the program, age when
the participant was dismissed or left the program, type of offenses participant committed,
number of offenses the participant committed, duration of drug use, and reason the
participant was dismissed from the program.

The length of time a participant is in the program could be an indicator of how
successful a participant will be in the program. Both Simpson et al., 1997 and Hiller et
al., 1998 considered the first three months crucial in determining a participant’s success in
any kind of treatment. This was a factor for consideration in this drug court study as
well.
Influences

Possible Participant Outcomes

Participant Demographic Attributes

Participant Program Variables

Program Coercion Variables

Unsuccessful Outcomes

Voluntary Leave Program

Involuntarily Leave Program

Successful Outcomes

Graduate From Program

Figure 2a. Coercion Model Flow Chart
The age when study participants entered the program and were dismissed or left the program is significant if the results of methadone treatment programs are any indication. The findings in a number of methadone treatment programs found that older applicants who entered these programs were more likely to terminate treatment earlier than older applicants who were not on probation, or younger applicants regardless of their probation status (Harford et al., 1976).

Whether the type of offenses and the number of offenses applicants have committed at the time they were admitted to the drug court program, and the amount of coercion they perceive are relevant. However, this schematic model hypothesized that there are relationships between the type and the number of offenses that have been committed by study participants at the time of admittance to the drug court program, the amount of perceived coercion, and whether or not they remain in the drug court program.

The length of time that study participants used drugs prior to entering the drug court program determine how much they will benefit from the drug court program. Anglin et al., (1998) found that low-level offenders are less likely to benefit from treatment than those with more extensive drug use and criminal histories.
Figure 2b. Coercion Model
This study examined the reasons study participants were dismissed from the program (involuntarily and voluntarily). These reasons include the commission of new offenses (drug related or non-drug related) while in the drug court program, or failure to comply with requirements of the program (such as urine tests, counseling, missing meetings with probation officers) and failure to appear at drug court sessions.

Program Coercion Variables

The coercion variables are those that affect the study participants’ perceptions of how certain factors of the program impact their behavior. These factors may include actions of judges and court appearance, police interactions, relationship to probation officers, actions of prosecutors, amount and type of counseling, quantity of drug tests, and requirements to get a job or attend school. The central question was: How coercive are these variables, and how much do they determine the success of study participants in completing the drug court program?

Probable Program Outcomes

There are three actions or outcomes by which the study participants leave the drug court program: they are dismissed from the program, voluntarily leave the program, or graduate from the program. All of the participant attributes, participant program variables, and coercion variables hypothetically influence the amount of coercion exerted on study participants, and therefore are determinants of whether they will complete the drug court program.
In summary, this study looked at the impact that the three categories of variables have on the actions of the study participants, and the amount of perceived coercion the study participants experience. The study also looked at how much of an impact these variables had on the perceptions of judges, and program Court personnel and how they perceived their affect on study participants. Also measured was how much the demographics, program, and attitude variables affected the rate at which drug court study participants successfully completed the program, opted-out, or were involuntarily dismissed from the program.

Analytical Approach

The analytical methods used in this study included both quantitatively based survey and qualitatively open-ended interviews with the study participants. Due to the low number of drug court participants in the study (N=9), and the small number of court judges and Court personnel (N=13), only frequency distributions were used to analyze these numbers. The content of the qualitative data was analyzed to identify major themes and sub-themes relative to the respondents' perceptions. As the interviews were tape recorded, the tapes were listened to and notes were made from the taped interviews. From these tapes, major themes and sub-themes, as well as parallels and contradictions in the answers of study participants, judges and Court personnel were noted. These were transcribed, identified and included in the study findings.
This study was conducted using as study participants the drug court participants, judges, and Court personnel of the Kalamazoo County Drug Treatment Court Programs (DCP). All information about participants, judges, and Court personnel in the program was provided by staff and Court personnel in drug court program, and through interviews of the drug court participants, judges, and Court personnel using questionnaires provided and administered by the researcher.

Data Collection: Drug Court Participants

The drug court participants as participants in this study comprise three groups: the study participants (drug offenders) in the program's female and male drug courts who have graduated from the program, voluntarily left the program, or involuntarily left the program. These include all female and male drug court study participants that were in diversion program between January 1, 1992, and December 31, 1999. This period is chosen in order to compare data when both the female and male programs were in existence. During this period of time 210 females and 111 males voluntarily or involuntarily left the program, and 145 females and 55 males graduated from the program and had their charges dropped, for a total 521 study participants available for the study.

Sampling Strategy

The researcher randomly selected the study participants for this study beginning with every even numbered participant. Selection continued until all study participants
that were located were exhausted. Of the total number of drug court study participants (N=521) in the study, only 240 could be contacted.

A **systematic** sample of participants were selected from both the female and male drug court members (n=521). The **systematic** part of the study stems from the fact that study participants were segregated according to whether they are male, female, voluntarily left the program, involuntarily left the program, or graduated from the program. **Randomness** in the study selection process occurred when every even numbered name was selected for the study. The individuals selected were given a check mark. Those who were selected were mailed a letter from the drug court administrator informing them that the researcher would be calling them for an interview. When the participant was contacted, and either agreed to be in the study or refused to be in the study, their name was crossed out on each list in a manner that rendered them illegible. If the drug court study participants could not be located, because they had moved, or if they refused to be interviewed, his or her name was also crossed out and another name was selected.

All study participants that were located were called to set-up interviews; however, only nine study participants agreed to be interviewed. The reason given by the study participants who refused to be interviewed was that they were trying to make a new life, or that they wanted no further contact with anyone from the drug court.

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When all selections had been made the lists containing all names were destroyed. Destruction of the various lists and research documents occurred by either shredding or burning the documents.

The primary data collection method was face-to-face interviews with all three types of study participants. A semi-structured, open-ended questionnaire was developed for each category of study participants (see Appendix B.1) and was administered by the researcher during the interview. A pilot was conducted using study participants from the three test groups. After an analysis of the pilot data changes in the instrument were made as a result of the pretest recommendations.

**Variable Construction**

The study questionnaire sought to address many variables such as the participants’ race, gender, and living environment. Race and gender variables are addressed by the questionnaire in order to determine the percentage of each race and gender that comprise the drug court study population. Furthermore, it would tell the researcher if there was a disproportionate number of one race or genders in relation to others.

The questionnaire also addressed the living environment from which a study participant comes can be indicative of the magnitude of the participant’s drug problem, and to a certain extent, how difficult it will be for the participant to adhere to drug program requirements. If those living with a study participant are drug users, it will make it more difficult for the Participant to get clean and graduate from the program.
The study also sought to identify the roles of the various collaborators in the program that includes probation officers, judges, prosecutors, counselors, police officers, and the court process itself. Each of the collaborators in the drug court program have the potential to exert some degree of coercive influence on the study participants.

Further addressed by the questionnaire were variables such as drug history (type and quantity of drugs used, and length of drug use), skill level of employment, level of education, parenthood status (single parent or married parent), number of children less than six years of age.

It is known that the types and amounts of drugs used by study participants serve as indicators of the degree of drug addiction that participants have. The stronger and greater the amounts of the drugs that is used by a participant the more difficult it will be to recover from the addiction. This will also make it more difficult to successful in the drug court program.

Whether a participant is employed, the level of education obtained, and if the participant is a parent may have some degree of bearing on a participant’s motivation to adhere to program guidelines. If the participants have something to lose (a job, custody of children, etc.) they may do what is necessary to protect whatever they fear losing. Hence the questionnaires sought to determine the role these variables have in determining the potential success the participants may have in completing the drug court program.
The reasons study participants decided to enter the drug court program, why participants decided to leave the program, what the participants liked about the program, and what the participants did not like about the program were also addressed.

Central to the questionnaire was the question of why the participants decided to enter the drug court program. Is the reason solely to stay out of jail and have their records expunged, or were they sincere about wanting to make a life changing decision to turn their lives around? Equally, important is the question of why participants decided to leave the drug court program. The questionnaire sought to solicit from the participants their reasons for leaving the program. It sought to identify what factors, if any, were responsible for participants making the choice to leave.

Some significant questions were the questions of what participants liked about the drug court program, and what participants disliked about the drug court program. By including these questions in the questionnaire, and ascertaining the participants’ likes and dislikes for program requirements and procedures, it may be possible to configure procedures and requirements that are more effective to the success of study participants.

**Drug Court Judges and Administrative Personnel**

There were three judges and ten court personnel involved in the drug court program. These were made up of managers and supervisors, counselors, probation
officers, and case workers. It was important to interview these personnel because they have direct contact with study participants on a day to day basis. Their work with study participants has a direct impact on whether or not study participants know what to expect from the program. Some court personnel take part in administering or overseeing drug testing of study participants, counseling study participants, and seeing that study participants appear before the drug court judges at the required times.

Secondly, judges depend on court personnel for information about the progress that study participants are making or not making. This helps judges make decisions about any type of punitive actions that may be required on the study participants’ behalf.

More important, the information court personnel provide to the judges about the study participants helps the judges make decisions as to whether study participants should remain in the drug court program, or are dismissed from the program.

Participation of judges included all three judges that were or are part of the drug court program. This is indicative of how important judges believe the program is in helping individuals with drug problems, as well as reducing the amount of drug related crime in the community.

The questionnaire included questions that sought to determine why and how long judges and Court personnel have been part of the drug court program. Among the questions asked were how long they have been in their current job, and how long they have been working in the drug court program. These questions sought to establish the
amount and type of expertise each judge and administrator has in carrying out their duties in the program. If they were a new judge or administrator and/or have not been in their job for a considerable length of time, they might not fully understand the goals of the program. Those with greater longevity have more of a background from which to form their perceptions of the program.

In asking the question as to whether judges and court personnel volunteered to be part of the program, the researcher sought to determine if they were in the program because of an interest in the drug court program, or simply there because they were assigned to the program by their superiors. This could indicate how genuinely they were in their efforts to make the program work, or whether they were just doing a job.

Questions about how much judges and court personnel perceived the importance of their job and its influence in the program to be, were asked to determine if they really believed they made a difference in the study participants’ decision to leave or remain in the drug court program. If they thought their jobs have very little influence on the study participants they might not put very much effort in performing their jobs or in supporting the goals of the program.

How much the various collaborators (judges, probation officers, prosecutors, counselors, and family), as well as court appearances, and drug testing influenced study participants to leave or remain in the program, were questions addressed by the questionnaire. The perceptions of judges and Court personnel about the amount of
influence these factors have on study participants can be indicative of how they feel about the overall effectiveness of the drug court program, and its ability to help drug court participants. If judges and court personnel believe these factors are not very effective in helping study participants, they may give less effort to the program, thereby the program may not be successful in retaining and graduating participants from the program.

Three questions were asked about the effectiveness of the program in helping study participants find employment, staying off drugs, and remaining in school. When asking these questions the questionnaire sought to determine if their goals go beyond just helping study participants overcome their addictions, which is a great accomplishment in itself, but also to affect other areas of the study participants’s lives.

The underlying objective to all of the questions and responses of the judges and court personnel to the questionnaire was to determine how supportive they were of the drug court program. Secondly, to determine from their answers to the questions the possibility of some degree of coerciveness that could be perceived by study participants from the way judges and court personnel perceived their roles/jobs in the drug court program. Thirdly, how judges and court personnel perceived their level of impact upon drug court program participants’ decision to leave or stay in the program.

Interview Process
Study participants were interviewed in a neutral public place, which was intended to be non-coercive to the study participants; yet afforded study participants some degree of privacy.

The interviews were face-to-face and one-on-one, and the researcher personally conducted all interviews. Before the interviews were begun study participants were given a consent form to read and sign outlining the conditions of the interview. The consent form informed study participants that they could withdraw from the interview at any time, or refuse to answer any question. Also, study participants were not rewarded or compensated in any way for participating in the interviews.

During the interviews study participants were provided a copy of the questionnaire so that they could follow along as the researcher read the questions. All interviews were audio taped by the researcher as a means of taking notes of the interview, and remembering how certain statements were worded.

Most of the interviews took between thirty and forty-five minutes and ended with the study participants expressing their feeling of being glad they agreed to participate in the interview.

After each interview the quantitative data was coded and entered in the SPSS statistical software for analysis

Study Variables
The variables addressed by the study were: the length of time each participant was in the diversion program, the age of the study participants at the time they were admitted to the program and at the time they were terminated from the program, the type of offense committed by each participant, the number of offenses committed by the participant, and the types of activity (either by the study participants or collaborators) that were determinant in the study participants’ termination from the diversion program.

The dependent variables in the study are identified as whether the study participants leave the program voluntarily, leave the program involuntarily, or graduate.

Limitations of the Study

The limitations of this study consist of a very small number of study participants (two females and seven males), and the lack of records of residency after study participants are no longer involved in the program.

Another problem that limited the study is that most of those who enter the drug court program are transients; therefore it is difficult for the drug court program to maintain contact with them, or know their recent addresses. This caused most of the letters to be returned as "no longer at this address." However, the range of participant types for the nine study participants who did agree to be interviewed is sufficiently cross sectional, as to race, sex, and age that, when taken with the perspectives of the court personnel and judges, gives a good exploratory basis for examining the concept of coercion.
Although the study's findings cannot be projected to a wider population of drug courts, for exploratory purposes, its findings are very informative and have important implications for how drug courts ought to attempt to reduce their failure rate.
CHAPTER VII

RESEARCH FINDINGS

The findings of the Kalamazoo County Drug Treatment Court Program include a comparison of perceptions of study participants and drug court personnel. Certain demographic data on the characteristics of drug court participants was collected during the study, but were not analyzed as part of coercion comparisons due to the small number of participants. However, of the nine interviewees the following presents a description of the characteristics for descriptive purposes.

Drug Court Participant Characteristics

The number of study participants that took part in the study was small. There were nine study participants, two females and seven males. Of this number there were six who were white, and three who were Afro-American.

Five of the nine study participants (two females and three males) successfully completed the program, and three males were unsuccessful because they failed to comply with program requirements. One (male) of the study participants chose to opt out of the program and pursue a course through the regular court system. The reasons given by the participant who opted out of the program were that each time the participant asked for time off from work the boss made a "big fuss" about it. This caused the participant concern about keeping his job, which in the study participants words are "if I lose my job I can't pay the rent, and I don't want to go back on the streets." Secondly, the
participant felt that it became more and more demeaning to have to meet with the caseworkers. He said, "they treat me like somebody that doesn’t have any sense."

The age of the study participants ranged from 17 to 51 years of age with a mean age of 31.11 years. The number of months that study participants were in the program ranged from one month to thirty-seven months with a mean of seventeen months. The types of offenses that study participants were charged with at the time of admittance to the program varied. Three study participants were charged with drug use, one participant was charged with fraud (credit card use, none sufficient funds, etc.), two study participants were charged with larceny (taking without return), and burglary (breaking & entering), two participants were charged with property destruction, and one participant was charged with "Other" (prostitution, and having a house of ill fame, etc.). The types of drugs used by study participants at the time of admittance were as follows: three study participants used alcohol, three study participants used alcohol and crack cocaine, and three study participants used alcohol and marijuana.

The level of education of the study participants ranged from "less than high school" to "some college." One participant had less than a high school education, two study participants were high school graduates, one participant had a GED certificate, and five study participants had some college.

At the time study participants entered the drug court program one participant was married, seven were never married, and one was divorced. Also, at the time study
participants entered the program one was living with a partner, four lived with a roommate. One lived with spouse and children, one lived with parents or relatives, and two had other living arrangements (on the streets or vagrant housing).

When study participants left the drug court program, one was married, seven had never been married, and one participant was divorced. The living arrangements when study participants left the program found that three were living with a partner, one lived alone, one lived with spouse and children, two lived with parents or relatives, and two had other arrangements (public assistance housing, etc.).

Five of the study participants had children and four had no children. Of those study participants with children, two study participants had one child, and three study participants had two children. One participant had children under the age of six years, and four study participants had children over the age of six years (Table 7).

There seems to be some correlation between being married, having children and being successful in the program. However, this is merely speculative due to the small number of study participants in the study.

At the time of their arrest four study participants were employed full-time, two were employed part-time, and three were unemployed. When they separated from the program six were employed full-time and three were employed part-time (see Table 7).
Five study participants said they entered the drug court program to stay out of jail, three wanted to clear their records, and one participant said he needed help to change. This breakdown of reasons for entering the drug court program was not surprising to the researcher. The first reaction of anyone, most would agree, is to save one’s self from negative consequences, therefore staying out of jail and clearing their records was paramount to getting help to change.

**Judges and Court Personnel**

This group consists of all three judges that are or had been in the program, and all ten court personnel that are or had been in the program. The three judges have held their judgships for eleven or more years. As for court personnel, one has been in the position

Table 7

<table>
<thead>
<tr>
<th>Category</th>
<th>Number</th>
<th>%</th>
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<tr>
<td>Had children</td>
<td>5</td>
<td>56%</td>
</tr>
<tr>
<td>No children</td>
<td>4</td>
<td>44%</td>
</tr>
<tr>
<td>One child</td>
<td>2</td>
<td>22%</td>
</tr>
<tr>
<td>Two children</td>
<td>3</td>
<td>33%</td>
</tr>
<tr>
<td>Less than 6 yrs of age</td>
<td>1</td>
<td>11%</td>
</tr>
<tr>
<td>Over 6 yrs of age</td>
<td>4</td>
<td>44%</td>
</tr>
<tr>
<td>Full-time emp. at arrest</td>
<td>4</td>
<td>44%</td>
</tr>
<tr>
<td>Part-time emp. at arrest</td>
<td>2</td>
<td>22%</td>
</tr>
<tr>
<td>Unemployed at arrest</td>
<td>3</td>
<td>33%</td>
</tr>
<tr>
<td>Full-time at separation</td>
<td>6</td>
<td>67%</td>
</tr>
<tr>
<td>Part-time emp. at separation</td>
<td>3</td>
<td>3%</td>
</tr>
</tbody>
</table>

(Office of Drug Treatment Court Programs, 2001)

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for three years or less, three for four to six years, three for seven to nine years, and three for ten or more years. The court personnel consist of caseworkers, probation officers, and program managers. The number of years in their positions indicate that the judges and court personnel are very experienced in their jobs.

The three judges have been involved in the drug court program for two and a half, five, and eleven years. The court personnel’ experience in the drug court program include two that have one to three years experience, five that have four to six years, two that have seven to nine years, and one that has ten or more years of experience in the program.

There were two identifiable reasons that judges and court personnel gave for being in the drug court program. One group said that it was part of their job. The other group said they wanted to make a difference in the study participants' lives. Of the thirteen interviewees, five said it was part of their job, and eight said they wanted to make a difference.

**Study Participants, Judges and Court Personnel**

The following material and analysis are taken from information presented in Tables 8 and 9. The information in table 8 compares the responses of study participants with those of judges and court personnel to questions from the questionnaires. Table 9 compares the responses of judges with those of court personnel.
The information in Table 8 consists of four basic themes: court influences on study participants, counseling and testing influences on study participants, family influences on study participants, and external influences on study participants.

Court Influences

These are the factors that are a direct part of the drug court structure, and they have a direct impact on how study participants perceive and are affected by the various court requirements.

Court influences include the questions of 1) how much judges and court procedures influence study participants to enter the program, 2) leave the program, and 3) how hard was it for participants to appear before the judges?

Judges

The question of how much judges influenced study participants to enter the program was only asked of study participants, but not asked of judges and administrative personnel. Of the nine participants, four said that judges influenced them very much to somewhat, and five said they were influenced very little or not at all. Study participants are about an even split in their perception of the impact that judges had on their entering the drug court program. Some participants expressed a feeling of being intimidated by judges at the time they were first arraigned in the drug court, and felt they had no other choice. One participant indicated that the judge made him feel it was the drug court or prison, so he decided on the drug court program.
Both study participants and court personnel were asked how much judges influenced study participants to leave the program, and how hard it was for participants to appear before the judges. Most of the court personnel (nine of thirteen), including judges, believed judges were very influential in study participants’ decision to leave the program, and finding it hard to appear before judges. Most of the study participants (six of the nine) said they were not influenced at all in their decision to leave the program, or to appear before the judges. This shows that the perceptions of court personnel and those of study participants do not agree. Perhaps this difference in perception is due to court personnel not being able to put themselves in the "shoes" of participants. It may also be that study participants are not aware that they are influenced by judges or appearing before them. Both views should be given consideration by judges and court personnel.

Court Process

How much did the court process influence study participants to enter the program is a question that was only asked of study participants. Their response in Table 8 shows that seven of the nine participants said that the court process had very little or no influence on their decision to enter the drug court program. Therefore, it is assumed that other factors, such as, wanting to stay out of jail or expunging their records were reasons for entering their entering the drug court program.
Study participants said that appearing in court did not significantly influence them to leave the drug court program, as eight of the nine said they were not influenced at all. However, five of the nine participants said it was hard for them to show up for court. As several of the participants explained, it was not being in court that was the problem, but the logistics involved in getting there. This included difficulty in getting transportation, if they did not have their own, or getting time off from work, and missing classes if they were in school. In the case of female participants, finding someone to care for small babies often prevent them from showing up for court; especially if they did not have their own transportation or lived close to public transportation.

The majority of court personnel and judges, eight of the thirteen, believed that the court process very much to somewhat influenced participants to leave the drug court program. This was reverse of what the study participants believed. Table 8, also shows that eleven of the thirteen court personnel and judges believed it was very hard to somewhat hard for participants to show up for court. This finding was in the same proportion as that of the study participants. The reasons given by court personnel and judges was about the same. They said that participants found the environment of the court to be intimidating to them. Participants on the other hand, said that it was not wanting anyone they knew seeing them in the drug court program.
Police Oversight

Regarding the questions of whether the police oversight influenced participants to enter, leave, or show up for court, all nine participants answered that they were not at all influenced by police oversight. This is attributed to the fact that once a study participant is arrested and arraigned, police have almost no contact with participants through the rest of the program. The only exceptions are in cases where a participant runs away from the program, or is incarcerated for missing an appointment or having a dirty drug test. As Table 8 shows, the majority of judges and court personnel agree with the answers given by study participants, and for the same reasons. Judges and court personnel were not asked to respond to the question of police oversight influencing participants to enter the program.

Probation Officers

In addressing the questions of probation officer influencing study participants to enter, leave, or hard to appear before probation officers, Table 8 shows that the majority of participants said they were not influenced by them at all in these areas. However, Table 8 shows that the majority of judges and court personnel believed that study participants were influenced very much or somewhat by probation officers.

When taking in consideration the relationship between probation officers/case workers and study participants it is reasonable to give greater credence to the opinions of judges and court personnel. Probation officers/case workers are some of the ones
(counselors being the other) that participants meet with on a regular basis outside of court. They investigate the problems that participants are having with the program, and try to help participants meet and adhere to program requirements. Probation officers have the power to recommend whether or not participants should continue in the program or return to regular court for sentencing and/or prison. It is understandable therefore, to perceive greater influence by probation officers or caseworkers than participants admit.

Prosecutors

Table 8 shows that eight of the study participants and all thirteen judges and court personnel believe that prosecutors neither influence participants to enter, leave the program nor find it hard to appear before prosecutors. As with probation officers, once participants are arrested, arraigned and admitted into the drug court program prosecutors have no further contact with participants during their progression through the drug program. The next occasion for contact with prosecutors would be at the time participants graduate and receive their certificate from the prosecutor's office, or if they opt-out or are kicked out of the program and are re-arraigned into regular courts. Any of the questions concerning how participants are influenced to enter the program were not asked of judges and court personnel.

Summary

There are some areas in the theme of court influences where participants and court personnel sharply disagree. These appear to be the areas where there is more direct
contact between participants and the required activity, such as counseling, appearing before judges, the court process, and probation officers. In areas where there was a minimum amount of contact (police officers and prosecutors) with the activity, there was less disagreement between participants and court personnel.

For instance, participants did not find that judges or the court procedures had an influence on their decision to leave the program, this includes those who graduated from the program, but they were about evenly split as to whether judges influenced their decision to enter the program. Participants were also split on how hard it was for them to appear before the judge, however, the majority (6/9) said such appearances were not difficult. Participants responded five to four that it was not hard to show up for court. Further study will be required to identify reasons for these perceptual differences.

Counseling and Testing Influences

Counseling and drug testing was thought to have a direct influence or affect on whether participants enter or leave the program, or if they find difficult to appear for counseling or testing. As table 8 shows, the majority of participants feel that counseling and testing do not influence them at all to enter or leave the drug court program, or find it hard to go for counseling or testing. Judges and court personnel, on the other hand (see Table 8), believe that counselors and drug testing very much to somewhat influence participants to leave the program, and find it hard to show up for counseling and testing. Judges and court personnel were not asked questions about entering the program.
Counselors, like probation officers/caseworkers meet with participants on a regular basis and work closely with participants in an effort to help them overcome their drug habits. Drug testing in concert with counseling and other drug court requirements is a means by which drug court personnel determine if participants are adhering to the program requirement that study participants stay off drugs, at least during their participation in the program.

Family Influences

Family and children were said by most study participants to influence them very little or not at all in their decision to enter and leave the drug court program (see Table 8). As only the question of the family's influence on participants to leave was asked of judges and court personnel this is the only question in the area of family influences where comparisons can be made. Therefore, in regards to this question there is a belief by most judges and court personnel (ten of thirteen) that family very much or somewhat influence participants to leave the program. This result may indicate that participants do not believe that family and children influence them as much as judges and court personnel believe they influence them. However, after further discussion on the subject participants said that keeping a job and supporting their families were more important than keeping appointments with the drug court. As one participant explained, it is more important for him to put bread on the table than sit and talk to a counselor.
Judges and court personnel base their conclusion on their belief that if a study participant is in a family environment where there is significant amount of drug use it will influence the participants to continue or resume their use of drugs. This will in turn have an impact on the participants’ decision to leave the program. Judges and court personnel were not asked the question about entering the program.

**External Influences**

External influences in this study addresses those activities that are outside of the courts jurisdiction once the participants are no longer part of the program. Therefore the question becomes whether or not the drug court program’s influence extend beyond this jurisdiction to help participants stay off drugs, find employment, or remain in school.

These questions were asked judges and court personnel only. Therefore, no comparisons between study participants and judges and court personnel can be made in this area. As seen in Table 8, most judges and court personnel believed that the drug court program very much or somewhat helped participants stay off drugs, find employment, and remain in school.

Though no study participants were asked to respond to these questions, through conversations with some participants during the interview, a number of them indicated that the program was instrumental in helping them stay off drugs or remain in school. They contributed this to the having to take drug tests, and counseling.
Comparative Findings: Judges and Court personnel

Table 9 shows a comparison of responses between judges, and court personnel to questions from the questionnaire. It is presented in four themes: court influences, counseling and testing influences, family influences, and external influences. This information is presented in Table 9.

Court Influences

These are the factors that are a direct part of the drug court process, and they were thought to have a direct impact on how study participants perceive and are affected by the various court requirements. The actual findings follows.

Court influences include the questions of how much do judges influence study participants to remain in the program, leave the program, or how hard it was for participants to appear before the judges? As seen in Table 9, all three judges and most of the court personnel indicated that they thought that judges very much or somewhat influenced participants to remain in the program, leave the program, or found it hard to appear before judges. There are no significant differences between the perceptions of judges and court personnel concerning these questions.

As far as the questions of the influence of the court process and the difficulty of showing up for court the majorities of both the judges and court personnel indicated that they thought the court process and showing up for court was very much to somewhat
### Table 8
Comparison of Drug Court Participants and Drug Court personnel
On Program Coercion Factors Influencing Participants
In The Drug Court Program

<table>
<thead>
<tr>
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</thead>
<tbody>
<tr>
<td>Judges and Court personnel</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>How much did judges influence study participants to enter program?</td>
<td>3/-</td>
<td>1/-</td>
<td>1/-</td>
<td>4/-</td>
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<tr>
<td>How much did judges influence study participants to leave program?</td>
<td>2/3</td>
<td>1/6</td>
<td>0/3</td>
<td>6/1</td>
</tr>
<tr>
<td>How hard was it for study participants to appear before judge?</td>
<td>1/4</td>
<td>2/8</td>
<td>0/1</td>
<td>6/0</td>
</tr>
<tr>
<td>How much did court influence study participants to enter the program?</td>
<td>1/-</td>
<td>1/-</td>
<td>2/-</td>
<td>5/-</td>
</tr>
<tr>
<td>How much did court influence study participants to leave the program?</td>
<td>1/5</td>
<td>0/3</td>
<td>0/4</td>
<td>8/1</td>
</tr>
<tr>
<td>How hard was it for study participants to show up for court?</td>
<td>1/4</td>
<td>4/7</td>
<td>0/2</td>
<td>4/0</td>
</tr>
<tr>
<td>Police Oversight</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>How much did police oversight influence study participants to enter program?</td>
<td>0/-</td>
<td>0/-</td>
<td>0/-</td>
<td>8/-</td>
</tr>
<tr>
<td>How much did police oversight influence study participants to leave program?</td>
<td>0/2</td>
<td>0/1</td>
<td>0/4</td>
<td>9/6</td>
</tr>
<tr>
<td>How hard did study participants find police oversight?</td>
<td>0/1</td>
<td>0/0</td>
<td>0/4</td>
<td>9/8</td>
</tr>
<tr>
<td>Probation Officers</td>
<td></td>
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<td></td>
</tr>
<tr>
<td>How much did probation office influence study participants to enter program?</td>
<td>2/-</td>
<td>0/-</td>
<td>0/-</td>
<td>7/-</td>
</tr>
<tr>
<td>How much did probation office influence study participants to leave program?</td>
<td>0/8</td>
<td>0/5</td>
<td>0/0</td>
<td>9/0</td>
</tr>
<tr>
<td>How hard was it for study participants to meet probation officers?</td>
<td>1/2</td>
<td>0/9</td>
<td>1/2</td>
<td>7/0</td>
</tr>
</tbody>
</table>

89

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<thead>
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<th>1/0</th>
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<tr>
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<td>6/1</td>
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<tr>
<td>How hard was it for</td>
<td>1/5</td>
<td>3/8</td>
<td>1/0</td>
<td>4/0</td>
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<td>How hard was it for</td>
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<td>for drug testing?</td>
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<td>0/0</td>
<td>6/0</td>
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<tr>
<td>program?</td>
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<td>How much did family influence</td>
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<td>8/0</td>
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<tr>
<td>program?</td>
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<td>0/0</td>
<td>7/0</td>
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<tr>
<td>to leave program?</td>
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<tr>
<td><strong>External Influences</strong></td>
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<tr>
<td>Do you feel the drug court</td>
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<td>-/1</td>
<td>-/0</td>
<td>-/0</td>
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<tr>
<td>program helped study</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>participants stay off drugs?</td>
<td></td>
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</tbody>
</table>
How much did the drug court program help study participants find employment? | -1/4 | -1/6 | -1/3 | -1/0
---|---|---|---|---
How much did the drug court program help study participants remain in school? | -1/6 | -1/7 | -1/0 | -1/0

(-) Denotes questions not asked of study participants or judges and Court personnel.

influential or difficult for study participants (see Table 9). They believed that for participants, the court environment is intimidating because there may be people there that they know from their neighborhoods, fellow employees, or school mates. These would cause them some embarrassment.

The difficulty in showing up for court is similar to those of other appointments that participants have to keep. Among the things that make it hard for participants to show up for court are transportation problems, getting time off from work, missing classes at school, and child care for many of the female participants.

Questions of police oversight influencing participants to leave the drug court program was found by judges and court personnel to very little or no influence on participants leaving the program. This is due to the absent of police involvement with participants once they are admitted to the program.

On the other hand, all judges (three) and court personnel (ten) said that probation officers very much or somewhat influenced participants to leave the drug court program. This is based on the relationship between probation officers and caseworkers that require participants to meet with probation officers/caseworkers on a regular basis outside of court. They investigate problems that participants may be having with the program, and they try to help participants adhere to program requirements. Also, all three judges said that participants found it very hard to somewhat hard to meet
with probation officers/caseworkers, but only half (five of ten) of the court personnel said participants found it very hard to somewhat hard to meet with probation officers/caseworkers. The reasons given by participants for these opinions are that probation offices/caseworkers are the ones that directly hold the participants accountable for their actions in the program, and many participants do not like to be accountable. It is also difficult for some participants to find a means to get to appointments because of lack of transportation, or time off from jobs or school.

As in the case of police officers, prosecutors do not have contact with study participants once they are admitted into the drug court program. Therefore, all of the judges (three) and all of the court personnel (ten) said that prosecutors influenced participants very little or not at all to leave the drug court program. Since participants do not meet with prosecutors during their tenure in the program, participants were deemed to find very little difficulty or no difficulty at all in meeting with prosecutors (see Table 9).

Counseling and Testing Influences

Counseling and drug testing was believed to have a direct influence and affect on whether participants leave the drug court program, or in some ways how hard they find it to go for counseling and testing. As shown in Table 9, the majority of judges and court personnel believe that counseling and drug testing very much impact participants’ decision to leave the program, and they also believe that for the same reasons stated above participants find it difficult to go for counseling and drug testing.

Family Influences

Family influences are described as those interactions that study participants have with those that make up their immediate family, or in some cases a small extended family, such as: wife, husband, girl friend, boy friend, uncles, aunts, and children.
Two of the three judges and eight of the ten court personnel believe that family very much to somewhat influence participants to leave the program. They base their opinion on the belief that if a study participant is in a family environment where there is a significant amount of drug use it will influence the participant to continue or resume their use of drugs. This environment will make it difficult for the participant to adhere to program requirements, and will either be put out of the program or opt-out of the program.

**External Influences**

Those activities or involvements that study participants have outside the immediate program parameters are what is described as external influences. Those that were identified in the study are jobs, school, and staying off drugs. These questions were not asked of participants and show no response from participants in either table.

As seen in Table 9, all the judges and most court personnel believed that the drug court program very much or somewhat helped participants stay off drugs, remain in school, and find employment. The belief of the judges and most court personnel is substantiated by conversations the researcher had with study participants. A number of them indicated that because of the drug testing, counseling, court appearances, and other requirements the program was instrumental in helping them stay off drugs, remain in school, and in finding employment.

**Program Strengths**

Other discussions relating to perceptions of the drug court program by judges and Court personnel were about the strengths and weaknesses of the drug court program. Some of the things that judges said were strengths of the program were how judges and Court personnel work as a team. Each judge and administrator has a role to play in drug court process, such as seeing that each participant receives counseling, drug tests, and
report to the required meetings with parole officers and appearing for court sessions. Some additional program strengths was the treatment that participants received, and the level of accountability to which they are held. Judges and court personnel said, they review the reports by caseworkers, counselors, and probation officers and make decisions that they all agree are in the best interest of the study participant.

Program Weaknesses

Judges and Court personnel agreed that the lack of funding is a weakness in program. The lack of funding prevents the program from offering other program options. One of the major options mentioned by both judges and Court personnel is that with additional funding all of the drug court programs could be brought together in one central area. This would allow better communication between the various components of the program. Also mentioned as a weakness in the program is some staff who do not understand study participants. That is, they are unaware of the problems that brought the participants into the drug court program, or they are not familiar with the living environments of study participants.

Another weakness of the program is the change from a diversion court to a plea court. This change required participants to make a guilty plea as a condition for admittance to the drug court program. The affect of this change is that participants were discouraged from coming into the program, even though upon completing the program their records would be expunged. One administrator said that a weakness was not informing participants that they could fail the program and be sent back to
<table>
<thead>
<tr>
<th>Court Influences</th>
<th>Judges and Court</th>
<th>Police Oversight</th>
<th>Probation Officer</th>
<th>Prosecutors</th>
<th>Counseling and Testing Influence</th>
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</thead>
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<td>How much did judges influence study participants to remain in the program?</td>
<td>3 / 5</td>
<td>1 / 1</td>
<td>2 / 6</td>
<td>0 / 0</td>
<td>1 / 5</td>
</tr>
<tr>
<td>How much did judges influence study participants to leave program?</td>
<td>1 / 1</td>
<td>2 / 5</td>
<td>1 / 4</td>
<td>0 / 0</td>
<td>1 / 2</td>
</tr>
<tr>
<td>How hard was it for study participants to appear before judge?</td>
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<td>0 / 8</td>
<td>0 / 4</td>
<td>0 / 0</td>
<td>1 / 2</td>
</tr>
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<td>How much did court influence study participants to leave the program?</td>
<td>1 / 4</td>
<td>2 / 1</td>
<td>0 / 4</td>
<td>0 / 1</td>
<td>1 / 4</td>
</tr>
<tr>
<td>How hard was it for study participants to show up for court?</td>
<td>2 / 2</td>
<td>0 / 7</td>
<td>1 / 1</td>
<td>0 / 0</td>
<td>2 / 6</td>
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<table>
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</tr>
<tr>
<td>Judges / Pers.</td>
</tr>
<tr>
<td>Very much</td>
</tr>
<tr>
<td>N=3/N=10</td>
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<tr>
<td>Judges / Pers.</td>
</tr>
<tr>
<td>Some what</td>
</tr>
<tr>
<td>N=3/N=10</td>
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<tr>
<td>Judges / Pers.</td>
</tr>
<tr>
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</tr>
<tr>
<td>N=3/N=10</td>
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<td>Judges / Pers.</td>
</tr>
<tr>
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</tr>
<tr>
<td>N=3/N=10</td>
</tr>
</tbody>
</table>

Table 9
Comparison Of Judges And Drug Court personnel Perceptions On Program Coercion Factors Influencing Participants In the Drug Court Program

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How much did drug testing influence study participants to leave program? 1 / 6 2 / 2 0 / 2 0 / 0

How hard was it for study participants to show up for drug testing? 2 / 4 0 / 6 1 / 0 0 / 0

Family Influence
How much did family influence study participants leaving program? 1 / 6 1 / 2 1 / 2 0 / 0

External Influences
Do you feel the drug court program helped study participants stay off drugs? 3 / 9 0 / 1 0 / 0 0 / 0

How much did the drug court program help study participants find employment? 3 / 1 0 / 6 0 / 3 0 / 0

How much did the drug court program help study participants remain in school? 2 / 4 1 / 6 0 / 0 0 / 0

regular court. Many participants did not realize this until they were admitted to the program.

Changes To The Program

Judges and Court personnel were asked to discuss what changes they would like to see in the drug court program. Among the changes they would like to see in the program is expanding treatment to include the families of study participants. The reasoning is that if the whole family is treated and made drug free, the less likely it is for the study participant to go back on drugs. They all agreed that the program should return to being a diversion program, and not require a guilty plea as a condition for admittance. Also suggested was expanding the program to include participants who have committed high misdemeanors, and allow participants who meet certain criteria to re-enter the
program. They stated that other programs have shown that some of the most successful participants have been those who re-entered the program.

All agreed that the most beneficial change for the drug court program is to have funding included in both the county and state budgets.

Summary

The findings suggest that demographics of participants are quite diverse as to age, education, race, gender, and family situation. The findings also, indicate the areas of the program where participants and court personnel disagree and agree. We find that the program can be identified as having four major themes: court influences, counseling and testing influences, family influences, and external influences. These themes are identified in both table 8 and table 9.

In table 8, the questions pertaining to court influences, such as appearing before judges, judges influencing participants to leave or enter the program, and the court influencing participants to enter or leave the program found significant disagreement between the perceptions of participants, and those of court personnel. Other areas in the theme of court influences involving the police officers, probation officers, and prosecutors found very little disagreement between participants and court personnel. The themes of counseling and testing, and family influences show the same divergences in perception between participants and those of court personnel. As shown earlier, court personnel seem to feel that court influences, counseling and testing, and family have more influence on the decisions of participants to enter or leave the program than what participants feel they do. Participants were not asked the questions concerning the theme of external influences. However, most of the court personnel felt that the program was

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very much to somewhat influential in helping participants stay off drugs, find employment, and remain in school.

The findings as shown in Table 9, which compare the perceptions of judges with those of administrators suggest that there is very little difference in their perceptions. These findings of their perceptions are consistent for questions in all four themes.

There is in the findings a question that if the researcher had been able to interview the number of participants originally purposed for the study, an analysis of the demographic backgrounds of the participants, especially family circumstances, may have yielded different results. Particularly, those pertaining to the influence on participants’ ability to enter, leave, complete, and adapt to the program’s rules and requirements. Perhaps future research may answer these questions.
CHAPTER VIII
CONCLUSIONS AND IMPLICATIONS

The focus of this study was to identify those factors that have a coercive effect on the success or failure of study participants in the Kalamazoo County Diversion Drug Court Program. The centers of this focus are the study participants, judges, Court personnel, counselors, prosecutors, caseworkers/probations officers, and police officers, as well as drug testing, and court sessions.

Summary of Findings

Although the number of participants interviewed was small there are some noteworthy conclusions that can be drawn. We may conclude that the drug problem is not specific to age, gender, or race. The ages ranged from a low of seventeen years to a high of fifty-one years, with seven of the nine study participants being younger than forty years old when they entered the drug court program. There were seven males and two females in the study, but this division does not reflect the actual ratio of participants currently in the drug court program. Of note is that females outnumber males in the total number of participants since the women’s program began in 1992, and the men’s program was not established until 1997. Given these facts the small number of females in the study was not expected. Racially, the study included six participants who were white and three who were African-American. These numbers, also, do not reflect the actual racial ratio of participants. Observations by the researcher during court sessions indicate a much higher number of minorities (Hispanics, Asians, American Indians, and others) in the program.
The study statistics show that there was significant variation in the number of months that the study participants were in the program. Three of the nine study participants had been in the program less than a year, and six study participants had been in the program from one and a half years to three years. Based on these findings we may conclude that those that remained in the program the longest were more likely to graduate. The five of the nine that graduated had been in the program the longest. Those who were in the program for the shortest time were not successful. Again, because of the small number of study participants these findings may not be significant, but may indicate a pattern which should be confirmed or refuted through further study.

The education level of participants may also be an indicator of program success. The five individuals who were successful in the program had the highest level of education, some having gone to college. From observations by the researcher, those participants with some college seemed to be more mature than those without college experience. This maturity may have enabled the successful study participants to better adhere to the program requirements.

Some of the findings of the study show that the participants' perception of influence and coercion from appearing before judges, the court process, counseling, probation officers, and drug testing is quite different from the perceptions of judges and court personnel. Participants said they were very little or not at all influenced by the preceding requirements of the program. Judges and court personnel indicated that they thought participants were very much to somewhat influenced by court requirements.

Some of the major reasons for this difference in perception between participants and judges and court personnel may be due to influences outside of the program
environment. Such influences may be the lack of transportation, fear of losing jobs, and having to miss classes if they are in school. Perhaps, the influence of a negative environment at home, such as family members that are using drugs and/or alcohol.

One of the most noteworthy observations of the study is that the participants' responses to questions on the questionnaire contradicted what they said during interviews and discussions after responding to the questionnaire. Such contradictions are seen in their responses to the questions of whether or not judges, counselors and drug tests influenced them to enter or leave the program. On the questionnaire they responded that they were not influenced at all or very little. However, during the interview afterwards they would expound on how difficult it was to come in for counseling sessions, or how they did not trust the procedure used to administer the drug tests. These latter responses may be more an indication of how much participants were really affected by program requirements. One could also conclude that they did not understand the questions, or maybe they were responding in a way they thought the researcher wanted them to respond. However, it seemed clear that it was not the requirements themselves that were at fault but rather the effort needed to meet them. These discrepancies would be well addressed in future studies.

Differential Perceptions Between Participants and Court Personnel

The question then is, why do study participants, judges and court personnel differ in this regard? Some assumptions are that judges and court personnel have an inflated opinion about the level of their own influence on study participants. Some judges and court personnel said that their power to remove participants from the program gave them influence on how participants feel about them, and the drug court program. Perhaps
study participants are unaware of the amount of influence that judges and court personnel have on them, they do not recognize their power, or that judges and court personnel really do not have much influence on study participants’ decisions about the drug court. The accuracy of these assumptions may be somewhere in the middle.

Probably closer to reality are the responses of the three study participants who were terminated from the drug court program, and the one participant that opted out of the program, who said that they thought that the rules either did not make sense to them, or were not fairly applied to all study participants. The application of the rules when study participants failed to comply with program requirements is where participants found the most frustrations. Violations by some study participants were met with immediate termination from the program or jailed for the weekend, while other participants were only given a warning or were verbally reprimanded by judges. Because of these inconsistencies participants said they became frustrated and lost the desire to continue in the program.

**Implications for the Future of the Drug Court Program**

In spite of the several criticisms participants had of the program, six of the nine study participants (five completed the program) said they would recommend the drug court program to others because the drug court program gave structure to their lives and an opportunity to change their lives. They added, that the program forced them to face the fact that their lives would not get any better unless they faced up to their drug problem, and how they lived. On the other hand, one participant said he would not recommend the drug program to others because there were too many obstacles in the program. He thought that the efforts required to conform to program requirements were
not worth the benefits to him. From this statement we may conclude, even with this small group of study participants, that unless a person is ready to change he will find reasons why he cannot change.

However, the researcher would suggest that the drug court program should be more aware of the out-of-court circumstances of participants, and make allowances for problems involving transportation, job situations, and family. The researcher realizes that the ultimate responsibility lies with the participants to overcome these problems, it nonetheless, would be in the best interest of the program to be more accommodating when and where possible.

According to studies reviewed by Farabee et al. (1998), coercion can have a positive effect on study participants. As was shown in the study by Schnoll et al. (1980), a positive relationship was found between legal status and treatment outcomes.

Perhaps a confirmation of the above is that six of the study participants said there is nothing about the program they would change. This assessment was given by the five who were successful and the one who opted out of the program. Their assessment is different from the other three study participants who were terminated by the program court personnel. The three who were terminated said that the drug court should try to understand study participants as individuals, be easier on those who are trying to comply with drug court requirements, and the program should correct drug test mistakes. These statements by the three unsuccessful study participants may be indicative of how unfairly they believed they were treated by judges and court personnel; or perhaps, it is indicative of how little dedication they had in improving their lives.
The study concluded that the impact of prosecutors and police on study participants is negligible because once study participants are admitted into the program there is little or no contact between participants, police and prosecutors.

**Suggestions for Further Research**

Although the study findings have pointed out differences in perception and impact of many of the variables in this study, such as age, education, children, and judges and court personnel, there is room for further speculation about the conclusions that may be found in the study data.

The sometimes large differences in perceptions found between study participants, judges and Court personnel suggest that drug court personnel should investigate the reasons for these differences. If these differences are not reconciled it will be very difficult to improve the success rate of participants that graduate from the program.

Further research may point out areas that drug court personnel feel are not very important to study participants, but may be pivotal to how participants adjust to and conform to program requirements. Examples of this could be the fear that participants have of losing their jobs, being seen by acquaintances in court, and the pure embarrassment of being in the program. Another factor that should be considered by judges and Court personnel is the difficulty that participants have in getting transportation from their homes, jobs or school to keep appointments with counselors, caseworkers, and court appearances. Most court personnel tend to say that this is the price that participants must pay for committing the crimes that brought them into the program in the first place. Whether these factors have coercive effects on study participants is difficult to
say; however, the manner and conditions under which the price is exacted should be examined by the drug court.

The benefit of the study to study participants is finding better ways to treat their addictions, and therefore prevent their committing drug related crimes. It will also enable counselors, social workers, and other service providers to better ascertain ways to administer drug tests, and provide better counseling to study participants that are less intrusive. Furthermore, the study will enable judges and probation officers to achieve a better balance in determining when community service or jail is the best punitive remedy for program violations. Also, there should be in place a means by which participants can appeal when there is legitimate doubt whether a participant's drug test is dirty or not dirty. That is, there should not be an automatic assumption that the participant is lying when they dispute the status of the drug test.

This current study has also included the perceptions of judges and Court personnel to determine how much their perceptions differ from the perceptions of the study participants in the Kalamazoo County Drug Treatment Court. Where there are large differences in perception between the two groups we might look in future studies more deeply into these differences using a larger study population under different conditions. If, after further study, these differences prove to be determinant we might suggest that judges and Court personnel look at the study participants from a different perspective, and take a different approach in their treatment of drug court study participants.

Continual improvement of the drug treatment court program should be an ongoing process. Foremost consideration should be given to consolidating of drug court
services. It would be more accommodating and presumed more effective if study participants had a central location to go for drug testing, counseling, court appearances, and even going to jail when the need arises. The consolidation may even mitigate some of the coerciveness that may be caused by the overall requirements of the program.

Finally, if judges and Court personnel are not aware of the differences in perception of many of the people involved in the program it will continue to be difficult to retain more participants in the program. It is hoped that the findings of this study, though limited to a small population, will be instrumental in bringing about an awareness of the differences between the perceptions of study participants, and those of judges and court personnel. Ultimately, if these changes can be made to the structure and policies of the program then more participants will be successful in the future.
Appendix A

Research Protocol Approval
Date: January 24, 2002

To: James Visser, Principal Investigator
    James Houston, Student Investigator for dissertation

From: Mary Lagerwey, Chair

Re: HSIRB Project Number 02-01-15

This letter will serve as confirmation that your research project entitled "Drug Courts: A Study of Rentention and Suspension in the Kalamazoo County Drug Court Program" has been approved under the exempt category of review by the Human Subjects Institutional Review Board. The conditions and duration of this approval are specified in the Policies of Western Michigan University. You may now begin to implement the research as described in the application.

Please note that you may only conduct this research exactly in the form it was approved. You must seek specific board approval for any changes in this project. You must also seek reapproval if the project extends beyond the termination date noted below. In addition if there are any unanticipated adverse reactions or unanticipated events associated with the conduct of this research, you should immediately suspend the project and contact the Chair of the HSIRB for consultation.

The Board wishes you success in the pursuit of your research goals.

Approval Termination: January 24, 2003
Appendix B

Drug Court Administrator’s Letter
December 5, 2000

To: Former Drug Court Participants

From: Connie Laine, Administrator
Intake and Evaluation Services
Office of Drug Treatment Court Program

Dear Former Participant:

You may be contacted in a few weeks by Mr. James Houston, who is a doctoral student from Western Michigan University. Mr. Houston is doing a study on the Kalamazoo County Drug Treatment Court Program, as his dissertation work.

We have given Mr. Houston a list of names of former drug court participants, on which your name is included. It is not certain that your name will be chosen for an interview. But if your name is chosen, only Mr. Houston will know.

Be assured that the drug court will have no knowledge of the content of your interview with Mr. Houston, as we have agreed not to ask for this information. We thank you for any help you may be able to give Mr. Houston in his most important work.

Sincerely,

Connie Laine, Administrator
Intake and Evaluation Services
Office of Drug Treatment Court Program
1400 Gull Road
Kalamazoo, MI 49048
Appendix C

Drug Court Study Questionnaire for Participants
Drug Court Study Questionnaire
By James H. Houston
Western Michigan University

No:________________

Education: LT/HS___ HS (GED)___ Some College___ College___ Post College___

Marital Status when you entered the drug court program:
4. Divorced___ 5. Living with partner___ 6. Living with family___

Marital Status when you left drug court program:
4. Divorced___ 5. Living with partner___ 6. Living with family___

Do you have children? Yes___ No___ If yes, how many?__________
How old are they now?_______________________________________

Number of Children: Under 6 yrs of age_______ Over 6 yrs of age_______

Employment Status:
Employed full-time___ Part-time___ Unemployed___ Student___
Other____________

If working, how many hours per week?_________
How long have you been working at this job?_________
How long have you been unemployed? Yrs.____ Mos._______

A. Why did you decide to enter the drug court program?______________________________
________________________________________
________________________________________

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B. How much did the following influence your entering the drug court?  

(1) Very much (2) Somewhat (3) Very little (4) Not at all  

(Circle one in each area)  

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C. If applicable, how much did having children influence you to enter the drug court program?  

1  2  3  4  

D. Were there any other people or events that influenced you to enter the drug court program? __________________________________________

________________________________________

E. How did the people or events influence you to enter the program?  

________________________________________

________________________________________

F. What did you personally like about the drug court program? __________________________________________

________________________________________

________________________________________
G. What did you personally dislike about the drug court program?__________________________________________
__________________________________________
__________________________________________

H. Why did you voluntarily leave, involuntarily leave, or graduate from the drug court program?________________________________________________________
________________________________________________________
________________________________________________________

I. How much did the following influence you to leave the drug court program?

1. Very much (2) Somewhat (3) Very little (4) Not at all

(Circle one in each area)

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J. If you have children, how much did having children your decision to leave the drug court program?

1  2  3  4

K. Were there other people or events that influenced you to leave the drug court program?________________________________________________________
________________________________________________________
________________________________________________________

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L. What did you personally like about the drug court program?

M. What did you personally dislike about the drug court program?

N. What did you find the hardest about the drug court program?

(1) Very much (2) Somewhat (3) Very little (4) Not at all

(Circle one in each area)

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O. Why did the court terminate you from the drug court program?

P. In what type of living situation were you living when you entered the drug court Program?

(1) Lived alone (2) With Roommate (3) With Spouse (4) Spouse & Children (5) Parents/Relatives (6) Other
Q. How many of the people living with you at the time you entered the drug court were using drugs (excluding alcohol)?
   (1) All  (2) Most  (3) A few  (4) None

   (Circle one)  1  2  3  4

R. How many of your close friends abused drugs and/or alcohol at the time you entered the program?
   1  2  3  4

S. How many people are living with you now?
   1  2  3  4  5

T. How difficult was it for you to comply with the following requirements of the drug court?
   (1) Very much  (2) Somewhat  (3) Very little  (4) Not at all

   (Circle one in each area)  VM  SW  VL  NA
   Urine screens        1  2  3  4
   Counseling          1  2  3  4
   Attend court         1  2  3  4
   Meet w/probation officer  1  2  3  4

U. To what degree do you feel that the drug court program helped you stay off drugs?
   1  2  3  4

V. If applicable, to what degree did the drug court program help you find employment?
   1  2  3  4

W. If applicable, to what degree did the drug court program help you remain in school?
X. Would you recommend the drug court program to others?

(1) Yes____ (2) No______ (3) Don't know____

Why or why not____________________________________________________
_________________________________________________________________
_________________________________________________________________
_________________________________________________________________
_________________________________________________________________
Appendix D

Drug Court Study Questionnaire
for Judges and Court Personnel
Drug Court Study Interview Schedule
for Drug Court Administrators and Judges
By James H. Houston
Western Michigan University

Our discussion will probably last about 30 minutes. Also, please know that anything you tell me will be kept completely confidential. I will not discuss our conversation with anyone outside the research team.

01. How long have you been in your current job? ______ months ______ yrs.

02. How long have you been working in this program? ______ months ______ yrs.

03. Why did you volunteer to participate in this program?

__________________________________________________________________________

__________________________________________________________________________

__________________________________________________________________________

04. How much do you believe your decisions in your role influence participants to remain in the drug court program?

(1) Very much (2) Somewhat (3) Very little (4) Not at all

05. How much do you believe your decisions in your role influence participants to leave the drug court program?

(1) Very much (2) Somewhat (3) Very little (4) Not at all

Why do you think your decisions influence them to this extent?

__________________________________________________________________________

__________________________________________________________________________

__________________________________________________________________________

__________________________________________________________________________

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06. How much do you believe the following influence participants to leave the drug court program?
(1) Very much (2) Somewhat (3) Very little (4) Not at all

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07. What do you think participants find the hardest about the drug court program?
(1) Very much (2) Somewhat (3) Very little (4) Not at all

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Is this what you expected when the program began? Yes____ No____

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08. How difficult do you believe it is for participants to comply with the following requirements of the drug court? (1) Very much (2) Somewhat (3) Very little (4) Not at all

(Circle one in each area)

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09. Is this what you expected when you joined the program? Yes No

10. To what degree do you feel the drug court program helped participants stay off drugs? 1 2 3 4

11. Is this what you expected when you joined the program? Yes No

12. To what degree do you feel the drug court program helped participants find employment? 1 2 3 4

13. Is this what you expected when you joined the program? Yes No

14. To what degree do you feel the drug court program helped participants remain in school? 1 2 3 4
15. Is this what you expected when you joined the program? Yes____ No____

16. How much do you believe the following influence participants to leave the drug court program?

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17. What do you see as strengths of the drug court program?

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18. What do you see as weaknesses of the drug court program?

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19. Do you feel that the drug court program realistically consider the participants’ lives when enforcing program requirements? Yes? No?_____

Why or why not? ______________________________________________________

20. What do you see as the future of the Kalamazoo County drug court program?

____________________________________________________________________

____________________________________________________________________

____________________________________________________________________

____________________________________________________________________

____________________________________________________________________

21. How do you see funding affecting the future of the drug court program?

____________________________________________________________________

____________________________________________________________________

____________________________________________________________________

____________________________________________________________________

____________________________________________________________________

22. How do you see court support affecting the future of the drug court program?


23. What affect will state support have on the future of the drug court program?

24. How important is community support for the future success of the drug court program?

25. What do you see as obstacles to the success of the drug court program?
26. Are there things you would like to see changed in the drug court program, and how would you like to see them changed?
Reference List


Office of Drug Treatment Court Programs. (2000).

Office of Drug Treatment Court Programs. (2002). Kalamazoo, Michigan:


