Gender Dynamics in King County Drug Diversion Court: Exploring Experiences and Perspectives

by Lindsay Lucenko

Advised by Dr. Katherine Beckett

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Abstract:

In this research project, I explored the experiences of men and women who participated in King County Drug Diversion Court for a minimum of 30 days. Drug court is a rehabilitative alternative to incarceration for drug-related offenses. Eligible drug court participants undergo a five-phase program with the potential for the dismissal of their charges. However, critics raise concerns about the role of coercion and control in drug courts (Kaye, 2019). Participants are expected to juggle obligations including but not limited to; maintaining complete sobriety, undergoing multiple random urinary analysis tests per week, attending multiple support meetings each week, maintaining constant communication with case managers, finding employment, and fulfilling familial obligations (Tiger, 2013). In this study, I focused on how gender impacted the experience of fulfilling these obligations.

I am especially interested in how men and women experience the one-size fits all approach adopted by the drug court. A King County report from 2018 showed that the King County Drug Court's participants were 78% male. Thus, it makes sense that the existing literature predominantly focuses on the experience of men, as that is the majority of drug court participants. My study aims to bridge the gap in understanding of how gender influences the navigation of drug courts. To better understand the gendered experiences individuals have in drug court, I conducted nine semi-structured interviews with men and women to glean insight into participants' history and experice with the criminal justice system with an emphasis on understanding how individual's genders may have impacted their experience. My findings

illuminate the nuanced gendered experiences of participants within the King County Drug Diversion Court, contributing valuable insights for justice system reform and policy making. By combining qualitative interviews, and insights from existing research, this study illuminates the gendered dynamics within the King County Drug Diversion Court, ultimately informing policy and practice and contributing to a more equitable criminal justice system.

Key Words: Therapeutic courts; drug testing; addiction, sanctions; incarceration

Introduction:

America has a long history of drug use- sometimes rich and colorful, other times ugly and tragic… Americans grappled with drug use using moral suasion, medical treatment, legislation, and medication. These efforts have sometimes succeeded, sometimes failed, and sometimes been at odds with each other. - Patricia Tice

Throughout America's history, different systems of moral understanding have formed social responses to drug use (Nolan, 2001). The crackdown on the use and distribution of drugs escalated excessively in the 1980s following Nixon's presidency. This war on drugs had a clear racially motivated driver, present in the media and language of the time. This includes media campaigns highlighting crimes committed by 'thugs' (often young black men) and welfare queens[1] (Kelly, 2010).

Drug arrests have increased exponentially in recent decades, from just over half a million in 1981 to 1.1 million in 2020, a result of decades of harsh attitudes toward drugs and drug-related crimes (Prison Policy Institute, 2023). The war on drugs has not impacted all communities equally; Black, Native, and Latinx individuals were disproportionately affected by this crackdown on substance use (Beckett, 2022). Black people comprise 13 percent of the U.S.

[1] This controlling image consists of racist stereotypes of women on public assistance as childlike, hyperfertile, lazy, and bad mothers. In the discourse on welfare reform, these stereotypes were deployed to support policies intended to control poor women's reproduction and mothering (Kelly, 2010).

population, and have been documented by the U.S. government to use drugs at similar rates to people of other races, yet Black Americans comprise 40 percent of those incarcerated in state or federal prison for drug law violations (Drug Policy Institute, 2013). The overt criminalization of drug use has had massive repercussions, and today drug offenses still account for the incarceration of 360,000 individuals (Prison Policy Institute, 2024).

The excessive strain that the war on drugs created for the criminal justice system led to a search for alternatives that could release some of the burden the drug war had imposed. Drug court, first created in 1981, was one of the embraced alternatives (Nolan, 2001). This embrace of the drug court system is a result of the empirical studies bolstering their efficacy by demonstrating that drug court programs reduce general and drug-related recidivism by an average of 8-14% (Datchi, 2020). However, the National Institute of Justice has recently reported that there is no statistically significant variance in the duration of incarceration between individuals who have undergone drug court programs and those who have not (NIJ, 2022). This data implies that certain participants in drug court may end up spending more time incarcerated than individuals whose cases are not diverted to drug court.

The existing literature on drug courts primarily consists of quantitative studies related to graduation and recidivism rates. This existing research often addresses the effectiveness of drug court in reducing crime and substance abuse. Despite gender being acknowledged as a demographic variable, it seldom receives significant focus. Understanding the role of gender in drug court is crucial as it can impact their experiences in drug court along with their access to resources, support, perceptions of fairness, and effectiveness of interventions. Addressing the experiences of women is particularly important because women are becoming increasingly

involved with the criminal justice system. Incarceration of women has grown at twice the rate of men's in recent decades (Prison Policy Institute, 2023). 11.6% of all male prisoners are serving sentences for drug related offenses and this percentage jumps to 24.6% for incarcerated women (Carson, 2022).

Gender is an inescapable social structure that impacts individuals from their birth. Individuals are treated differently and expected to behave in certain ways as a result of their gender (Martin, 1998). There is significant literature describing how gender can impact an individual's experience in the criminal justice system (Franklin, 2008). It would make sense then, that individuals of different genders may perceive or experience drug court differently, prompting the research question: ***How does gender impact an individual's experience in drug court?*** In answering this question, this research makes three main contributions. First, this research fills a gap in the current literature on the gendered experiences of individuals participating in drug court. Second, this research sheds light on the experiences of women involved in drug court, and how these experiences differ from those of their male counterparts. Third, this study demonstrates the need for gender responsive programming in the King County Drug Diversion Court.

Historical Contexts of Drug Courts

Throughout American history, different moral perspectives have shaped political and societal responses to drug use, leading to the dominance of certain cultural metaphors that heavily influence drug policy (Nolan, 2001). A significant legal precedent in this context was set by the 1962 case *Robinson v. California,* which recognized addiction as a disease rather than a crime (Nolan, 2001). The court ruled that individuals with addiction should be considered sick

and may be confined for the protection of society. While this decision acknowledged the need for legal safeguards for those struggling with addiction, it also portrayed substance users as inherently ill and potentially dangerous (Nolan, 2001). Moreover, it overlooked the complex interplay of race, gender, and socioeconomic factors contributing to addiction. Subsequently, in 1966, the Narcotic Addict and Rehabilitation Act empowered courts to mandate residential or outpatient treatment for drug offenses as an alternative to incarceration (Nolan, 2001).

Drugs have long been a source of political tension, and this intensified in the 1970s when the war on drugs began, making drugs the focal point of many political agendas. Strict anti-drug legislation such as The Controlled Substances Act of 1970, which classified drugs into five schedules rated by medical benefits and potential for abuse, began to shift individual's feelings toward drugs and crime (Nolan, 2001). This scheduling was based on fear and stigma rather than science, further criminalizing those who used drugs (Drug Policy Alliance, 2021). Fear mongering surrounding drug use came to a head in 1971, when Richard Nixon declared a war on drugs increasing the size, presence and funding of federal drug agencies (Nolan, 2001). This also led to legislation implementing mandatory minimums, no-knock warrants, and the Drug Enforcement Administration (DEA) (Nolan, 2001). Nixon also initiated Treatmeent Alternatives to Street Crimes (TASC) in 1972. TASC was a court diversion system in which clients were able to have their charges dropped and criminal records expunged upon successful program completion, similar to modern drug court (Nolan, 2001). TASC initiated the link between the criminal justice system with medicine, focusing on the treatment of individuals, much like today's practice of therapeutic jurisprudence as seen in modern day drug courts (Nolan, 2001).

In the 1980s, the drug war was further fueled by Reagan's administration and media that sensationalized the use and abuse of crack cocaine (Drug Policy Alliance, 2021). During the war on drugs era, incarceration for nonviolent drug offenses increased from 50,000 in 1980 to over 400,000 by 1997 (Drug Policy Alliance, 2024). Tough on crime politics led to public hysteria about crack cocaine led to severe penalties that rapidly increased the prison population. In 1985, 2-6 percent of Americans saw "drug abuse" as a big problem; by 1989, it was 64 percent (Drug Policy Alliance, 2024) . Less than a year later, that number dropped to less than 10 percent as the media and public lost interest (Drug Policy Alliance, 2024). Yet strict policies that enhanced penalties for drug-related penalties such as the Comprehensive Crime Control Act of 1984 and the Anti-Drug Abuse Acts in 1986 and 1988 and the absurdly high incarceration rates they caused remained, resulting in an overburdened and overwhelmed justice and judicial system (Nolan, 2001). The number of individuals incarcerated for drug offenses increased by 115 percent between 1980 and 2010, driven by unprecedented arrests and severe sentences for use, possession or small-time dealing (The Sentencing Project, 2021).

Through the mid-2000s, the staunch commitment to the war on drugs was prevalent, yet in more recent years this approach has faced scrutiny (Beckett, 2022). The disproportionately high rates of arrests and incarcerations for drug-related offenses prompted the implementation of reforms and diversion programs to alleviate the strain on the criminal justice system caused by overcrowded prisons and judicial systems (Beckett, 2022).

The escalation of harsh political reactions against drug-related offenses eventually reached a tipping point. Factors such as overflowing prisons, overwhelming caseloads, and a growing recognition of the cyclical nature of drug-related crime all contributed to mounting

pressure for change. Against this backdrop, Janet Reno, Florida's state attorney, spearheaded the frst drug court in Dade County, Florida in 1989 (Nolan, 2001). Subsequently, the Clinton administration proposed an $800 million budget to expand the drug court program nationwide, marking a significant departure from the previously entrenched punitive mindset (Washington Post, 1993). Today, there are 4,000 drug courts in the United States serving 150,000 individuals (OJP, 2020).

What Are Drug Courts?

Drug courts are a result of a political system that began to react punitively towards drug crimes, which resulted in an overwhelming burden on the criminal justice system. Drug courts offer individuals charged with drug or property crimes the option of court-monitored treatment as an alternative to the traditional adjudication process (Nolan, 2001). Drug courts often offer participants the dismissal of their criminal charge or arrest upon successful completion of the program as a way to encourage participation. However, if an individual cannot meet the requirements and remain completely abstinent from drugs and alcohol, their case will be processed through the traditional court system.

The court is the focal point of the treatment process rather than a treatment or rehabilitation facility (Nolan, 2001).While drug courts aim to prioritize treatment and rehabilitation, the fallback to the traditional court system underscores a lingering punitive mindset within the justice system. Drug courts embrace a disease view of addiction and believe that drug use should be seen as a disease rather than a crime (Nolan, 2001). Framing addiction

solely as a disease may oversimplify its complexities and potentially overlook the social, economic, and environmental factors that contribute to substance abuse.

Drug courts have been criticized that the ‘carrot and stick’ method it utilizes fails to understand these previously mentioned complexities (Tiger, 2019). The combination of treatment (carrot) and court oversight (stick) in drug court programs aims to rehabilitate individuals while holding them accountable for their actions (Tiger, 2019). However, this approach may create tension between rehabilitation and punishment, potentially deterring individuals from seeking help and exacerbating underlying issues associated with substance abuse.

Drug courts vary in their approaches and effectiveness across jurisdictions, making the progressive stance of courts like King County's particularly significant as it sets a precedent for more holistic and rehabilitative models of justice. The King County Drug Diversion Court states that its mission is to, “promote community safety and empower participants to rebuild their lives by addressing the root causes of criminal behavior” (King County Drug Diversion Court, 2022). Participants in drug court typically include individuals who have been charged with non-violent drug-related offenses, and who are willing to undergo treatment and rehabilitation instead of facing traditional criminal sentencing; *not all individuals are afforded this opportunity or are aware of the option*. Eligibility criteria may vary by jurisdiction but often prioritizse those with substance abuse issues who can benefit from intervention and support programs. Drug courts admit only a small proportion of potentially eligible offenders, leading to variable outcomes in evaluations (Belenko, 2011). Drug courts have been accused by critics of selecting individuals who they deem more likely to succeed (Belenko, 2011).

To participate in drug court, participants are required to waive many of the rights that they possess in a traditional trial setting. This includes waiving their right to a speedy and public trial, the right to remain silent, the right to testify at trial, etc. Individuals must also agree to frequent drug testing and meetings with the drug court, and must complete 24 hours of community service before graduation. In King County Drug Diversion Court, the minimum length for participating in the program is 10 months (King County Drug Diversion Court, 2022).

Coercive Rehabilitation

Drug courts have been widely embraced nationwide, as demonstrated by the growing number of programs. Although drug court advocates view them as a progressive and enlightened alternative to the traditional criminal legal system, many analysts offer important critiques of their underlying philosophy and practices. Rebbeca Tiger (2019) delves into the concept of enlightened coercion within drug courts. She suggests that drug courts represent a fusion of punitive power and rehabilitative aims, coercing individuals into rehabilitation as a means of assistance rather than solely punishment (Tiger, 2019). This effort to weaponize rehabilitation in the name of doing what is best for the individual is a key characteristic of drug courts, and other adjacent treatment courts. Participants in drug court must either abstain from all drugs and alcohol or risk being sent to prison. This is the concept of the 'carrot and the stick' (Tiger, 2019) The carrot represents positive incentives, in this case, dropped charges and avoiding prison time. There are countless other smaller 'carrots' found throughout drug court. These include the option to spin a prize wheel (with prizes such as community service hours, $5 gift cards, etc.), and, when an individual enters a new phase, access to programming, housing, and potential financial support. When an individual fails to maintain sobriety and fulfill all obligations, the 'stick'

(sanctions) come into play. These include restarting a phase, losing clean time[2], community service, jail time, or release from the program, which can result in incarceration. Critics of this approach, such as Tiger and Kaye, argue that this approach relies too heavily on punitive measures and can perpetuate cycles of incarceration and fail to address underlying issues such as poverty, mental illness, or substance abuse. Tiger's critiques of coercive rehabilitation highlights the tension between coercive measures aimed at maintaining sobriety and the need for compassionate support when dealing with substance abuse.

While critics such as Tiger and Kaye have made important points regarding the problematic nature of coercive rehabilitation, this literature does not address the issue of gender. Yet there is reason to believe that gender powerfully impacts an individual's experience in the criminal justice system and specifically in drug court (Gallagher, 2022).

Women and the Criminal Justice System

Women have become increasingly involved in the criminal justice system, even as national rates of incarceration continue to decrease (The Sentencing Project, 2023). The number of women in state or federal prisons rose by nearly 5 percent by the end of 2021 (Incarcerated Women and Girls, 2021). Additionally, about 25 percent of women in state prisons are serving sentences for drug-related offenses, whereas only 11.6 percent of all male prisoners are incarcerated for similar charges (Carson, 2022). Thus, a woman who is incarcerated is more likely to be serving a sentence for a drug-related crime than their male counterpart (who is more likely to be convicted of another crime). Moreover, women in the criminal justice system often experience trauma and substance abuse at a much higher rate than their male counterparts

[2] Drug courts track 'clean time' an indiviudal must have a certain amount of clean time to move forward with phases and receive certain opportunities.

(Houser, 2018). Involvement in the criminal justice system often unnecessarily traumatizes individuals who have been charged with non-violent crimes.

Women in the criminal justice system often face additional marginalization due to societal expectations (Franklin, 2008). Drug use and criminal activity challenge both legal and gender norms, intensifying feelings of isolation and marginalization (Franklin, 2008). Mothers who use substances are particularly stigmatized, being labeled as morally stained and unfit parents, a stigma not typically applied to fathers or men (Datchi, 2020).

Women in the criminal legal system often have higher levels of prior trauma. In a study of 672 drug court participants, women entering drug court reported significantly more emotional, physical, and sexual abuse compared to men (Houser, 2018). Additionally, 68% of women in one study reported significant past trauma, and 60% found drug court unhelpful in addressing their trauma (Gallagher, 2017). The consensus among researchers is that female drug court participants are at elevated risk of experiencing various traumas, highlighting the need for resources to address this within drug court systems (Houser, 2018) (Gallagher, 2022). This trend of heightened trauma among women in drug court is consistent across multiple studies, with women also more likely to report mental health disorders compared to men (Houser, 2018) (Gallagher, 2017). This consensus among researchers underscores the urgent need for resources within drug court systems to address the heightened risk of trauma among female participants, recognizing the unique challenges women face in these settings.

Quantitative findings on how gender may impact success in drug courts have been mixed, necessitating further research. Listwan et al. (2003) compared 301 drug court participants with 224 eligible non-participants. Multivariate analyses found that women were more likely to be

arrested for drug-related offenses (Listwan et al., 2003). Yet, gender was not a predictor of recidivism (Listwan et al., 2003). In a different study examining factors related to graduation and retention, gender was not a significant predictor of drug court completion (Hickert, 2009). This necessitates further research related to how gender influences the outcome for individuals in drug court. Findings in studies that focus on graduation and recidivism rates have been mixed (Listwan, 2003) (Hickert, 2009). Further, these studies have demonstrated that gender may impact outcomes of drug court (Gallagher, 2017) (Datchi, 2020).

Understanding gender differences in the experiences of individuals is crucial for effective intervention. The clear difference in traumas, likelihood to be involved in drug related offenses, and increase of likelihood for mental health concerns necessitate gender-responsive interventions and approaches within the criminal justice system. By addressing the unique needs of women, drug court programs can better serve its participants and create more equitable outcomes.

Data and Methods

I. Approval and Recruitment

The following research was approved by the University of Washington's Institutional Review Board (IRB) and Human Subjects Division (HSD) before any contact or data collection.

The primary data in this study was collected through nine semi-structured interviews with adults who participated in King County Drug Diversion Court for at least 30 days. The author attended weekly drug court sessions to recruit participants. Potential participants were given a flier with detailed information and reached out to the author if interested in participating in the study. A number of participants were recruited through snowball sampling, with initial participants referring others to the study (Parker and Scott, 2019).

Participants were made aware of the purpose, risks, and benefits of the study. In-person participants read and signed an IRB-approved consent form before the interview. In interviews conducted over Zoom, individuals were asked to read over the consent form and provide the author with their verbal consent. In order to better contextualize my findings, I additionally had conversations with personnel of the King County Drug Diversion Court. These conversations were not recorded and were used for my own understanding of the court process.

II. Interview Protocol

Interviews were largely informed by Jessica McCrory Calarco and Mario Luis Small's *Guide to Qualitative Literacy* (2022). Particularly, my research was informed by the concept of 'cognitive empathy,' which involves understanding what another person understands to grasp their experiences and perspective more deeply. In interviews, I sought to discover the meaning and motivation of the participants through appropriate follow-up questions that would allow me to better empathize with the participants. The interviews were semi-structured, follow-up questions were prioritized to uncover the meaning and motivation behind participants' experiences. This approach aimed to foster a deeper level of empathy and understanding between the author and the participants.

The interviews were conducted both via Zoom and in person due to participants' abilities and/or personal preferences. The interview protocol remained the same in both types of interviews. Before the interview, participants were asked to confirm that they had read and understood the consent form. Participants were also offered the chance to ask any questions they had about the study. Then participants were asked if the interview could be recorded. The author

would then begin recording, and participants were asked to provide their 'verbal assent[3]' to begin the recording and start the interview. Participants were initially asked to share their experiences in King County Drug Diversion Court. The participants were asked about their obligations within drug court, and also those outside of drug court. Often, this led to a conversation about the difficulty of balancing these obligations. Gendered themes often emerged once on the topic of obligations (related to children or family) and follow-up questions would be asked to determine the impact of this gendered difference. If gender had not come up through the initial questions, follow-up questions would also be asked to better understand whether an individual's experience in drug court may have been impacted by their gender.

Following the interview, each participant was compensated $35 for their time. This study was funded by the University of Washington's J. Eleanor Pearson Endowed Library Fund for Human Rights.

III. Coding

Once all interviews were completed, personal identifiers including names, were redacted and each interviewee was assigned a pseudonym. Interviews were then transcribed by the researcher, and uploaded to Atlas.TI, a qualitative coding software. Once all nine transcripts were uploaded, qualitative coding began, which is the process of systematically organizing and categorizing excerpts from qualitative interviews to identify themes (Schreier, 2012).

Two rounds of coding were conducted. During the first round, each transcript was read closely and any excerpt that was indicative of a theme was assigned a 'code.' The initial round of deductive coding led to broad codes such as "injustices", and "personal identities impacted

[3] Verbal assent is a process in which an investigator confirms consent from a subject without requiring them to sign a physical consent form.

experience." Based on these codes, I tailored these codes into sub-codes for a second round of coding. For example, 'gender' included sub-codes such as 'parenthood.' Throughout the coding process, many codes transformed as my understanding of the data transformed. For example, ' injustices' became 'injustices impact perceived fairness of drug court.' During the second round of coding, I was then able to condense certain themes into larger theme groups. My coding resulted in four main findings.

IV. Limitations

This study possesses a number of limitations. Many limitations are a result of only having two-quarters to work on this project. Additionally, every individual I spoke to had been involved in King County Drug Diversion Court in Seattle, WA. While the experiences of individuals in drug court that I interviewed varied, it would be beneficial to identify experiences across county and state lines because King County is often dubbed a progressive court.

Second, most individuals I interviewed had successfully completed (or were likely to complete) the drug court program. I was unable to interview any individuals who did not graduate from the program. This would be extremely relevant data and provide a more full picture of the experiences of all individuals in drug court. I could also not interview any individuals who were currently incarcerated. The lived experiences of these individuals would be extremely relevant in implementing reforms surrounding the use of incarceration in King County Drug Diversion Court.

Third, I interviewed only three men and six women, thus my sample size was rather small. A larger sample that encompassed more individuals actively involved in King County Drug Diversion Court would likely provide illuminating insight into the different aspects of the

current program. Additionally, it would be beneficial to explore the experiences of individuals who have gender identities other than the binary male/female.

Findings

Upon completion of coding, the analyzed interviews revealed three major themes:

1. Challenges Individuals Faced Within Drug Court Are Often Gendered
    a. Managing Obligations
        i. Parenthood as an External Obligation
    b. Trauma and Lack of Trust Due to Prior Involvement in the Criminal Justice System
    c. Mental Health and Trauma
    d. Lack of Understanding of the Implications of Entering Drug Court
    e. Fear of Failure and Incarceration
2. Indicators of Success Are Often Outside of Individuals Control or Intrinsic to the Individual
    a. Familial Support
    b. Individual is Sober Before Entering Drug Court
3. Feelings of Injustice Related to Drug Court Proceedings Heavily Impacted an Individual's Perceptions Of Drug Court
4. Gendered Experiences in King County Drug Diversion Court

While an overwhelming finding was the difficulty that obligations pose to individuals in drug court, many individuals expressed deep gratitude to the drug court program. Almost every individual mentioned that their involvement in drug court saved their life, and they would not be

where they are today without the program. While these benefits are commendable, the majority of my findings will relate to the difficulties in navigating drug court and how gender impacts this.

Indy is a prime example of these feelings of deep gratitude to the drug court program. She commented, “I got into drug court. I was released into transitional housing, through drug court, and it's just been like this experience. A drug court experience has been more than life saving.”

Many other individuals shared that this program changed their lives. Chloe shared that she also shared the belief that this program saved her life, “I think at the end of it, it did save my life and I am where I am today because of it.”

Charlie echoed this sentiment stating that, “(drug court) saved my life. It changed me as a human being. I'm not really the type to seek help, even when I know that I need it. So it really took being put in handcuffs for me to stop doing what I was doing.”

I asked Indy which aspect of drug court programming was most impactful and she had very positive things to say about drug court and the programming and assistance they offered her. Indy shared, “I would say all of it, housing, the, the treatment to the treatment because they sent me to a treatment that was for Native Americans. So like, they found that for me and waited for me in that direction, so that was good. I liked that.”

While these experiences demonstrate the positive aspects of drug court, my forthcoming fndings will demonstrate the need for better alternatives that don’t utilize coercion or incarceration, for several reasons. The overwhelming reliance on drug court as a solution to

substance abuse issues indicates a systemic failure to address underlying societal issues contributing to addiction. Despite drug court's effectiveness for some, it does not address the root causes of substance abuse, such as poverty, trauma, and lack of access to healthcare and social services (Tiger, 2019). While the benefits of a treatment program such as drug court, that centers alternatives to incarceration are undeniable, my findings will highlight the need for gender responsive programming along with the implementation of treatment programs that are not married into the punishment system.

I. Challenges Individuals Faced Within Drug Court Are Often Gendered

a. Managing Obligations

Five out of nine participants that I interviewed mentioned that the obligations they were expected to complete were overwhelming, or otherwise significantly disrupted their life and interfered with other important duties (familial, employment, etc.). Becca described this feeling of being overwhelmed when just entering drug court after being homeless:

It was very overwhelming, very overwhelming because I was expected to do all of these things, just coming out of homelessness and coming out of using it in the streets and I was expected now to make phone calls. Like I didn't even call my whole family, and like you're supposed to be calling the UA line and by coming to appointments and I wasn't showing up for anything.

Managing drug court obligations is very difficult. For an individual who was recently homeless, there were even more barriers to overcome. Donna echoed these feelings. In order to comply with drug court obligations, Donna was not able to continue working at her job as a case manager.

So this job that I was hired for I got the position for was 6am till about it was a 12 hour shift, for a case manager position. So, um, and they (drug court) said, 'No, you can't work because you are gonna have to go to classes. And if your name is called for a UA, you're gonna have to

come.' And it's, it's very, it's very a lot. It's very, like, it's just like, I felt like a drug court like, obsessive boyfriend, you know?

Donna expands on this point and explains her frustration that drug court expected her to find a new job so that she could comply with the hefty drug court obligations. She would not be able to remain in drug court and fulfill the obligations of her current position as a case manager, a position that she really enjoyed. Further, drug court impacted how different individuals can spend their time due to the extensive obligations.

Chloe discussed that the obligations made it difficult for her to find employment. She additionally highlighted that her access to consistent transportation would have made the obligations impossible if she did not have the help of her mother.

I didn't have a car. I had to rely on my mom to help get me there. And then the fact that you have to go to UA like three times, two times a week and on top of going to classes and then in the fourth and fifth phase, they want you to get a job. It's just that would have been impossible for me to do on the bus. I feel like and I don't live very close to one. So I was really stressed out about all that at the beginning.

For the individuals who did not perceive the drug court obligations to be difficult to manage, three individuals did not have custody of/or have children, and one graduated drug court over 5 years ago, whereas others had been involved in the last 12 months. Moreover, the observation that individuals without custody of children or without children perceived the obligations differently suggests that gender and parental status play significant roles in participants' experiences within the drug court system. This underscores the need for a nuanced understanding of how gender intersects with various factors to shape individuals' experiences and perceptions of drug court obligations.

i. Parenthood as an External Obligation

Of the individuals I interviewed, three were men and six were women. Of the six women, four mentioned having children, three of those four had full custody of their children while involved in drug court. Of the three men, two of the three had kids and neither had custody while involved in drug court. The women who had full custody of their children mentioned struggling to navigate the many obligations that the court imposes. Jamila mentioned that she really struggled with these obligations, especially while she juggled being a single mother, with the additional obligations of the program (that is separate from drug court) housing her.

It gets hard because my son he's expressed that he's tired of the meetings …but like when he gets off school, we have to run immediately to to THS so I can do my UA and he you know, he's a kid they feel all kinds of way about stuff. But I want to do Yeah, yeah, it's a good exercise in letting him know that there's things in life we have to do.

Jamila discusses the double standard for mothers and fathers, specifically for women with children who are struggling with addiction.

I think people do expect a lot more out of women or mothers in recovery, especially because you know, there's that idea that women are more emotionally mature. Or, you know, while you're a mother you need to just like whatever they're doing, you need to do 10 times more because you got a kid and and you know, you got to be strong for your kid and it's like, so you know, whoever knows what anyone's walk of life is because people can easily laugh off like, what a man is experiencing or like, shrug it off, like oh, he's a dude or whatever.

Becca further shares the difference she has seen between mothers and fathers while in drug court.

A lot of the men, yes, they have kids and stuff like that but they're able to go live their lives. I mean. A lot of them it's like they just leave and expect the woman to take care of the child. They don't have any kind of responsibility.

Jamila further speaks to the extensive obligations she is expected to complete, along with having full custody of her son, and beginning to look for employment.

Honestly, it (navigating drug court) has been difficult… because along with my son, I'm in another program, I'm at the Union Gospel Mission Hope Place. When I just started drug court, meetings, going to court and doing the UAS and trying to make sure I'm back from the UAs in time for my son, because I live in Othello, and the tests are in Capitol Hill. And then I have classes, we do recovery classes here (at Union Gospel). So I either would have to miss classes here or at drug court. And so I had to repeat a phase because I've missed so many classes, and I had just gotten my son back and missing meetings and my son has to go to the meetings with me because we're not allowed to leave our kids with people here so I have to take my son with me and you know, he's got school and he's just getting used to being around (me) again. It was getting a little stressful and kind of hard to manage all my obligations because what I'm doing here at the Union Gospel Mission is important, but they can't get rid of my charges like drug court.

The obligations that Jamila has to manage are already extensive. Add on full custody of a young child, and a search for full time employment, it is no wonder that a handful of the mothers I spoke to discussed the need to have additional support from their families to help them take care of their children when they entered drug court. Drug court obligations need to take into account the full life of the individual, and understand that some external obligations, such as taking care of one's child, should be prioritized.

Becca discussed that she always wants to be a good role model for her daughter, and so she leaned on her family for support while she was starting out in drug court. She speaks to the idea of being a 'good mother.' While Becca was struggling with addiction, she still prided herself on being a good mother and role model, a common shared experience among the mothers I interviewed.

I did not want to be the reason why my child got taken by the systems, I always made it a point like I never used in front of her. I never even smoke cigarettes around her because then number two, I did not want her to have picked up a habit or have some sort of an addiction as a result of me. But what I did was I abandoned her because I was trying so hard not to have to be involved with the system to not show her that it's okay to be doing drugs and alcohol and smoking and all this stuff.

Alternatively, individuals in drug court who identify as fathers I interviewed reported fewer obligations that related to the care of their children. Here, Adam comments that he isn't sure how many children he has, "I've got two sons, I'm not sure how many kids I have to be honest but like I got two girls and two boys that like I know the paternity is mine." Clear differences are present between the experiences of men and women I interviewed, as represented in the differences of experience between Adam and Becca.

1b. Lack of Trust of Drug Court Due to Prior Criminal Justice Involvement

Every participant I interviewed mentioned that they experienced a lack of trust in the court fueled by prior involvement with the criminal justice system. Further, every single individual mentioned prior criminal justice involvement. A few individuals were previously incarcerated, or had experiences that led to feel that 'the system was against them.' Four of the nine individuals that I interviewed identified as Black or Indigenous which likely perpetuates this lack of trust of the criminal justice system, given the deep racial inequalities present within the American criminal justice system.

Becca describes her first experience entering drug court and not feeling as though it was genuine. This was a common experience for many of the individuals I interviewed.

I just really couldn't understand. I thought they (drug court personnel) would be fake. They were all being fake because I was used to lawyers and prosecutors and judges like that. Where they're really not on your side. The public defender is in cahoots with the prosecutor, in cahoots with the judge.

Chloe expanded on this idea, stating that she has no trust for the drug court decision makers, regardless of their niceties.

Well, yeah, because I don't trust them (the drug court personnel). And I don't think they have my best interest. I don't think they really care about what happens to me, you know, I think they do whatever benefits them. I don't even trust my own attorney… They're trying to make it seem like it's more of a treatment court, but it is still court.

Jamila mentioned that she entered drug court being apprehensive and suspicious of the program and the actors within it because of past dehumanizing experiences she had within the criminal justice system.

Because, you know, most, most courts, most criminal justice, most portions of the criminal justice system are very dehumanizing, very dehumanizing. You know, the saying goes, you know, you're innocent till proven guilty, but oftentimes, you're treated guilty till proven innocent.

For Indy, this lack of trust extends to most authority figures, which has been a considerable change for her in entering drug court saying, "For me, it's hard for me to trust anybody. authority figures, so it was hard for me to transition into the trusting process."

Gary gives a specific example of why this lack of trust exists. He shared, "My last attorney would say things like, I'm gonna come see you before court. And then like when I was incarcerated, and then I wouldn't see him until I went to court. So it's like, don't sit there and tell me something that you're gonna do and then not do."

For many of the individuals, this lack of trust stemmed from the fact that the court could impose incarceration or jail time if the individual were to 'slip up.' Chloe mentioned that it was hard for her to trust and open up to individuals who didn't understand what she was going through.

They tried to get our compassion, you know, but I don't think they fully understand it. Like I have a hard time like having a counselor that hasn't been through an addiction. Like I have a hard time talking with them because they don't understand they haven't been through addiction. So I don't want to really listen to what they have to say so much.

Chloe reported that her experience in drug court only increased her distrust of the criminal justice system, “She (the prosecutor) said I wasn't going to graduate and you know, I didn't do anything wrong. Why am I being punished? The system is so crooked and corrupt and I don't agree with it.”

More women brought up this lack of trust they had of the drug court personnel,and it appeared that many of these women thought this was a common experience for individuals in drug court.

1c. Mental Health and Trauma

Mental health and/or prior trauma came up in all nine of the interviews. Most individuals had early involvement with drugs or alcohol that led to involvement with the criminal justice system at a young age. Most of the individuals who reported early drug use had experienced significant trauma. Additionally, many mentioned that their family members also experienced addiction. This is significant as there was no mention of trauma informed care or treatment in King County Drug Diversion Court materials or programming.

Gary shared that he had experienced severe trauma when he was sexually assaulted by his stepfather at age 12. When no one believed Gary, he told me he had to figure out a way to sort through these feelings.

My oldest sister and one of my middle sisters took me (to the hospital) and we came back with it (a rape kit) they still didn’t believe me because I was such a bad kid, and something in me snapped and I started burning stuff…then I went to prison for two years when I was 12 for first degree arson.

Gary lived through severe trauma, and was then incarcerated as a child, only further traumatizing him. It is hardly surprising that Gary ended up with severe addiction later in life. Unfortunately, this trauma only continued for Gary throughout his life and was often inflicted onto him by the criminal justice system. Gary shared that when he first began in drug court, he was sent to inpatient treatment where,

After about nine days, a lady locked us in a room. They said we had COVID. After the second day, I couldn't breathe, I was blue. Because I couldn't breathe. And then somebody did something and she (the manager) was like, if we don't keep this door Closed, I am gonna throw you all in quarantine, you're gonna fail inpatient, and you're gonna fail drug court.' and that wasn't an option for me

Gary experienced more trauma at the hands of the criminal justice system, and, more specifically, at an inpatient treatment identified by the King County Drug Diversion Court. Other individuals had experienced trauma or addiction early on in life. One example is Elizabeth. Elizabeth shares a similar story of growing up around drugs, alcohol, and addiction and becoming involved with them at a young age. Jamila mentions a significant trauma at an early age, when her mother left her and her brothers.

Chloe shares that her mental health struggles inhibited her from being able to enter the drug court program because she couldn't use her anxiety medication if she wanted to participate in drug court.

Adam discussed his extensive experiences in prison. Incarceration is an extremely traumatizing experience, specifically solitary confinement. Drug court fails to properly address the unique traumas of these experiences.

For individuals who have experienced trauma, re-telling this trauma in an unsafe environment is often re-traumatizing. Adam points to this idea, saying that it was uncomfortable to open up to a large group of people.

You know, right in the beginning, they pry you know, I'm saying they want you, especially when you're doing your intake, yeah. And your onboarding is like, they ask all these different questions and you're like, man, really? I haven't I haven't really told my entire story from start to finish.

Gary shared that he was sanctioned to time in the county jail for 75 days while involved in drug court. I asked Gary, who has faced extensive mental health struggles due to significant trauma, if he was able to access mental health treatment while he was in custody. He told me, "No. I mean, other inmates? I mean, I was a trustee. I could always talk to my attorney. So when I could talk to her in court, yeah. Better than nothing. But (I couldn't talk to) nobody really though." Drug courts expect individuals to deal with their addiction (often fueled by trauma) yet send individuals to prison when they fail to comply and deprive them of any services or access to mental health care. This is particularly problematic, because, as many interviewees told me, there are drugs in the jails and prisons where individuals are being sent.

Gary mentioned that prior to drug court he was experiencing mental health concerns that led to him hearing voices. Thankfully, drug court provided him treatment for this, yet this was not something that was considered in Gary's initial trial or intake.

Charlie shared that his addiction is what causes his criminality, this is akin to the 'criminal addict[4]' theory that drug court embraces. However, Charlie goes further to state that it is his mental health and lack of self-confidence that led to his addiction.

[4] The idea of the criminal addict is an idea that was codificd into law in 1962 through *Robinson v. California* which deemed an addict as 'sick.'

Elizabeth echoes parts of this sentiment. Elizabeth has been arrested multiple times since she graduated drug court, for problems she tells me are correlated to her addiction. Elizabeth tells me that she wishes the court would have seen that she was in drug court and understand that her problems are related to addiction, and that is what she needs help with. Rather, Elizabeth is facing jail time.

I really wish some lawyer would have said something because I remember going just getting in trouble for shoplifting. But I'm like, I'm a criminal because of my drug addiction. I need help. I want to go to treatment. They wouldn't take me because it wasn't an offense with drugs or alcohol.

Individuals entering drug court often have complex and traumatic pasts, and this is important to consider. Gender can contribute to these unique traumas and lived experiences, and is thus important to consider.

1d. Lack of Understanding of the Implications of Entering Drug Court

A significant barrier for many individuals I interviewed was a lack of comprehensive understanding of the implications of opting into drug court. Many saw it as the best, and only option, because the options presented to them were drug court and extensive prison time. This cannot be the best way to address addiction in a society where 48.7 million individuals are struggling with a substance use disorder (SAMHSA, 2023).

Donna explains that her attorney misinformed her of the length of drug court and the extensive obligations that it would entail.

So my lawyer told me that it's only six months. So I'm like, Cool. Okay, that's, that's awesome. I can do six months, you know, no, smoking weed, no drinking, that's fine. You know, and I got into

orientation, and they said, 10 months, and then you have to call every day, every single day. It was just really overwhelming to me, you know, and it's just, it's really overwhelming.

Becca explained what was going through her brain when she was entering into the drug court process, and the fear that coincided with letting go of her right to a trial when she entered drug court.

You do let go of all those rights. So if you come into drug court and decide to go mainstream, you do lose those rights, you don't have the right to trial. You don't have the right to start from the beginning, you don't have the right to get credit for time served all this stuff. It's like you starting fresh, it's up to the judge to sentence you, you know what I mean? But in the beginning, it didn't really register. I just kept saying those words. I agree. Yes, I agree.

Elizabeth tells me that she has seen many individuals fail drug court and end up in prison because they could not remain abstinent from drug use. Multiple individuals told me that they would warn individuals before entering into the program, as the consequences are often detrimental if a participant fails to succeed.

Adam explains that the fear that this process instilled in him simply.

Yeah, it was super scary. I had these thoughts of, why did I agree to this… and right before I went in, I'm talking to my lawyer and I said, Listen, if she sends me to prison today, can I have a few days to get my stuff in order? You know, I'm saying cuz I didn't plan to go to prison.

The few individuals who mentioned that they understood the severity of their agreement to participate in drug court felt as though there was no other option, so the risk was worth the potential negative consequences. These individuals who felt as though they had a comprehensive understanding of the requirements to participate in King County Drug Diversion Court were in the minority of those I interviewed.

1e. Fear of Failure and Incarceration

Each of the nine participants mentioned the fear of incarceration as being a strong motivator for their involvement in King County Drug Diversion Court. In drug court, incarceration is often used to ensure compliance with drug court regulations. For many individuals, their fear of incarceration was a significant motivator. All nine individuals expressed the sentiment that drug court was their 'only option.' Donna mentioned her fear of a felony on her record.

If I don't want a felony on my record, that was the only option. That's what my lawyer said. So my, you know, is that she's not a paid one. It's a public defender . So, yeah, so, um, I chose that route, because I don't want that on my record.

Chloe mentions that the idea of drug court scared her due to the possible repercussions if she failed, but it was the only option for her.

And while I was in jail, my attorney said that I was looking at two years in prison, or I could say that my best bet would probably be to do drug court and I was iffy about it just because I failed two times before trying to do it. There's just a lot of it just expects so much of you and it's so much at the beginning and it's just it gets frustrating and it's hard.

Even when individuals are scared and unsure of entering into the program, it feels like the only option because the only other option is jail time. Individuals are forced to rehabilitate and abstain from drugs and alcohol *or* be sent to prison. Charlie mentioned that drug court is an alternative to prison and that is a clear motivator for him.

People make it out to be a lot but I mean, compared to the alternative, you know, going to prison where you're only doing everything you're told and nothing else and you only hear what they tell you to eat and nothing else, or going out and just chasing drugs and nothing else. You know, it's really easy.

Charlie also shares that he is on his ‘last leg’ with drug court, and this has brought up feelings of fear of being sent back to prison. He said, “My biggest hurdle was how long is it going to take and how much I have to do to get to the end because I'm on my last leg with drug court. If I'm out of compliance at all I don't believe that they will hold on to me.”

Gary spoke his fear of incarceration nonchalantly. Gary has experienced severe trauma throughout his life, and finally has a handle on sobriety. Yet, if he slips up, as is extremely common in battling addiction, he will be incarcerated. He commented, “if I failed drug court, which I probably most likely won't. I will go to prison.” Sending an individual struggling with addiction to prison does not help them seek rehabilitation but rather further perpetuates traumas that induced substance abuse. Donna expanded on these feelings of ‘fear’ that individuals mentioned coming up during their time in court.

It was scary. I'm not gonna lie. It was scary. Because it's like, you're dropping all your rights. So if you do fail, you're going to have to, it's up to the judge and whatever. I feel like it's very scary. Because if they drop you, it's over, though.

The impacts of opting into drug court do not fall onto all individuals equally. Jamila mentions some of the worries running through her mind, none of which her male counterparts mention. Jamila expanded upon these fears and shared,

That was my biggest fear when I got charged with that felony. I'm a single parent. How am I going to be able to operate in this world if I have a B Class felony? That's like the second worst class felony. I'm like, how am I gonna be able to find a decent job and provide for my son? I haven't been a part of society for almost two years and like you lose a lot of knowledge, a lot of the common sense or the common knowledge about how society operates when you like, go off grid as an addict.

Jamila's concerns highlight the disproportionate impact that drug court involvement can have on individuals, particularly women who may face additional challenges due to their

societally created gender roles and responsibilities. While drug court aims to provide a pathway to rehabilitation for all participants, the realities of navigating life post-conviction are not uniform across genders.

Finding II: Indicators of Success Are Often Outside of Individuals Control or Intrinsic to the Individual

2a. Familial Support

Many of the individuals who succeeded in drug court, or mentioned that they could complete obligations with relative ease had significant support from their families. One participant mentioned that she lived with her mother, who was her main mode of transportation to get to obligations imposed by drug court.

This kind of familial support is not available to everyone, yet it is a significant factor in whether or not an individual can successfully manage the many obligations that drug court imposes, many of which include getting to a variety of locations during inconsistent times throughout the week. Charlie mentioned that when he was in the hospital, he was unable to reach out to drug court. His father had already established a relationship with the drug court actors and was able to assist Charlie in reaching out to drug court and getting support while was in recovery.

I couldn't call drug court and let them know what was going on. So my dad was calling for me and letting them know what's going on. And they kind of developed a relationship, my dad and the case managers.

Becca sheds light on the significance of having familial support, especially when children are involved, and shares what can happen if there is no familial support to fall back on.

Yeah, (other drug court participants) kids' are in the system. So they have to fight to get their kids back. They have to go against the system to get their children back. So it is hard, you could tell they really want their kids but I'm just blessed that I had, yeah, I had somebody that was going to take care of her as her own.

For Becca, this familial support is what allowed her to recover, knowing that her child was in a safe and loving environment until she could take care of her on her own. Indy echoes that this familial support was crucial in her being able to enter into drug court, as her mother took custody of her daughter when she entered into the program.

The alternative would have been their children ending up in the system, and their mothers worrying about them constantly while they also managed their sobriety and the obligations of drug court. Not all individuals have access to strong familial support networks. Relying solely on family support may disadvantage those who come from dysfunctional families or lack familial resources, perpetuating inequality within the criminal justice system. Familial support is crucial in navigating drug court obligations, especially for women. Many successful participants cited significant support from their families, such as providing transportation and childcare. For instance, Charlie's father helped him communicate with drug court during hospitalization. However, not everyone has access to such support, leading to challenges, particularly for single mothers like Indy, Jamila, and Becca. Dependence solely on family support can exacerbate gender disparities in drug court experiences, highlighting the need for equitable support systems.

2b. Individual is sober before entering drug court

Many individuals who did not mention significant struggles with managing the obligations of drug court already had a significant handle on sobriety when they entered the program. For example, one participant mentioned that because she spent six months in jail, she

was already sober when entering drug court. Adam was in a similar situation, and shared that he got clean on his own before entering drug court, which made it much easier to manage the expectations that drug court had of him. Adam said, “I believe it would have (been harder to manage drug court) if I was coming straight off the streets. But like, because I got clean on my own practices in my decision alone, it was easier.”

While the first phase of King County Drug Diversion Court explicitly states that individuals who are in active addiction may enter the program, yet, it is *significant* that individuals who have prior sobriety have an advantage in completing the program (King County Drug Diversion Court, 2022).

And then when they were, you know, I'm lucky because I came into drug court already about nine months clean because of the program I'm in now. But, I still was confident in my ability to meet the requirements but I was still afraid because I didn't know if they're gonna make me leave my program.

Drug court appears to be made for individuals with a handle on sobriety given the abstinence oriented approach of the program. Furthermore, the emphasis on abstinence-oriented approaches within drug court programs may inadvertently disadvantage individuals who are actively struggling with addiction upon entry. While drug court acknowledges the possibility of participants being in active substance use, the structure and expectations of the program are more conducive to those who already have a foundation of sobriety.

I just think I was a lot more ready and I've had a lot more support, like my mom has. Yes, like I just think that's more what mainly I was just ready and I needed that structure in order for me to stay sober. Because I don't know if I could have done it in the beginning by myself. Like it, this made it easier knowing I had UAs and stuff to stay away from old friends.

While Chloe was able to manage the obligations due to external support, it is difficult for individuals managing multiple obligations (such as children) to prepare themselves for remaining completely sober. This is likely even more difficult when parents are managing separation from children, or figuring out how to continue to care for their children and focus on recovery.

III. Feelings of Injustice Related to Drug Court Proceedings Heavily Were More Commonly Mentioned by Women

A significant portion of the women I interviewed mentioned being sanctioned for a false positive drug test. Of the six women I interviewed, three of them (50%) mentioned this scenario. These scenarios left each woman feeling powerless and angry. Zero of the three men I interviewed mentioned an occurrence where they felt powerless in drug court. However, one individual mentioned an instance of being accused for an infraction he did not commit and that it heavily impacted him, and led to him using. Gary shared, “They thought I was doing fentanyl and selling fentanyl. I said no but I used because of that. I got sanctioned again, went back to jail and got out, went through to North sound, graduated and got out and relapsed.”

Indy mentioned an experience she had with drug court where she was sanctioned for a dirty UA when she had not used.

And it was around the end of March of last year, I had gotten a dirty UA for morphine. I didn't use it but I thought that they were like, all you have to do is write a paper and I'm like, I'm not going to write a paper I didn't use, no, and they were like, they said, well just change your clean date. I'm like that's one thing that I'm not going to do. I'm not changing my clean date. I fought for that.

Jamila expresses another very similar experience, and the powerlessness it made her feel.

I did just recently receive a sanction and it's, it was really disheartening only because it was for dirty UA. But I haven't used and, you know, it broke my heart because for the courts, I had to

change my clean date…, and that was just really disheartening, because not only do I get a UA for drug court twice a week, I get a UA at this facility, like once a week at least, so I'm pissing in a cup three times a week and I also have probation in another county. So I'm like all of this, my housing, my probation, my freedom all rides on me not using so when I got the results and I saw it was like, point five nanograms which is like an anagram is a billionth of a gram. So that's five billionths of a gram. And I was just like, there is no that was the only time I ever felt powerless in drug court is because I'm like, How do I defend my position? They've been doing this for like 14 plus years. I'm like they've probably heard it all. So that's why I got a sanction. I accepted my sanction.

Each of these women were hesitant to admit to using when they hadn't, yet the court continued to pressure them, creating feelings of injustice and coercion. Jamila particularly felt harmed that the court was forcing her to be dishonest in order to move through with the process. The court claims they pride themselves on open and honest communication, yet seem to defer to guilt when given an option.

Yeah, and that was just the biggest thing I'm like, I am being honest. Like they usually have us fill out this paperwork before we appear to the court, just like a paper check in. And so all the people check in, I changed my clean date for them. But when they're like, did you use substances? I said no I didn't, because I didn't.

Chloe further expands on these feelings of injustice and mistreatment, telling that this appears to be a scenario that occurs relatively frequently.

It happens a lot. I honestly felt like they were purposely trying to create a problem for me, because nothing was going wrong. Like I really truly started thinking that and a lot of people I've heard other people say the same thing.

For Chloe, these feelings of injustice only continued to be heightened throughout her experience in drug court. She shares that the day before her graduation, her charges wouldn't be dropped. She exclaimed, "Why wasn't I told this when I opted in? Why wasn't I told this, that my charges aren't gonna get dropped down to something less?" Chloe expanded on the frustration that this situation caused saying,"I was doing everything right. But because there's a problem with it on their end, and the reason there was a problem at UA was because the UA was sitting

for too long and it hadn't been tested so it lost its creatinine levels, which makes it look like it's fake pee."

It is clear that these experiences and feelings of injustice toward the court greatly impacted how each individual perceived the court and the criminal justice system. For many of the women, it led to exacerbated feelings of injustice related to the criminal justice system.

IV. Gendered Experiences are Inadequately Considered and Addressed in King County Drug Diversion Court

The interviews I conducted with individuals in durg court suggest that the gendered experiences of individuals are inadequately considered in King County Drug Diversion Court. One example is the increased likelihood that women entering drug court have experienced sexual violence, exploitation, or were engaged in sex work prior to their involvement in drug court. Jamila shares her experiences with violence and exploitation, and tells me that it is not a rare experience among women in drug court.

Like I said, a lot of people like me, I had to escape. I had to flee sex trafficking, people were trying to like, kidnap me and and, and just being part of sex work or anything like that is extremely traumatic…we are easily ostracized and shamed by fellow recovering addicts, especially males, or even females who feel some sense of superiority because their addiction didn't take them that far. Or, or they're just not willing to, they're still in denial about that or like, or, you know, whatever the case may be.

Jamila further explains why this necessitates gender-specific programming.

But like the one stigma I've noticed, is people shaming each other for a lot of sexual behavior because they don't realize, especially like a lot of women in recovery they had to and including myself like in their recovery. And that's why women's meetings are so safe, because as much as you'd want to share that truth. So men could see women as people again, it's hard to share the truth because if you had to do sex work or anything like that to to survive, you know what I mean?

Gary acknowledged this point as well, and demonstrates bluntly why this is the case.

Well a lot of women either can get away with crimes or just don't do them. So guys, well, a woman's last resort is to go out and sell themselves on the street, we men got all sorts of options, we can still rob you know, we can make a buck.

As Gary suggested, women, often facing limited options and socioeconomic disadvantages, may resort to survival strategies such as sex work due to systemic barriers and vulnerabilities (Jones, 2019). While men may have a wider range of options when it comes to criminal activities, women like Jamila may feel compelled to engage in sex work as a means of survival due to limited alternatives.

Chloe told me that she didn't get a chance to delve into her unique trauma and experiences in drug court, but did through her inpatient program. She found the gender-specific program uniquely helpful, and commented that drug courts should implement a similar program. Chloe also commented that many of the female participants had experienced significant trauma surrounding men, and that this common experience was inadequately addressed by King County Drug Diversion Court. This was an idea brought up by other participants as well.

Further, a few of the men I spoke with brought up ideas of toxic masculinity. Charlie shares that prior to drug court, he never had a positive idea of what it meant 'to be a man.'

But this last time that I got booked in, and I sat down with like a sit in attorney who had sat in on my cases a few times, he looked at me and said, Hey, this is this is what a what an adult does is what a man does, he turns himself to handle his problems and face his fears and stuff. So yeah, normally I would stop at nothing to get out of it.

Charlie's reflection on toxic masculinity underscores the need for gender-specific programming within King County Drug Diversion Court to address harmful societal norms and

promote healthier expressions of masculinity. His experience highlights how traditional notions of masculinity can contribute to individuals' behaviors and attitudes, including avoidance of responsibility and an aversion to vulnerability. Charlie expands further on this idea of masculinity, and what it means to be a good man.

Yeah, that was a missing piece to my life. I've always you know, me and my brothers have always gotten in trouble our whole lives, and my dad would always jump on our ass every time you get a chance. And my older brother would always be like, I'm a grown ass, man. I'll make my own fucking decisions. And I would try to embody that attitude and be a man and you know, just have confidence in all my decisions. And I didn't realize until after having that conversation that I was in no way shape or form, a man of accountability or trust or just like there was no weight behind my word.

Incorporating programs that challenge these ideas of toxic masculinity could be beneficial for the many men who have been in and out of incarceration, an environment that fosters these ideas of toxic masculinity. By acknowledging both ends of the spectrum of harmful gender norms, drug courts can understand the root causes of these issues and help individuals learn to cope in healthy ways. Gary additionally mentions that toxic masculinity was a part of his upbringing and life.

Chloe mentions that the lack of women in the program made it difficult to find new support in her recovery. Drug court is largely composed of men and this impacts women in drug court who have experienced trauma related to men. This imbalance not only affects social dynamics but also influences the level of comfort and safety that women like Chloe feel within the program. The perception of being outnumbered by men can contribute to feelings of isolation, discomfort, and even mistrust, making it challenging for women to fully engage in the therapeutic process.

Multiple women commented on societal norms playing out in the court room. Indy attested to this point.

Their (men in drug court) babies' moms have been like the primary care and the mom already had their heads on straight so they didn't really need the dad's support at the time. So they (the dad's) were just like I wanted to see my kid. I want to visit them. So can you help me with that?

Indy's observation underscores the complex interplay between gender roles, parental responsibilities, and the challenges faced by individuals in drug court. In many cases, women are not only contending with their own recovery but also juggling caregiving responsibilities for their children. This dual role places additional strain on women navigating the drug court process, as they must balance their rehabilitation efforts with the demands of parenthood.

Jamila echoes Indy's sentiment.

I feel like because men often feel a lot of, you know, a lot of shame. I don't know, sometimes men don't often share about their kids… because the kid is with the mother and stuff like that. And it's a shame because like I said, there's a mentality that happens sometimes, especially with fathers, when they've haven't seen their kids for so long. They kind of just accept that. They accept that and while women are expected like you should be getting your kids back, you should be getting your kids back…Like you're still not trying to get your kids back but no one is coming for them. No one's coming for the men who aren't trying to get their kids back. Maybe they're saying something behind their back. But you know, people are able to be more vocal about a woman not getting her kids back yet. but a woman is like, well, you need to get clean and get ready as soon as you possibly can because your kid needs you and of course the kid needs her mother but the kid also needs their father, right?

Jamila points out the disparity between the ways that men and women are expected to behave, highlighting the gendered norms and expectations that exist within the criminal justice system and in broader society. Women, like Jamila, are often subjected to heightened scrutiny and judgment, with society holding them to a higher standard of parenting and recovery.

Meanwhile, men may face less scrutiny and accountability for their parental responsibilities, contributing to a cycle of gender inequality and unequal treatment within the justice system.

Discussion and Future Directions for King County Drug Diversion Court

A number of recommendations for King Country Drug Diversion Court resulted from this research. Overall, my findings suggest that while drug court has long been the best alternative to incarceration for drug related crimes, it is past time to separate our systems of treatment from punishment. While I discuss this in greater detail in my first suggestion, the remainder of my suggestions include changes and reforms that can be utilized to immediately improve drug court for future participants, and ensure that individuals and their lived experiences are being appropriately acknowledged.

1. ***Cease (or greatly decrease) the use of incarceration and coercion within drug court***

First, King County Drug Diversion Court must divorce treatment and punishment. It is inherently problematic to answer addiction and drug use with incarceration. *Every individual* I interviewed mentioned that fear of incarceration was a large motivator while they were involved in drug court. This is coercive rehabilitation and this aspect of drug court must be seriously reformed. Rather, if the goal is to be rehabilitative, incarceration cannot be used as a motivator for change since it is punitive at its core. It is particularly harmful that once an individual is incarcerated (or even sanctioned to jail time) they lose access to life-saving resources, as mentioned by Gary. Treatment for drug addiction and mental health concerns should not be rescinded when an individual needs its most, as is the case in drug court. Rather, incarceration alternatives that center treatment must be embraced. The goal should be to help everyone who has been hit so devastatingly by the influx of opiate drugs in King County. King County has long

been the model for a reformed and just criminal justice system, and we have the chance to present an ideal method of treating drug related crimes. Drug court has embraced that addiction is a disease but it is time to truly look at what causes drug addiction, and where it occurs most. Rather than dubbing addicts as criminals, let's look to see why ***opioid related deaths in Washington state have doubled since 2019.*** Rather than continuing to utilize a method that touches and impacts a few, let's expand treatment programs and invest in local communities of color. Drug court policies demand abstinence from any and all drugs, telling its participants that this is the only possible way to remain safe rather than teaching a harm reduction approach. Yet, for many individual medication for anxiety attacks and disorders is life saving. Adam echoes that incarcerating individuals who have tested positive for drugs is unnecessary.

The biggest thing is when people relapse, they, you know, and they've been clean for a significant amount of time. They tend to get mad at themselves. Yeah. And very upset. They're like, man, I can't believe I did this.

2. Implement gender responsive programming into King County Drug Diversion Court

a. Implement affordable and free childcare into drug court support

My findings suggest that King County Drug Diversion Court does not adequately address the unique and often gendered experiences of many individuals. This resulted in mothers and fathers in drug court reporting dramatically different experiences. One commonly noted experience was feeling overwhelmed by obligations. This was even more common for single mothers I spoke to, who also had full custody of their child. While familial support was a common workaround for this situation, it is not fair to assume that all parents have access to reliable families who can assist with taking care of their children. Alternatively, King County Drug Diversion Court could invest money into creating childcare services and options for

working parents who have full custody of their children. While this suggestion is not inherently gendered, my findings suggest that the individuals who likely need these services are women, and more specifically women of color.

b. Embrace trauma informed and holistic approaches to treatment

My findings additionally suggest that the life experiences of individuals entering drug court are not adequately considered by drug court personnel. Every individual I spoke to had prior involvement with the criminal justice system that resulted in a lack of trust with the drug court program. This further demonstrates why the marriage between punishment and treatment is so problematic and contradictory. For many individuals, this is a contradictory pairing, as depicted through the many stories of disbelief when individuals entered the drug court room for the first time. Multiple individuals suggested that they do not feel as though their traumas and life experiences were adequately addressed. Perhaps, this lack of trust exists because drug court has failed to take into account the unique and complex lived experiences of the individuals entering drug court. Additionally, the program could benefit by implementing more actors who have lived experience with addiction. Most of these individuals had prior (negative, if not traumatic) experiences with criminal justice systems and actors. A therapeutic court is unlikely the best method of creating trust among individuals who have been previously harmed and oppressed by the criminal justice system. Drug courts should not demand individual's to be vulnerable without building trust or creating an actual safe and therapeutic environment.

Drug court needs to better consider the trauma that this 'coerced re-telling' can cause. Perhaps a courtroom is not the appropriate setting to delve into deep trauma, especially if many of the actors are not properly trauma informed.

Individuals entering drug court often have complex and traumatic pasts. By failing to adequately recognize and address the gender-specific needs and experiences of individuals like Jamila, drug diversion court programs may inadvertently perpetuate cycles of victimization and trauma. Specifically, drug court must address the potential traumas and implications for individuals entering who are fleeing sex-trafficking or other similar experiences.

Without tailored interventions and support services that acknowledge the intersecting factors of gender, trauma, and substance abuse, women like Jamila may struggle to access the resources and assistance necessary for their recovery and rehabilitation.

A court room is not the place to delve into these traumatic experiences, however if the court wishes to be the hand of forced change, it should at least take into account the full picture of the individual before them. Charlie mentioned that one issue for him was his health and confidence and he wishes drug court would have offered programming on this. Charlie also speaks of feeling frustrated by the lack of programming that was specific to him, rather he had to sit through considerable programming that he felt didn't apply or helped him.

My findings suggest that gendered ideas of masculinity are additionally significant in individuals journeys with recovery. This idea must also be considered when planning drug court programs and treatment.

Not all individuals need the same services and accountability tools. It is not fair to ask the same of a single mother taking care of her children and another individual with few obligations and extensive familial support. Drug court needs to see the full picture of the individual rather than assuming all individuals have the same resources and support. Every actor involved with

drug court should undergo extensive trauma informed training. Furthermore, the King County Drug Diversion Court should be thoroughly analyzed to determine whether all aspects are trauma informed. A treatment program that fails to do this is only re-traumatizing rather than healing.

3. ***Expand opportunities to participate in drug court while ensuring potential drug court participants on the risks and potential implications of drug court.***

Considering multiple individuals mentioned they had gotten a handle on sobriety before entering drug court, my findings suggest that drug court has a tendency to focus on individuals who are likely to succeed in the program. The opportunity to seek treatment rather than incarceration should not be limited to a select few. I urge the drug court to re-evaluate certain exclusionary factors to include more individuals who have been touched by the current opioid epidemic. Given that many individuals did not grasp the full implications of opting into drug court, it is imperative to intensify efforts to ensure clear understanding of program expectations.

It seems as though individuals are often pressured into drug court at their lowest moment, and these individuals are right- drug court is the best option. We must reexamine if this method of coercive rehabilitation is just or logical.

4. ***Examine and address presented injustices***

My findings are limited to the perspective of those involved in the drug court system. However, the multiple instances of discussed injustices and conceived sabotage suggests a significant pattern that led to a lack of trust in procedural justice. The experiences shared by the individuals interviewed reveal a troubling aspect of the drug court system where participants,

particularly women, are disproportionately affected by false positive drug tests leading to sanctions. Despite the rigorous nature of drug testing protocols, a significant number of participants reported instances where they were penalized for drug use they did not engage in. Additionally, studies have been done on the illegitimacy of urinary analysis tests (Kale, 2019). This discrepancy raises questions about the reliability and accuracy of drug testing procedures within the system.

Furthermore, the emotional impact of these false accusations cannot be overstated. Participants described feelings of powerlessness, frustration, and anger when faced with unjust sanctions. These emotions are compounded by the perceived lack of recourse or avenues for challenging the decisions made by the court. Even when participants attempted to contest the sanctions, they often encountered resistance or dismissiveness from court officials. The experience of these perceived false accusations highlight issues of procedural justice in drug court.

In light of these findings, it is clear that reforms are needed to address these injustices. This includes improving the accuracy and reliability of drug testing procedures, implementing safeguards against false positives, and ensuring that participants have access to fair and transparent mechanisms for challenging sanctions. Additionally, there is a need for greater accountability and oversight to prevent abuses of power and ensure that participants are treated with dignity and respect throughout their involvement in the program. Ultimately, addressing these issues is essential to upholding the integrity and effectiveness of drug court programs and promoting positive outcomes for all participants.

The disparity in experiences highlights the need for drug court programs to adopt more flexible and individualized approaches that account for the diverse needs and circumstances of participants. This could involve providing additional support and resources for individuals who are still in the early stages of recovery or who are actively struggling with addiction, rather than solely relying on punitive measures for non-compliance.

By recognizing and addressing the unique needs of all participants, regardless of their sobriety status upon entry, drug court programs can better fulfill their goal of facilitating rehabilitation and reducing recidivism rates among individuals with substance use disorders. These recommendations aim to transform King County Drug Diversion Court into a system that prioritizes rehabilitation, fairness, and dignity for all participants. By separating treatment from punishment, implementing gender-responsive programming, embracing trauma-informed approaches, expanding opportunities for participation, and addressing systemic injustices, the drug court can become a model of compassion and effectiveness. It is imperative that these reforms are swiftly implemented to ensure that individuals struggling with addiction receive the support and assistance they need to rebuild their lives and contribute positively to society.

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