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Salvatore, Christopher; Hiller, Matthew; Samuelson, Benta; Henderson, Jaime; and White, Elise, "A Systematic Observational Study of a Juvenile Drug Court Judge" (2011). *Department of Justice Studies Faculty Scholarship and Creative Works*. 47.

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A Systematic Observational Study of a Juvenile Drug Court Judge

By Christopher Salvatore, Matthew L. Hiller, Benta Samuelson, Jaime S. Henderson, and Elise White

ABSTRACT

The shift of the juvenile justice system from its initial rehabilitative ideal toward a more punitive orientation highlights the need to systematically document key elements of the juvenile drug court model. In particular, it is important to clearly document the role of the juvenile court judge because he or she is considered vital to this program model. The current study used participant observation as well as confidential questionnaires on which youth shared their perceptions of the judge. Findings show the judge-participant interactions typically were brief, varied by the participants' level of compliance with the program, and that sanctions were given twice as often as rewards. Youth perceived the judge to be fair, respectful, and concerned about their lives. Discussion focuses on the significant opportunity that juvenile drug court judges have for positively influencing the lives of drug-involved youth.

Over the past two decades, the juvenile court system has shifted from its original rehabilitative ideals toward a more punitive orientation, emphasizing that youthful offenders must take responsibility and be punished for their delinquent acts (Feld, 2007; Hurst, 1999). Although balanced and restorative justice and deterrence continue as philosophical guidance for many juvenile justice agencies, the punitive focus remains paramount in the mind of the public and many practitioners (Snyder & Sickmund, 2006). This punitive focus is reflected in media references to juvenile offenders as criminals and terms like "juvenile arrest" and "juvenile prison" used to describe the activities of the juvenile justice system (Feld, 2007; Moak & Hutchinson Wallace, 2003). Some authors argue the juvenile court system has become

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increasingly similar to adult court, with sanctions for youth becoming roughly equivalent to those that adults receive (Applegate & Santana, 2000; Feld, 2007). Currently, all states allow juveniles to be transferred to criminal court for their trial, either through statutory exclusion laws that divert certain categories of juvenile offenders to the adult system or direct file laws that allow prosecutors discretion in processing a juvenile either in juvenile or adult court (Griffin, 2003). Transfer can happen through prosecutorial discretion, judicial waiver, or statutory exclusion (Sickmund, 1994). Often, the public sees the solution to juvenile delinquency as the need to treat “adult crime with adult time” (Merlo & Benekos, 2003). Within this context, program models that emphasize rehabilitation instead of punishment alone, such as juvenile drug courts (JDCs), must be clearly documented and understood.

Several factors have contributed to this change in the administration of the juvenile justice system, including a “heightened fear of juvenile crime, demonization of youth,” and the public’s “perceived ineffectiveness of the juvenile justice system” (Merlo & Benekos, 2003, p. 277; see also Feld, 2007). The juvenile court system has also seen a marked increase in the number of drug-related cases (Sloan & Smykla, 2003). For example, between 1990 and 1997, the arrest rate for juveniles for drug law violations increased 122% (Sickmund, Sladky, & Kang, 2008). This spike in juvenile drug arrests led to increased frustration among many juvenile court judges who found that processing juvenile drug offenders in the traditional juvenile court usually meant inconsistent service delivery, low levels of family engagement, long waiting lists for treatment programs, and little ability to influence the extent and form of treatment that juvenile drug offenders received (McGee, Parnham, Merrigan, & Smith, 2000). As a result, in the mid-1990s, several juvenile courts adopted and modified the adult drug court model focused on substance-abusing delinquent offenders. By 2003, the United States had more than 300 juvenile drug court programs, and more being developed (Butts & Roman, 2004). Butts and Roman (2004) suggest that the apparent success of adult drug courts made implementing JDCs seem like a step in the right direction. Consequently, JDCs focus efforts on the goals of diverting and rehabilitating youthful offenders who use drugs (Applegate & Santana, 2000; Urban, St. Cyr, & Decker, 2003).

These goals are expressions of Therapeutic Jurisprudence, the underlying philosophy of adult and juvenile drug courts. Compared to the focus of traditional jurisprudence, Therapeutic Jurisprudence emphasizes “the role of law and the court as a therapeutic agent” (Drogin, 2000, p. 489; Hora, Schma, & Rosenthal, 1999). That is, courts are expected to focus on the psychological well-being and welfare of the people affected by the law, and not exclusively on whether the law’s objectives are met (Vitello, 2003). A recent National Evaluation of Juvenile Drug Courts conducted by the Urban Institute found that the judges strongly supported the principles of therapeutic and restorative justice, suggesting that judges value these therapeutic ideals (Rossman, Butts, Roman, DeStefano, & White, 2004). Reflecting these ideals, and acknowledging the fact that juvenile offenders’ needs differ from those of adult offenders, the U.S. Department of Justice through the Bureau of Justice Assistance published a monograph that presents a consensus statement of “16 Strategies,” which serve as recommendations for planning and implementing juvenile drug courts (Bureau of Justice Assistance [BJA], 2003). All 16 strategies have been identified as possible key components for a successful juvenile drug court, and suggested for consideration when local stakeholders develop a new program.

For example, the first of the 16 strategies indicates that shared planning among stakeholders and teamwork are needed for developing and implementing a juvenile drug court. Other strategies focus on having a clearly defined target population and criteria for eligibility, drug treatment, drug testing, goal-oriented incentives and sanctions, confidentiality of the participant, and monitoring and evaluation. In addition, the strategies indicate that a juvenile drug court should develop comprehensive treatment plans and use developmentally- and gender-appropriate treatment services. This monograph also suggests that other key components to be implemented within each specific drug court include cultural competency and focusing on strengths, family engagement, and education. Finally—and perhaps one of the unique aspects of this model—the judge’s position and role are emphasized as a key ingredient in the JDC process (BJA, 2003). As a major part of this model, the judge has the discretion to apply sanctions and incentives to influence a youth’s behavior.

The “16 Strategies” identify the use of sanctions as a key aspect of the JDC model. Elements of rational choice or deterrence theory (see Cornish & Clarke, 1987) are the foundation of the JDC’s use of sanctions. The core idea of deterrence theory is that individuals are rational, and behaviors result from free will and individual choices. Further, people choose to violate rules by making a cost-benefit analysis, weighing the costs (i.e., sanction) against the benefit (i.e., getting high). Using sanctions in a JDC may alter how participants gauge the “benefit” of drug use against its cost “sanctions” (Butts, Roman, Rossman, & Harrell, 2004). A detailed look into the sanctioning behaviors of a JDC judge could provide a valuable insight by allowing practitioners and researchers to better understand the sanctioning behaviors of judges and the influence of these behaviors on participants’ assessment of the costs and benefits of drug use.

Unlike the adult drug court intervention model, which has a relatively large body of research on its effectiveness and the key elements (e.g., role of the judge), JDCs have only a small number of peer-reviewed published studies. Many of the published articles report the findings of quasi-experimental evaluations of specific JDC programs and do not provide in-depth descriptions of specific aspects of the program or their relative impact on participants. Beginning with the first published evaluations of JDC programs in Wilmington, Delaware, and Santa Clara, California (Miller, Scocas, & O’Connell, 1998; O’Connell, Nestlerode, & Miller, 1999; Shaw & Robinson, 1998), findings have suggested that during-treatment recidivism rates are lower for participants who remain in the program than for those who drop out of the program and individuals from non-drug court comparison groups.

In a more recent study, Rodriguez and Webb (2004) summarized the results of a quasi-experimental study that compared juveniles who were assigned to regular probation with juveniles assigned to drug court. Using three years of data, the researchers examined the effectiveness of JDC compared to standard probation, and the legal and social variables that affected the youths’ drug use and delinquency. Results indicated that juveniles in drug court were less likely to commit another delinquent act while in the program than juveniles in the comparison group. Paradoxically, the longer a juvenile was in the program, the greater was the likelihood that he or she would commit a new delinquent act afterwards. Therefore, the researchers suggest that specific aspects of the JDC, such as amount and quality of treatment received, be examined in relation to the positive or negative effects of these components on the juveniles’ drug use or delinquency. In other words, it is time to examine the practices of

juvenile drug courts to begin to understand the different components of this model and whether, and to what extent, they influence participant behavior.

More recently, Henggeler et al. (2006) published a study reporting on the one-year outcomes of a randomized trial of a juvenile drug court. The study randomly assigned 161 youths to one of four conditions, including family court with community services (i.e., traditional juvenile court), drug court with community services, drug court enhanced with Multi-systemic Therapy, and drug court enhanced with Multi-systemic Therapy and contingency management.¹ Findings demonstrated that JDC reduced in-program delinquency and drug use. Participation in the enhanced conditions was related to additional, but comparatively smaller, reductions in delinquency and drug use (Henggeler et al., 2006).

With studies beginning to show that JDCs may be effective, research also should begin to focus on describing the specific components of this model and how each influences the participants' behavior. Although Therapeutic Jurisprudence has broadened the focus of problem-solving courts such as JDCs, they are still fundamentally court programs. As such, the judge is the central figure and thus a logical component of the model on which research should be focused. In drug courts, the judge is no longer seen only as a dominating force who enforces the law, but also as a mentor to help participants achieve their goals for dealing with drug abuse. In a therapeutic drug court, the judge is encouraged to be a "fact-gatherer, (agenda-driven) treatment counselor, problem-solver, collaborator and administrative taskmaster" (Matt, 2004, p. 165). It may be that "on-going judicial supervision communicates to participants—often for the first time—that someone in authority cares about them and is closely watching what they do" (National Association of Drug Court Professionals, 1997, p. 27). The judge may be even more important in juvenile drug courts than in adult drug courts. Juveniles are often still young enough when they enter the JDC that they may be even more responsive than participants in adult drug court to an authority figure who genuinely wants them to change their lives and will help them do so. However, many juveniles are often short-term oriented and believe they are "indestructible"; as such the possibility always exists that participants who choose not to follow the program requirements or the judge's direct orders may be sent back to the traditional court system for case disposition. Although judges are seen as the authority figures in programs such as drug courts, one may question their importance to the process and the participants' outcome. To date, no research has focused on the JDC judge, so the literature on adult drug courts may be used as a proxy for what may be true in JDCs.

Recent research suggests the judge appears to have an impact on defendants' progress and outcomes in adult drug courts (Goldkamp, White, & Robinson, 2001; Saum et al., 2002). For example, studies conducted by the University of Pennsylvania (Festinger et al., 2002; Marlowe et al., 2003; Marlowe, Festinger, Dugosh, & Lee, 2005) tested the effects of the frequency of judicial status hearings on participant outcomes. Misdemeanor drug offenders admitted into the drug court were randomly assigned to either bi-weekly or as-needed judicial status hearings. Initial findings reported from this study showed that more frequent contact with the judge did not produce a better outcome for the participants during their first 14 weeks in the program (Marlowe et al., 2003). Extending the study's timeframe, Marlowe et al. (2005)

1 Contingency management consisted of three additional components added to MST: a voucher system that rewarded negative drug tests, a functional analysis of drug use that provided the foundation for self-management planning, and protocols for self-management (Henggeler et al., 2006, p. 44).

examined the 6- and 12-month outcomes for the same participants. Again, analyses did not reveal any substantial differences between the outcomes for the participants assigned to bi-weekly judicial status hearings and those assigned to as-needed judicial status hearings. Testing the idea that some types of participants might be more responsive to interactions with the judge, Festinger et al. (2002) compared participants who met criteria for antisocial personality disorder (APD) with those who did not. Analyses showed that participants with APD did better with more frequent interactions with the judge. That is, those with APD had more drug-free weeks when assigned to the bi-weekly judicial status hearings than those with APD assigned to as-needed hearings. Participants without APD had more drug-free weeks and were more likely to complete the program when assigned to the as-needed judicial status hearings (Festinger et al., 2002).

In another study specifically designed to test the finding that some types of participants respond differently to different levels of interaction with the judge, Marlowe, Festinger, Lee, Dugosh, & Benasutti (2006) paired judicial supervision with the participants' risk status. Higher risk participants, defined through scores on the Antisocial Personality Disorder Scale and the Addiction Severity Index, were assigned to bi-weekly judicial status hearings and lower risk participants to as-needed judicial status hearings. Results showed that higher risk participants in the bi-weekly status hearings had better in-program results than low-risk participants assigned to the as-needed judicial status hearings.

THE CURRENT STUDY

Studies of adult drug courts suggest the judge is indeed a key component of the model, but no research has specifically focused on juvenile drug court judges. Therefore, using data collected during systematic observations, the current study examines the interaction between the judge and a group of JDC participants. Specifically, it was of interest to capture a systematic description of the interactions between the judge and the participants during their weekly drug court review hearings. Although strictly descriptive, this study sheds light on the activities and influence of the JDC judge and begins to address a noticeable gap in the literature on this mode of intervention. Data were collected and coded to determine how long each interaction lasted, what happened during the interaction, and the judge's demeanor with each participant. Analyses investigated whether these judicial interactions were related to the participant's during-program compliance. Finally, a pilot survey was completed with the JDC participants to assess their impressions of the judge.

METHOD

Sample

From June 16 to October 24, 2006, the research team observed and coded 272 interactions between the JDC judge and participants during the 19 different court review sessions held with 51 Juvenile Treatment Court (JTC) participants in an inner city of Philadelphia,

Pennsylvania. Most of the juveniles observed were male (92%). The sample was 98% African American and 2% Caucasian. Although objective measures of the youths' age, prior criminal history, and use of illicit drugs were not collected, it should be noted that admission policies dictated that the program was open only to youth who were between 14 and 17 years old with two or fewer prior adjudications, and who admitted to using drugs daily.

Program Description

Like most juvenile drug courts, the program we studied represents a collaboration between a group of stakeholders from the local juvenile justice system, community-based drug abuse treatment, public schools, and other service providers. This team included representatives from the district attorney's office, the public defender's office, juvenile probation, the health department, the school district, the Department of Human Services, a local private healthcare provider, a mental health consortium, and others. The team's overall goal was to work together to provide services and supervision to drug-involved juvenile offenders.

To stay updated on all cases, the team met every week immediately prior to the scheduled drug court review hearing for approximately two hours to discuss the participants who were to appear that day. Typically all team members, except the juvenile drug court judge, were present during this meeting. The team discussed the youth's progress in treatment, school, work, and at home since his or her last review hearing with the drug court judge (see Salvatore, Henderson, Hiller, White, & Samuelson, 2010). If a youth had engaged in non-compliant behavior since the last review, the team discussed and suggested a sanction for the judge to impose. If the participant was doing well, the team discussed how progress may be acknowledged. The team also tried to identify and address any potential problems it perceived to be arising in the child's life. These meetings gave all team members a chance to compare notes and make sure that all issues were addressed during the drug court review session when the youth interacted with the judge who reviewed their progress or lack of progress in the program.

The program had four phases. The first three phases were expected to take at least six months to complete and included substance abuse treatment (provided through an intensive outpatient treatment program), supervision through probation and contracted community providers, and urine drug testing. School attendance and progress were also closely monitored. Youth advanced through the first three stages by meeting the goals in their individualized treatment plans, and the intensity of treatment services and supervision was reduced as they were promoted to higher program phases. For example, during the first and second phases, youth attended intensive outpatient substance abuse treatment three times per week, had their case reviewed by the team and the judge every two weeks, and received close community supervision. A youth promoted to phase three attended substance abuse treatment twice a week, had a status hearing with the team and judge every three weeks, and had community supervision reduced. After completing the third phase of the program, the youth attended a commencement ceremony and then entered the fourth phase. During this phase, the youth met with the juvenile treatment court coordinator once per week during the first month and reported to the drug court hearing to update his or her status every six months for one year. If the participant was arrest-free during the entire fourth phase, the record of the charge and plea that resulted in JDC placement was expunged.

When youth were non-compliant with the program—that is, when they had an unexcused absence from a treatment session, poor performance at school or on supervision, or submitted drug-positive urines—the judge sanctioned them during the next court hearing. Sanctions included receiving a verbal reprimand from the judge, having to write an essay related to their non-compliant behavior, doing 4-12 hours of community service, and attending Respite² (an experiential wilderness program). If a youth had a drug-positive urine drug screen, he or she typically was re-evaluated by program staff and may have been placed in a higher level of care, such as intensive residential treatment. Frequently, when a sanction was imposed, promotion to a new phase also was delayed for two weeks. The team and the judge also rewarded youth for positive behavior. Rewards included praise from the judge or team, applause during the court status hearing, or promotion to a higher program phase. More tangible rewards, such as gift certificates, were not provided, though some JDC members did informally reward success in the program by taking the participants to lunch or by purchasing gifts (e.g., sunglasses) for them. Commencement rewarded youths who had successfully completed the first three phases of the program. The ultimate reward was the expungement of the initial charge and plea for those who remain arrest-free for one year after completion of the program.

Data Collection Procedure

During the timeframe of the data collection, researchers attended each pre-hearing conference as well as the court review hearings. Because this project's focus was to describe the interactions between the judge and participants during the judicial review hearing, qualitative and quantitative data were systematically coded using a structured observation protocol. Two trained research assistants separately coded each youth's data for both the pre-hearing conference and the juvenile drug court hearing.³ As shown in Appendix A, general information was coded at the top of the page such as date of the observation and the time when the review session began, the time when the session ended for each participant, and the participant's gender and ethnicity. The rest of the code sheet was separated into two sections of observable data: the pre-hearing conference and the drug court hearing. The pre-hearing conference section had five categories for coding information: treatment, education, supervision/case management, drug use, and recommended sanction. The drug court hearing section had five categories for coding information: attendance, actual sanction, rewards, judge's demeanor with participant, and other notes. Each category contained multiple subcategories. Inter-judge

2 This Respite program is based on the Wilderness Adventure Therapy (WAT) model that uses group interaction in wilderness settings as a form of group therapy. These programs involve having group members work together to accomplish tasks and goals. Group members are instructed not to allow improper actions within the group, and issues are addressed as they arise before they group can continue in the assigned tasks (Jones, Lowe, & Risler, 2004). WAT programs have been used for both adult and juvenile criminal justice populations and have shown promise in reducing recidivism (e.g., Davis-Berman & Berman, 1989; Snyder & Sickmund, 1999).

3 The coders were involved in the iterative process used for developing the code sheet. During each pre-testing of the instrument, each coder provided feedback about the use of the code sheet and how data were to be coded to ensure standardization. Discrepancies were discussed, and specific guidelines for data coding were made. For example, when coding the length of the youth-judge interaction during court, procedure called for the coder to code the session start time when the judge first verbally addressed the youth and the end time when the judge flipped over the youth's file, signifying that he was finished reviewing the case.

reliability, the extent to which different people make similar assessments of information, was high for the coded data. For example, correlations between the two coders ranged from .82 for the proportion of sessions where an “other” (non-parent) family member was present to .96 for the proportion of sessions any family member attended court with the youth. Although lower than the family involvement items, reliability also was high for the compliance indicators. Correlations ranged from .70 for a drug positive urinalysis result to .87 for being late to school. One variable, whether a sanction was received, had a kappa = .65.

Measures

Interaction variables. As noted earlier, researchers coded the interactions between the judge and participants during the drug court review hearings. One variable focused on the length of the interaction (minutes) between the participant and the judge. A categorical variable also was created to reflect specific intervals for the length of the review sessions, ranging from 1 (<1 minute) to 8 (7 minutes or greater).

Another set of variables was created to reflect the specific activities that occurred during each judge-participant interaction, including whether a sanction was given, whether a reward was given, and the judge’s demeanor during the interaction. Variables were generated indicating whether a youth received a reward (1 = yes, 0 = no), as well as the type of reward (e.g., applause, praise, phase promotion); whether a participant received a sanction and the type of sanction (1 = yes, 0 = no) received, and the judge’s demeanor with the participant (coded on a 7-point Likert-scales). The judge’s general demeanor was broken down into five categories of logically opposed anchors, each consisting of a 7-point Likert-scale format. Using this scale, the coders rated the judge during each interaction as being either tense (rating = 1) to relaxed (rating = 7), stern (rating = 1) to friendly (rating = 7), closed (rating = 1) to open (rating = 7), scolding (rating = 1) to encouraging (rating = 7), and dismissive (rating = 1) to attentive (rating = 7).

Compliance. Information regarding compliance with the program was based on information coded during the pre-hearing conference. This category included information about treatment attendance, school attendance, and results from urine drug screens. A variable reflecting whether a youth had an unscheduled absence from treatment was created using this information (0 = no unexcused absence, 1 = unexcused absence), as was a variable reflecting whether a youth had an unexcused absence from school (0 = no unexcused absence, 1 = unexcused absence). Last, a variable was created reflecting the results of a urine drug screen (0 = negative drug screen, 1 = positive drug screen).

*Participant perceptions.*⁴ Participants in the drug court also were asked to complete a self-administered survey. The survey focused on seven main areas, including engagement (e.g., I make an effort to be part of the JTC program); self-esteem (e.g., I have a lot in my life to be proud of); program ratings (e.g., I am in the JTC program because I want to receive help for my problem with drugs); judge ratings (e.g., the judge holds me responsible for what I do); self rating (e.g., I stay out of trouble more now that I am in the JTC program); treatment provider

4 Due to limited resources, only pilot data for 14 surveys were collected. As such, the assessment of the measurement properties via factor analysis was not analytically possible. The data are presented here for illustrative purposes only, to provide some insight into how the youth perceived the juvenile drug court judge.

ratings (e.g., I get enough personal counseling time); and personal progress ratings (e.g., I am proud of my progress in the JTC program). The survey consisted of 86 statements which provided participants' answers on a 5-item Likert-scale ranging from 1 (disagree strongly) to 5 (agree strongly). Because this study is focused on only the judge, only data for ratings of the judge are summarized below.

Conceptually, ratings of the judge may be broken down into three areas, including traditional aspects of the court, ratings of the participant-judge relationship, and overall ratings of the judge. Traditional aspects of the court included statements such as "The judge's punishments for negative behaviors are fair" and "The judge is an intimidating authority figure." Items for the participant-judge relationship included "The judge respects me" and "The judge understands what I am going through." Statements representing overall ratings of the judge included "The judge is good at his job" and "The judge is always well prepared for court."

RESULTS

Characteristics of the Interaction between the Judge and Participants

First, analyses were conducted to describe the "general picture" of the activities observed in the juvenile drug court hearing. These analyses focused on the number of times the youth appeared before the judge, the typical length of these interactions, and the total time the youth interacted with the judge across the study period. As shown in Table 1, youth appeared before the judge an average of 4.9 times during the four-month duration of the study. The median number of appearances was five, and ranged from 0 to 11 appearances. On average, individual participant review sessions lasted for 4.03 minutes, with sessions lasting from less than a minute to 11 minutes. The modal length of the judge-participant interaction was between two and 2.99 minutes, with 23% of the interactions lasting this long. Interestingly, the next two most common durations for sessions were one and 1.99 minutes and seven minutes or more (21% and 18% of the interactions respectively). Youth spent a total average of 15.27 minutes interacting with the judge during the four-month duration of the study. The median total time before the judge was 12 minutes (range: <1 to 57 minutes).

Results revealed that 20% of the judge-participant interactions resulted in a reward being given to the participant (see Table 2). This figure included 17.3% of the interactions during which the youth received praise/acknowledgement from the judge; 14.7% of interactions were focused on the youth receiving a phase promotion. Throughout the study, 66% of youth received at least one reward during their interactions with the judge.

As shown in Table 2, sanctions were given almost twice as often as rewards. That is, 35% of the judge-participant interactions resulted in a sanction being given to the participant. Twenty sanctions to Respite and 19 sanctions for in-home detention were given. Sanctions also included essays, delayed phase promotions, verbal reprimands, and community service. During the study, 72% of the participants received at least one sanction.

As noted above, the judge's general demeanor was broken down into five categories of logically opposed anchors (as seen in the code sheet in Appendix A), each consisting of a

TABLE 1
General Characteristics of the Court Hearings (N = 272)

Number of Appearances	
Average (Range)	4.9 (0-11)
Median	5
Modes	1, 6
Length of Session before the Judge	
Average (Range)	4.03 (0-11)
Median	3.0
% Less than 1 minute	2
% 1 to 1.99 minutes	21
% 2 to 2.99 minutes	23
% 3 to 3.99 minutes	10
% 4 to 4.99 minutes	8
% 5 to 5.99 minutes	6
% 6 to 6.99 minutes	12
% 7 or more minutes	18
Total Amount of Time before the Judge	
Average (Range)	15.27 (0-53)
Median	12
% Less than 10 minutes	31
% 10-19 minutes	39
% 20-29 minutes	16
% 30-39 minutes	10
% 40 or more minutes	4

7-point Likert-scale format, for example, ranging from being either tense (rating = 1) to relaxed (rating = 7). The judges' demeanor varied from interaction to interaction, but these variations were relatively small. Overall, the judge presented a relatively neutral demeanor, with average ratings falling in the middle of the range between the two conceptually opposite anchors (see Table 2). For example, for the rating of tense versus relaxed, the judge's average demeanor was rated 4.13 with a standard deviation of 1.21.

Relationship between Compliance and Judge-Participant Interactions

A series of correlations was calculated to assess the relationships between non-compliance indicators such as unscheduled absence from treatment, unscheduled absence from school, a drug screen positive for illicit drugs, and characteristics of the treatment court session and the overall demeanor of the judge. Findings presented in Table 3 illustrate numerous relationships among these variables. For example, the judge issuing a sanction was most strongly related to whether a participant missed treatment ($r = .61, p < .01$) or school ($r = .42, p < .01$). In addition, the judge's overall demeanor with the participant during the hearing was related to

TABLE 2
General Activities and “Tone” of the Court Hearings (N = 272)

<i>Characteristic</i>	
% Participant Received a Reward	19.9
% Praise/acknowledgement	17.3
% Phase promotion	14.7
% Other	5.9
% Participant Received a Sanction	34.9
# of community service sanctions	6
# of in-home detention sanctions	19
# of essay sanctions	3
# of verbal reprimand sanctions	3
# of delayed phase promotion sanctions	10
# of Respite sanctions	20
# of other sanctions	45
Judge’s General Demeanor (Average/SD)	
Tense versus Relaxed	4.13 (1.21)
Stern versus Friendly	4.07 (1.28)
Closed versus Open	4.15 (1.17)
Scolding versus Encouraging	4.08 (1.18)
Dismissive versus Attentive	4.16 (1.15)

TABLE 3
Relationship between Participant Compliance Indicators Noted during Pre-Hearing Conference and Treatment Court Session Characteristics (N = 51)

<i>Treatment Court Characteristic</i>	<i>Treatment Compliance Indicator from Pre-Hearing Conference</i>		
	<i>Absent Treatment</i>	<i>Absent from School</i>	<i>Positive Urinalysis</i>
Length of Session	.13	.35*	-.15
Sanction Given	.61**	.42**	.11
Reward Given	.08	.25	-.13
Judge Tense versus Relaxed	-.24†	-.02	-.22
Judge Stern versus Friendly	-.17	.06	-.08
Judge Closed versus Open	-.27†	.06	-.11
Judge Scolding versus Encouraging	-.31*	-.06	-.11
Judge Dismissive versus Attentive	-.24†	.07	-.11

Note. † $p < .10$; * $p < .05$; ** $p < .01$

TABLE 4
Participant Perceptions of the Judge (n = 14)

<i>Item</i>	<i>% agree/strongly agree</i>	<i>Median</i>
Traditional Aspects of the Court		
The judge's punishments for negative behaviors are fair.	78.6	4
The judge is an intimidating authority figure.	46.2	3
The assignments the judge gives to me are fair.	75.0	4.5
Participant-Judge Relationship		
The judge respects me.	85.7	4
The judge knows what it is like to be my age.	57.1	4
I see the judge as a guide.	69.2	4
The judge remembers details about my case.	53.8	4
The judge understands what I am going through.	66.7	4
Overall Ratings of the Judge		
The judge is good at his job.	85.7	4.5
The judge keeps court moving quickly.	61.5	4
The judge always stays on the subject during court.	69.2	4
The judge is always well prepared for court.	50.0	3.5
The judge is a good judge for the JTC program.	91.7	5

Note: Answers were made on a Likert scale ranging from 1 (*Strongly Disagree*) to 5 (*Strongly Agree*).

the participant's level of compliance. For example, in sessions where an absence from treatment was addressed, the judge was observed to be more scolding than encouraging toward the participant ($r = -.31, p < .05$). Marginally significant results also suggest that the judge was more tense, closed, and dismissive toward participants who had missed treatment.

Participant Perceptions of the Judge

As noted previously, limited resources prevented more than a pilot administration of the survey developed to assess the participants' perceptions of various program components, including the judge. The following analyses are illustrative for providing some insight into what the youth thought about the judge. One set of questions was designed to ask about the traditional aspects of the courtroom interaction, such as providing supervision and meting out punishments. Results, shown in Table 4, indicate that about half the participants agreed/strongly agreed with the statement that the judge is an intimidating authority figure. More than three-fourths indicated the judge was fair, and that his punishments for negative behavior were fair. Examination of the five questions selected to illustrate the participants' perceptions of their relationship with the judge showed a range of responses with about 86% of the respondents indicating that they thought that the judge respects them, but only 57% respond-

ing that the judge knows what it is like to be their age. Finally, in terms of general ratings of the judge, about 86% indicated that the judge is good at his job, and about 92% indicated that “the judge is a good judge for the JTC program.” Ratings for other aspects were a bit lower with about 69.2% indicating “the judge always stays on the subject during court” and 50% responding that the judge is always prepared for court.

DISCUSSION

The current study adds to the limited research literature on juvenile drug courts by examining the interactions between the judge and participants during the drug court review hearing. Overall, findings suggest that these interactions were typically brief and focused more on sanctioning negative behavior than on rewarding positive behavior. In general, the judge maintained a neutral demeanor during interactions with the participants, but varied the approach, particularly when youth missed a scheduled treatment session. The participants seemed to hold the judge in high regard and perceived that he was fair and respectful to them.

Specialized courts are often criticized for excessively using the court system’s limited resources, specifically adding to judicial workload and taking away time from traditional case processing (Goldkamp, 1999). Findings of this study suggest that such criticism is possibly overstated for the current program because the judicial workload was not significantly affected, with individual contact between the judge and participant kept brief and focused on specific issues and progress. On the other hand, no evidence determined whether time is actually saved in the long run by drug courts through reducing the number of new cases in the juvenile system. This empirical question could be examined in future outcome studies by determining whether recidivism is reduced by juvenile drug court participants, thus resulting in fewer repeat cases for the courts to address.

The drug court docket does not appear to significantly influence judicial workload, but questions remain about whether an average judge-participant contact that lasts only between 2-4 minutes is long enough to have a lasting impact on program participants. The findings of this study suggest that the judge’s interactions may reflect participants’ behavior (see Table 2). Judicial interactions largely focused on holding kids accountable for failing to meet program goals and acknowledging success. The reactions participants have to the judge’s sanctions or rewards may vary from youth to youth, and depending upon that reaction, may have a lasting influence on program participants. Another possibility is that the judge’s influence on the participants is reflected in the participants’ favorable survey responses regarding the judge *and his impact*, but the cross-sectional nature of the study precludes any cause-effect analysis of this issue. To directly assess the judge’s influence on the youth, a longitudinal study is needed, perhaps using random assignment to study different levels of participant exposure to the judge. Previous research dealing with judge/participant interaction in adult drug court (see Goldkamp et al., 2001; Marlowe et al., 2006) has found that judges have a measurable impact on participants, posing an interesting question that was not tested in this study, but could be an important avenue of future research.

Findings showed that about 55% of the interactions between the judge and participant resulted in either a sanction or a reward, but it is important to also note that 45% of

interactions resulted in no tangible outcome (sanction/reward) for participants in drug court. Applying principles of effective behavior modification, all judge-participant interactions could more effectively promote the JDC's goals in several ways. First, one of the key aspects in behavior modification is to reward positive behaviors and detect undesirable ones (Marlowe & Kirby, 1999). The 45% of interactions between judges and participants with no tangible outcome could be used to ask probing questions of the juvenile such as "What else could the JDC team do to help you meet program goals?" or "What other behaviors do you think the JDC team should know about?" This would provide yet another opportunity, in addition to drug urinalysis and treatment sessions, to detect unwanted as well as positive behaviors. Next, it is essential that expected behaviors are clearly stated so that participants can avoid negative sanctions (Marlowe & Kirby, 1999). Quantification and operationalization of desired behaviors are of paramount concern when dealing with youth populations, as instructions simply to "stay clean" could be interpreted in several ways (Marlowe & Kirby, 1999). Judges need to provide explicit behavioral expectations and discuss the sanctions that will result in failure to meet these goals. This may be a challenge for judges because there may be circumstances where they are faced with a youth who is compliant in one area, but fails to meet expectations in another. For example, a youth may be attending school regularly as part of his treatment plan, but may fail to pass a drug test. In such circumstances, the judge needs to find an appropriate balance between providing rewards for the compliant behavior (e.g., praise) and sanctions (e.g., community service) for the non-compliant behavior. Finally, judges should use positive reinforcement throughout their interactions with participants (Marlowe & Kirby, 1999). By consistently providing positive reinforcement, judges could use this time to provide an additional level of support and encouragement to participants, helping to create a more positive perception of the program. Positive reinforcement could be accomplished through verbal compliments, and payment vouchers or discount cards for local merchants could be awarded for meeting program goals such as attending school and treatment and providing drug-free urine samples (Marlowe & Kirby, 1999).

The area of participants' perceptions of the program, particularly regarding the judge, requires more research attention. Research in adult drug court suggests these perceptions could be used to differentiate drug court graduates and non-graduates (Saum et al., 2002). Identifying participants who negatively perceive the judge—and addressing these perceptions—may be key factors in program success. Additional factors such as family participation in the treatment process and drug use by friends and peers may also play a role in program outcome (see Salvatore et al., 2010). Further, it would be of value to determine whether any specific characteristics of the youth make the interaction between the judge and youth more or less productive. Festinger et al. (2002) found that higher-risk participants with Antisocial Personality Disorder had better outcomes from more intensive, bi-weekly meetings with the judge. Identification of participants with Antisocial Personality Disorder, higher risk, or other behavioral or emotional issues in this sample could potentially lead to increased levels of engagement with the judge and greater levels of success in the program.

The judge's demeanor often reflected the progress that the participants were making in the program. The results found the judge was more scolding than encouraging to the youth if he or she missed treatment sessions. The judge would also lean toward being more tense, closed, and dismissive when the youth had missed treatment sessions. This would seem to be

a normal reaction for the judge in this situation since he needs to hold the participants accountable for their actions. The judge would often talk to the participants about why missing treatment is not good and stress his disapproval to them verbally as well as with sanctions. Correlation analyses revealed missing treatment or school led to receipt of a sanction. It was seen that the judge was more likely to assign a sanction to participants when they missed school or treatment. This emphasizes the fact that this JDC was focused on treatment and getting kids to stay in school, which may in the long run reduce involvement in delinquency, possibly preventing young offenders from becoming life-time offenders.

LIMITATIONS

This research has limitations. The first is that a testing effect may have been present during the observations, with members of the drug court team and participants acting in a manner thought desirable to the researchers. However, this issue may not be a factor, or its influence reduced, given that the researchers who made the observations in this study were involved with the team for over a year prior to the study. Further, the study took place over four months, so it is unlikely that the influence of any form of testing effect had a substantial impact on the observations.

The second limitation is that the study did not longitudinally track participants in the juvenile drug court. The data collected were cross-sectional, only looking at one period of time. Having longitudinal data that would examine participants over time may allow researchers to track the long-term progress of participants and the influence of the drug court program. Further, using cross-sectional data limited the ability to make causal inferences regarding participant and judge interactions.

CONCLUSION

The current study sought to examine the role of a juvenile drug court judge and the role of judicial interaction with participants during juvenile drug court review sessions. The study's researchers created an innovative way to measure many different dimensions of the pre-hearing conference aspect as well as the judicial status hearing aspect of JDCs. This study went inside a juvenile drug court and brought light to one small area, in hopes that it will bring better understanding of what goes on in a functional juvenile treatment court and what can be done to make the court better. Marlowe et al. (2005) looked at judicial status hearings in adult drug courts and eventually found that the frequency of judicial status hearings can affect the outcome of some drug court clients. That research was on a very large scale with a large sample size. This study's research was done with a relatively small sample size and worked on a much smaller scale. For future studies, there is a real need to continue to examine the inner workings of JDC programs. The academic literature for adult drug courts continues to grow but the literature for juvenile drug courts lags behind significantly. Before any real changes can be made to improve a program that appears to be doing well in the community, researchers need to evaluate what is in place now and make educated suggestions on how to make a good program better.

REFERENCES

- Applegate, B. K., & Santana, S. (2000). Intervening with youthful substance abusers: A preliminary analysis of a juvenile drug court. *The Justice System Journal*, 21(3), 281-300.
- Bureau of Justice Assistance. (2003). *Juvenile drug courts: Strategies in practice*. Washington, DC: Author.
- Butts, J. A., & Roman, J. (2004). *Juvenile drug courts and teen substance abuse*. Washington, DC: The Urban Institute Press.
- Butts, J. A., Roman, J., Rossman, S. B., & Harrell, A. V. (2004). Shaping the next generation of juvenile drug court evaluations. In Jeffrey A. Butts & John Roman (Eds.), *Juvenile drug courts and teen substance abuse* (pp. 221-266). Washington, DC: The Urban Institute Press.
- Cornish, D. B., & Clarke, R. V. (1987). Understanding crime displacement: An application of rational choice theory. *Criminology*, 26, 453-451.
- Davis-Berman, J., & Berman, D. S. (1989). The wilderness therapy program: An empirical study of its effects with adolescents in an outpatient setting. *Journal of Contemporary Psychology*, 19, 271-281.
- Drogin, E. Y. (2000). From therapeutic jurisprudence . . . to jurisprudent therapy. *Behavioral Sciences and the Law*, 18, 489-498.
- Feld, B. (2007). Unmitigated punishment: Adolescent criminal responsibility and LWOP sentences. *Journal of Law & Family Studies*, 10, 12-82.
- Festinger, D. S., Marlowe, D. B., Lee, P. A., Kirby, K. C., Bovasso, G., & McLellan, A. T. (2002). Status hearings in drug court: When more is less and less is more. *Drug and Alcohol Dependence*, 68, 151-157.
- Goldkamp, J. (1999). Challenges for research and innovation: When is a drug court not a drug court. In W.C. Terry, III (Ed.), *The early drug courts: Case studies in judicial innovation* (pp. 167-177). Thousand Oaks, CA: Sage.
- Goldkamp, J. S., White, M. D., & Robinson, J. B. (2001). Do drug courts work? Getting inside the drug court black box. *Journal of Drug Issues*, 31, 27-72.
- Griffin, P. (2003). *Trying and sentencing juveniles as adults: An analysis of state transfer and blended sentencing laws*. (OJJDP Publication No. NCJ 206146). Washington, DC: Office of Juvenile Justice and Delinquency Prevention.
- Henggeler, S. W., Halliday-Boykins, C. A., Cunningham, P. B., Randall, J., Shapiro, S. B., & Chapman, J. E. (2006). Juvenile drug court: Enhancing outcomes by integrating evidence-based treatments. *Journal of Consulting and Clinical Psychology*, 74(1), 42-54.
- Hora, P., Schma, W. G., & Rosenthal, J. T. A. (1999). Therapeutic jurisprudence and the drug treatment court movement: Revolutionizing the criminal justice system's response to drug abuse and crime in America. *Notre Dame Law Review*, 74(2), 439-537.
- Hurst, H., III. (1999). Juvenile court – As we enter the millennium. *Juvenile and Family Court Journal*, 50(4), 21-27.
- Jones, C. D., Lowe, L. A., & Rislser, E. A. (2004). The effectiveness of wilderness adventure therapy programs for young people involved in the juvenile justice system. *Residential Treatment for Children & Youth*, 22, 53-67.
- Marlowe, D. B., Festinger, D. S., Dugosh, K. L., & Lee, P. A. (2005). Are judicial status hearings a “key component” of drug court? Six and twelve months outcomes. *Drug and Alcohol Dependence*, 79, 145-155.
- Marlowe, D. B., Festinger, D. S., Lee, P. A., Dugosh, K. L., & Benasutti, K. M. (2006). Matching judicial supervision to clients' risk status in drug court. *Crime and Delinquency*, 52(1), 52-76.
- Marlowe, D. B., Festinger, D. S., Lee, P. A., Schepise, M. M., Hazzard, J. E. R., Merrill, J. C., Mulvaney, F. D., & McLellan, A. T. (2003). Are judicial status hearings a key component of drug court? During-treatment data from a randomized trial. *Criminal Justice and Behavior*, 30(2), 141-162.
- Marlowe, D. B., & Kirby, K. C. (1999). Effective use of sanctions in drug courts: Lessons from behavioral research. *National Drug Court Institute Review*, 2(1), 11-29.
- Matt, J. (2004). Jurisprudence and judicial roles in Massachusetts drug courts. *New England Journal on Criminal and Civil Confinement*, 30, 151-178.
- McGee, C., Parnham, J., Merrigan, T. T., & Smith, M. (2000). *Applying drug court concepts in the juvenile and family court environments: A primer for judges*, Carolyn S. Cooper (Ed.). Washington, DC: American University.

- Merlo, A. V., & Benekos, P. J. (2003). Defining juvenile justice in the 21st century. *Youth Violence and Juvenile Justice, 1*(3), 276-288.
- Miller, M. L., Scocas, E. A., & O'Connell, J. P. (1998). *Evaluation of the juvenile drug court diversion program*. Dover, DE: Statistical Analysis Center.
- Moak, S. C., & Hutchinson Wallace, L. (2003). Legal changes in juvenile justice: Then and now. *Youth Violence and Juvenile Justice, 1*(3), 289-299.
- National Association of Drug Court Professionals. (1997). *Defining drug courts: The key components*. Washington, DC: U.S. Department of Justice, Office of Justice Programs.
- O'Connell, J. P., Nestlerode, E., & Miller, M. L. (1999). *Evaluation of the Delaware juvenile drug court diversion program*. Dover, DE: Statistical Analysis Center.
- Rodriguez, N., & Webb, V. J. (2004). Multiple measures of juvenile drug court effectiveness: Results of a quasi-experimental design. *Crime and Delinquency, 50*(2), 292-314.
- Rossman, S. B., Butts, J. A., Roman, J., DeStefano, C., & White, R. (2004). What juvenile drug courts do and how they do it. In Jeffrey A. Butts & John Roman (Eds.), *Juvenile drug courts and teen substance abuse*, (pp. 55-106). Washington, DC: The Urban Institute Press.
- Salvatore, C., Henderson, J., Hiller, M. L., White, E., & Samuelson, B. (2010). An observational study of team meeting and status hearings in juvenile drug court. *National Drug Court Review, 7*, 95-124.
- Saum, C. S., Scarpitti, F. R., Butzin, C. A., Perez, V. W., Jennings, D., & Gray, A. (2002). Drug court participants' satisfaction with the treatment and the court experience. *National Drug Court Institute Review, 4*, 39-84.
- Shaw, M., & Robinson, K. (1998). Summary and analysis of the first juvenile drug court evaluation: The Santa Clara County drug treatment court and the Delaware juvenile drug court diversion program. *National Drug Court Institute Review, 1*, 73-85.
- Sickmund, M. (1994). *How juveniles get to criminal court (Juvenile Justice Bulletin)*. Washington, DC: Government Printing Office.
- Sickmund, M., Sladky, A., & Kang, W. (2008). Easy access to juvenile court statistics: 1985-2005. Retrieved March 23, 2010 from <http://www.ojdp.gov/ojstatbb/ezajcs/>.
- Sloan, J. J., & Smykla, J. O. (2003). Juvenile drug courts: Understanding the importance of dimensional variability. *Criminal Justice Policy Review, 14*(3), 339-360.
- Snyder, H. N., & Sickmund, M. (1999). *Juvenile offenders and victims: 1999 national report*. Washington, DC: Office of Juvenile Justice and Delinquency Prevention.
- Snyder, H. N., & Sickmund, M. (2006). *Juvenile offenders and victims: 2006 national report*. Washington, DC: U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention.
- Urban, L. S., St. Cyr, J. L., & Decker, S. H. (2003). Goal conflict in the juvenile court: The evolution of sentencing practices in the United States. *Journal of Contemporary Criminal Justice, 19*(4), 454-479.
- Vitello, C. J. (2003). Stalking laws, therapeutic jurisprudence, and peacemaking criminology: A radical law-psychology inquiry. *Journal of Forensic Psychology Practice, 3*(2), 1-37.

APPENDIX A

Content Areas for Observation Code Sheet

Categories for Pre-Hearing Conference:

Treatment: Disaggregated into five variables: (0 = no, 1 = yes) discussed, unexcused absence, unexcused lateness, attitude, and other.

Education: Disaggregated into six variables: discussed (0 = no, 1 = yes), # of unexcused absences, # of unexcused lateness, # of suspensions, # of classes cut/skipped, and other.

Supervision/Case Management: Disaggregated into four variables: discussed (0 = no, 1 = yes), # of missed sight contacts, # of missed voice contacts, and other.

Drug Use: Disaggregated into nine variables: (0 = no, 1 = yes) discussed, urinalysis drug positive, positive marijuana, positive cocaine, positive benzodiazepines, positive other, urinalysis missed, urinalysis tampered/adulterated, other.

Recommended Sanction: Disaggregated into 11 variables: discussed (0 = no, 1 = yes), # of hours of community service, IHD (0 = no, 1 = yes), # days courtroom observation, ultimatum “30 days to ‘Show Cause’ hearing,” 250-word essay (topic), verbal reprimand (0 = no, 1 = yes), # of weeks delayed phase up, # of days of respite, other.

Categories for Drug Court Hearing:

Attendance: Disaggregated into six variables: (0 = no, 1 = yes) participant, family member, mother, father, other, judge addressed family member.

Actual Sanction: Disaggregated into 11 variables: imposed (0 = no, 1 = yes), # of hours of community service, IHD (0 = no, 1 = yes), # days courtroom observation, ultimatum “30 days to ‘Show Cause’ hearing,” 250-word essay (topic), verbal reprimand (0 = no, 1 = yes), # of weeks delayed phase up, # of days of respite, other.

Rewards: Disaggregated into four variables: given (0 = no, 1 = yes), praise/acknowledgment, phase promotion (to__), other.

Judge’s Demeanor with Participant: Ranked from 1-7 and disaggregated into five variables: Tense vs. Relaxed, Stern vs. Friendly, Closed vs. Open, Scolding vs. Encouraging and Dismissive vs. Attentive.
