Leslie Paik  
UCLA Sociology  
Dissertation Title: “How Many Sober Days Do You Have? Negotiating Compliance in a Juvenile Drug Court”  
Chair: Robert Emerson

Brief Abstract

Over the past several decades the American legal system has seen the rise of a wide variety of specialized “problem-solving” courts dealing with such issues as domestic violence, mental health, community conflicts, and drug abuse. Problem-solving courts, in general, rely on legal authority and coercion to induce defendants/“clients” to participate in treatment programs intended to change their “deviant” ways into more morally acceptable forms of behavior. The creation and operation of such problem-solving courts is the major expression of a broader movement toward therapeutic jurisprudence in American society in which various treatment initiatives and policies come to be based in and closely tied to distinctively legal institutions. Most work on therapeutic jurisprudence has been broadly theoretical in character, exploring such issues as therapeutic jurisprudence as a form of democratic experimentalism (Dorf and Sabel 2000) or its implications for the state (Nolan 2001). In addition, the empirical research has been primarily policy-oriented, focusing on retention and recidivism rates (Rempel et al 2003; Belenko 1998, 1999, 2001) or staff and client perceptions of this “new” organizational model (Nolan 2002). My dissertation pursues a different tactic, examining “therapeutic jurisprudence in action” (Manzo and Travers 1998). It identifies a series of practical organizational features which shape the day-to-day operations and decision-making processes in a southern California juvenile drug court that diverts juvenile felony offenders with substance abuse problems into drug treatment instead of long-term custody.

Like other problem-solving courts, juvenile drug courts are marked by a series of distinctive organizational features that frame and influence processes of decision-making. First, such courts create and operate in a complex and varied institutional environment (Hasenfeld 1972; Hasenfeld and Cheung 1985) as court personnel (judges, prosecutors and public defenders) develop regular working relations and close ties to a variety of legal agencies (police, probation, juvenile halls), non-residential and residential treatment programs, and core community institutions (schools). This inter-institutional field comes to be reflected internally in regular and intense collaborative decision-making among the legal and therapeutic practitioners about the detailed nature of the defendant’s “treatment.” Secondly, the coordinated involvement of multiple institutions and agents allows for the close and intensive routine supervision of youth in the program; cases are often reviewed on a weekly basis, with information provided on the youth’s behavior and problems in family, community, school and drug-treatment program contexts. In contrast to classic probation supervision that keyed primarily on episodic summaries of youth behavior and new violations of the law, intensive supervision in juvenile drug courts comes to center on the staff’s routine assessments of the youth’s daily behavior within the courts’ locally defined notions of “compliance” and “non-compliance.”

Based on thirteen months of participant observation and sixty four open-ended interviews with staff and youth participants, the dissertation specifically focuses on how the staff’s everyday work practices, particularly their weekly and longer-term procedures for assessing youths’ “compliance” and “non-compliance,” determine youths’ institutional careers, that is, their short- and long-term fates within the juvenile justice system. The dissertation will include the following substantive chapters:

- “Organizational Features of a Juvenile Drug Court.” This chapter will describe the basic procedures of the juvenile drug court and its program, identifying a number of distinctive organizational features that shape its decision-making practices.
- “Staff Tactics in Negotiating Compliance.” This chapter examines how staff members assess specific problematic acts committed by the youth as either significant or irrelevant events during
“team meetings.” In these meetings, staff must decide by consensus whether the youth is compliant with the program and if not, what corresponding sanction should be imposed.

- “Social Construction of Drug Testing.” This chapter explores the ways in which staff, youth, and parents challenge drug tests and results, which are critically important because these are the court’s only “objective” way to hold youth accountable.

- “Role of Mental Health Assessments.” This chapter assesses when and for what reasons staff invoke the possibility of a mental disorder in their discussions. Assessments of mental disorder tend to mitigate youths’ accountability for their noncompliant behavior and thus run counter to (and cause tension in) the court's routine approach of emphasizing that youth must learn to take responsibility for their actions. This chapter looks specifically at how staff uses of mental health diagnoses could possibly serve as a proxy for differential treatment based on a youth’s race.

- Youth/Parental Tactics in Negotiating Compliance.” Given that most youth and parental efforts fail to change staff decisions, this chapter focuses on those reasons, excuses and narratives that do actually alter staff decisions.

- “Variations in the Youths’ Institutional Careers.” This final chapter considers how the detailed negotiations of compliance discussed in the previous chapters can lead to significantly different pathways for youth in the court.

References


