

11-20-2023

Drug Court Professionals' Perspectives on Marijuana Legalization Implications for the Drug Court System

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Daniel Akwasi Amankwaah

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the review committee have been made.

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Walden University
2023

Abstract

Drug Court Professionals' Perspectives on Marijuana Legalization Implications for the

Drug Court System

by

Daniel Akwasi Amankwaah

MA, University of Ghana, 2014

Dissertation Submitted in Partial Fulfilment

of the Requirements for the Degree of

Doctor of Philosophy

Criminal Justice

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November 2023

Abstract

As of May 2022, more than 18 U.S. states had legalized marijuana for adult recreational use. Even though marijuana users constitute a large portion of drug court participants, little was known about marijuana legalization (ML) implications for the U.S. drug court system (DCS) to enable appropriate measures to be put in place. This generic qualitative study explored ML implications for the DCS from drug court professionals' perspective using therapeutic jurisprudence theory as the framework. Purposive sampling was used to identify 13 knowledgeable drug court professionals from six marijuana-legalized states. Data were collected through individual semi-structured interviews. In vivo and descriptive coding techniques were used to categorize the codes and develop themes. Findings indicated that ML has positive and negative implications for the DCS. Negative ML implications include the introduction of complications and increased workload in the DCS. Positive implications are that ML may be a source of income for the DCS through ML taxation. ML was also found to enhance harm reduction in the DCS. Recommendations for positive social change include developing a system for low-level marijuana users and using marijuana tax income to improve the DCS. Findings may help drug court practitioners, administrators, and managers improve the operations of the DCS in the era of ML.

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Dedication

I dedicate this dissertation to Dennis, Dickson, Emmanuel, and Bright, my sons, to impress upon them to get a doctorate and be greater than me.

Acknowledgments

I thank God, who marvelously gave me the fortitude, wisdom, tenacity, and resources to finish my PhD in 3 years. God brought so many people on my way to help me throughout this journey, and I cannot mention all of them here. However, the following deserve special acknowledgment. I thank my committee members, Dr. Tony Gaskew (chair) and Dr. Dianne Williams (member), for their prompt feedback and encouragement. I also appreciate my student advisor, Yoshihiko Yoshimine, who was with me throughout the journey. A special thank you to the drug court professionals who willingly participated in this study. I also want to thank my friend, Julius Lang, formerly of the Centre for Court Innovation, for his invaluable suggestions and recommendations. Last but not least, my sincere appreciation goes to my father, Reverend Anthony Acheampong of World Harvest Church, Accra, for his prayers and inspiration. Finally, I thank my dear wife, Joyce, and the four boys, Dennis, Dickson, Emmanuel, and Bright, for their support. God bless you all.

Table of Contents

List of Tables	vi
List of Figures	vii
Chapter 1: Introduction to the Study.....	1
Background	3
Problem Statement	5
Purpose of the Study.....	7
Research Question.....	8
Theoretical Framework	8
Nature of the Study.....	10
Definitions.....	14
Assumptions.....	16
Scope and Delimitations	17
Limitations	18
Significance.....	19
Summary	21
Chapter 2: Literature Review	23
Literature Search Strategy.....	25
Theoretical Foundation	26
Literature Review Related to Key Variables and Concepts.....	31
History of Marijuana Use and Its Prohibition.....	31
International Drug Control Regime and U.S. Drug Policies	32

Failure of Previous Drug Control Regimes	33
Discovery of the Drug Court System.....	34
Drug Court System	35
Effectiveness of the Drug Court System.....	38
Marijuana Legalization	40
Summary and Conclusion	50
Chapter 3: Research Method.....	52
Research Design and Rationale.....	53
Role of the Researcher	59
Methodology.....	61
Participant Selection Logic	62
Procedures for Recruitment	63
Sample Size and Data Saturation.....	63
Instrumentation	65
Data Collection	66
Data Analysis	70
Issues of Trustworthiness.....	74
Credibility	75
Transferability.....	76
Dependability.....	76
Confirmability.....	77
Ethical Procedures.....	78

Summary	80
Chapter 4: Results	82
Setting	83
Participant Demographics and Characteristics	84
Data Collection	85
Saturation	86
Conduct of the Interviews.....	87
Recording and Storage of the Data.....	89
Data Analysis	90
Evidence of Trustworthiness.....	92
Credibility	93
Transferability.....	93
Dependability	94
Confirmability.....	94
Results.....	95
Theme 1: ML Affects the Drug Court Population in Various Ways	96
Theme 2: ML Complicates Matters in Drug Courts and Increases the Workload.....	105
Theme 3: ML May Provide Additional Funding for More Services in the DCS Through Marijuana Taxes	111
Theme 4: ML May Facilitate Harm Reduction in the DCS.....	113

Theme 5: Marijuana Legalization Introduces Confusion and	
Complications in the DCS Due to Federal Funding Restrictions	116
Summary	119
Chapter 5: Discussion, Conclusions, and Recommendations.....	122
Interpretation of the Findings.....	123
Finding 1: ML Affects the Drug Court Population in Various Ways.....	124
Finding 2: ML Complicates Matters in Drug Courts and Increases the	
Workload.....	127
Finding 3: ML May Provide Additional Funding for More Services in the	
DCS.....	130
Finding 4: ML May Facilitate Harm Reduction in the DCS	131
Finding 5: Marijuana Legalization Introduces Confusion and	
Complications in the DCS Due to Federal Funding Restrictions	133
Limitations of the Study.....	134
Recommendations.....	136
Expand the Participant Pool and Cover More Marijuana-Legalized States	137
Expand the Data Collection Methods to Include Focus Group Discussions	137
Implications.....	138
Potential Impact for Positive Social Change	138
Recommendations for Practice	139
Conclusion	142
References.....	143

Appendix A: IRB Approval for Change of Procedure.....155

Appendix B: Participant Invitation Email.....156

Appendix C: Interview Guide and Questions157

Appendix D: Sample Codes.....159

List of Tables

Table 1 <i>Matrix Showing Categories, Subthemes, and Themes</i>	73
Table 2 <i>Participants' Demographics and Characteristics</i>	85
Table 3 <i>Interview Dates, Duration, and Mode</i>	87
Table 4 <i>Research Question and the Emerged Major Themes</i>	96

List of Figures

Figure 1. Data Analysis Steps	92
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Chapter 1: Introduction to the Study

Marijuana use is common in the United States and other parts of the world (ECOWAS Commission, 2021; Morris, 2019; Steigerwald et al., 2018; United Nations Office on Drugs and Crime, 2022). The widespread use of marijuana has been a challenge to the U.S. criminal justice system, leading to several policies, including marijuana criminalization (Berryessa, 2021; Vitiello, 2021). Even though marijuana criminalization has been resisted for years, it was not until recently that some states in the United States and other countries legalized the substance either for medical purposes or adult recreational use or both (Coley et al., 2021; Jones et al., 2018; Wu et al., 2021).

According to the National Conference of State Legislatures (2022), “as of May 27, 2022, 19 states, two territories, and the District of Columbia have enacted measures to regulate cannabis for adult non-medical use” (para. 2). Adult recreational marijuana legalization, which seems to follow medical marijuana, legalization is likely to continue to cover more states (Hansen et al., 2022). As of February 2022, the number of U.S. states and territories that had legalized medical marijuana was more than 38 (National Conference of State Legislatures, 2022). Even though medical marijuana legalization seems to influence recreational marijuana legalization, the current study focused on recreational marijuana legalization and its implications on the operations of the drug court system (DCS). In this study, “implications” were defined as the conclusions that can be drawn from marijuana legalization and its effects on the DCS (see Morris, 2019; Thompson, 2017).

The DCS is a diversion concept that uses specialized courts' legal authority to coerce drug offenders into drug treatment as an alternative to incarceration (Cooper, 2017). The DCS uses the authority of the court to coerce drug-addicted offenders to enter and stay in drug treatment long enough to recover (Gibbs & Lytle, 2020; Logan & Link, 2019). Studies have indicated that drug court professionals, including judges, attorneys, coordinators, case managers, and treatment providers, play a central role in the DCS (Cooper, 2017; Gallagher et al., 2015; Marlowe et al., 2016; Trood et al., 2021). The drug court judge galvanizes the other actors in the system and leads them to ensure the recovery of drug offenders through innovative ways, including sanctions, rewards, supervision, and monitoring (Gallagher et al., 2015; Ruiz et al., 2019).

The DCS has been one of the most effective criminal justice innovations introduced in several other countries (Logan & Link, 2019). The current study addressed marijuana legalization in relation to the drug court program concept and not as individual drug courts. Studies suggested that the DCS reduces recidivism and criminal behavior (Cooper, 2017; Devall et al., 2023; Logan & Link, 2019; Trood et al., 2021). Marijuana legalization may have positive and negative implications for the operations of the DCS (Zuckermann et al., 2020). Identified positive marijuana legalization implications can be leveraged to improve the DCS. At the same time, negative marijuana legalization implications can be mitigated to safeguard the DCS as one of the effective criminal justice programs (Trood et al., 2021). There is, therefore, the need to understand the nature of marijuana legalization implications for the DCS to safeguard the system's continued successful operations.

The current qualitative study explored the implications marijuana legalization might have for the DCS from drug court professionals' perspectives. Chapter 1 provides a brief background and presents the study's problem statement, purpose, research question, and theoretical framework. The chapter also includes a description of the nature of the study and provides definitions, assumptions, scope, and delimitations. The chapter concludes with the study's limitations and significance.

Background

Substance abuse is one of the biggest challenges of the criminal justice system (Cooper, 2017). Due to previous crime policies such as the war on drugs, several drug addicts were incarcerated with the view that severe punishments would stop their drug-using behavior (Berryessa, 2021; Vitiello, 2021). This was found not to be the case, leading to the search for the best solutions to manage drug offenders in the criminal justice system (Cooper, 2017).

In 1989, the DCS was discovered as one of the most effective, innovative ways of diverting drug offenders from incarceration to drug treatment (Cooper, 2017). Initially, the DCS was designed to help people with low-level, nonviolent substance use disorders stop their drug-using behaviors and live drug-free lives (Marlowe et al., 2016). Over the years, the initial drug court concept has been expanded to cover several other criminal justice issues with substance abuse as an underlying factor (Marlowe et al., 2016). Due to its successes, the DCS enjoyed popular support, leading to its rapid expansion (Devall et al., 2023). The DCS has also been the foundation for various treatment court models within the criminal justice system (Logan & Link, 2019). According to Devall et al.

(2023), by the end of 2019, treatment courts in the United States had grown to 4,000, covering all 50 U.S. states. Even though there are variations and models in the DCS, the current study focused on the initial adult drug court concept. Adult drug courts are the most popular among the treatment courts, representing about 40% and numbering 1,696 as of December 2019 (Devall et al., 2023).

The DCS is a diversion strategy that uses specialized courts to handle substance abuse cases through a comprehensive treatment program, supervision, and alternative sanctions (Logan & Link, 2019). The drug court concept recognizes that many drug-involved offenders have serious needs that must be addressed if they are to live drug- and crime-free lives (Kahn et al., 2021; Logan & Link, 2019). The DCS relies on the court's authority to coerce offenders, a considerable number of whom are marijuana users, to enter and stay in drug treatment long enough to enable them to recover from addiction (Cooper, 2017; Logan & Link, 2019).

Studies have found the DCS to effectively reduce recidivism and criminal behavior (Cooper, 2017; Devall et al., 2022; Logan & Link, 2019; Trood et al., 2021). Due to its success, the DCS has been applied to several criminal justice challenges that have addiction as their underlying problem (Marlowe et al., 2016). The DCS has also assumed an international character by being operated in over 20 other countries (Logan & Link, 2019). The DCS will likely continue to expand to other parts of the world, including West Africa (Maria-Goretti & Bangfu, 2022; National Institute on Drug Abuse [NIDA], n.d.). Being one of the effective criminal justice programs and poised to expand

to other jurisdictions, the DCS must be safeguarded by understanding any threat that may affect its successful operations and leverage any positive development.

Problem Statement

Since 2012, several U.S. states have legalized marijuana for medical or recreational use, and the legalization is likely to spread across the United States and other parts of the World (Coley et al., 2021; Jones et al., 2018; Sobesky & Gorgens, 2016; Wu et al., 2021). The existing literature suggested that marijuana legalization may have implications for different areas of concern within the criminal justice system, including the DCS (Coley et al., 2021; Morris, 2019; Moreno et al., 2016; Walsh & Lund, 2019). In most drug courts, a defendant must plead guilty to the charges of drug use (Cooper, 2017). Marijuana legalization may strip drug courts of their authority over marijuana users and introduce complexities in DCS operations (Cooper, 2017; Morris, 2019). This may have several implications for the DCS. Legalizing marijuana may mean that marijuana users will not come into contact with the criminal justice system. It may also imply that marijuana users may not be admitted into drug courts. Bearing in mind that marijuana is still illegal at the federal level, the legalization of marijuana at the state level raises several pertinent issues and complexities that may affect the criminal justice system (Morris, 2019).

Marijuana use is prevalent in the general U.S. population, as well as among offenders and drug court participants (Devall et al., 2022; Morris, 2019; Steigerwald et al., 2018). The Bureau of Justice Statistics (2017, as cited in Morris, 2019) indicated that both countrywide and offenders' marijuana prevalence might be rising. In August 2022,

NIDA reported that “marijuana and hallucinogen use among young adults reached an all-time high in 2021” (p. 1).

Marijuana use prevalence has shown that if marijuana is no longer illegal, it could have implications for the criminal justice system as a whole, particularly the DCS (Morris, 2019). This makes the wave of marijuana legalization, which is currently going on in the United States, worth exploring to discover any possible implications it might have on the DCS. DCS’s operators may leverage any identified positive marijuana implications to improve the system. At the same time, the early detection of any negative implications may be mitigated by putting in the necessary measures to safeguard the continuous operation of the DCS, which has been found to be effective in reducing recidivism and criminal behavior (Trood et al., 2021).

Researchers using a quantitative research approach have examined marijuana legalization’s impacts on several criminal justice issues, including serious crimes (Wu et al., 2021), drug use among college students (Coley, 2021; Jones et al., 2018), voting patterns (Moreno, 2016), gender, racial/ethnic disparities (Meize et al., 2022; Willits et al., 2022) and public health impacts (Hall & Lynskey, 2016). Additionally, using a qualitative approach, researchers have explored substance abuse treatment providers’ experiences with marijuana legalization (Sobesky & Gorgens, 2016), perceptions of marijuana legalization and policing (Stanton et al., 2022), and the implications of marijuana legalization on school cannabis policies (Walsh & Lund, 2019). However, little was known about the impact that marijuana legalization may have for the DCS. There was a dearth of knowledge in this area that this study sought to address by contributing to

the literature on marijuana legalization as it relates to the DCS. Understanding marijuana legalization's implications for the DCS may safeguard and improve the DCS's continuous successful operations (Morris, 2019). The research problem addressed through this study was the dearth of knowledge on the implications that marijuana legalization has for the DCS.

Purpose of the Study

The purpose of this qualitative study was to explore the implications of marijuana legalization for the DCS from drug court professionals' perspectives. I applied a generic qualitative design (see Kahlke, 2014). Purposive sampling (see Patton, 2015) was used to identify 13 drug court professionals (directors, defense attorneys, prosecutors, supervisors, treatment providers, and administrators) in six marijuana-legalized states for an in-depth interview to explore the implications that marijuana legalization may have for the DCS.

The DCS represents a paradigm shift from the war on drugs and its severe punishment orientation (Cooper, 2017; Marlowe et al., 2016; Vitiello, 2021). The National Association of Drug Court Professionals has outlined 10 components and illustrated their respective roles in making the DCS functional (Cooper, 2017). A closer look at these components shows that drug court professionals play a central role in the DCS. In addition to the drug court judge, other professionals such as defense attorneys, prosecutors, treatment providers, directors, and drug court administrators make the system function. In a qualitative study, Gallagher et al. (2015) examined six of the 10 drug court key components to determine which component contributes most to the overall

effectiveness of the DCS. Gallagher et al. (2019) found that the drug court judge and the drug court team of professionals were the pivot around which the DCS revolves. The current study focused on the drug court team made up of defense attorneys, prosecutors, treatment providers, directors, and drug court administrators who have the requisite knowledge to provide in-depth insight into marijuana legalization and its implications for the DCS.

Studies suggested that the DCS reduces recidivism and criminal behavior (Cooper, 2017; Devall et al., 2022; Logan & Link, 2019; Trood et al., 2021). Marijuana legalization has substantial adverse implications, which may disrupt the DCS, jeopardizing one of the effective criminal justice programs (Trood et al., 2021). There was, therefore, the need to understand the nature of marijuana legalization implications for the DCS to safeguard its continuous successful operations.

Research Question

What are the drug court professionals' perspectives regarding the implications marijuana legalization may have for the drug court system?

Theoretical Framework

Wexler's therapeutic jurisprudence (TJ) was the theoretical framework that grounded this study. TJ posits that the law has a role in shaping offenders' lives by focusing on the offenders' emotional life and psychological well-being (King & Wexler, 2010; Wexler, 2014). TJ encourages criminal justice players to be conscious of the ability of the law to effect positive change in the lives of offenders (Frailing et al., 2020). The central question of TJ is how the law can be used to cause healing and well-being for the

offender instead of merely punishing the person (Wexler, 2014). The theory distinguishes between the therapeutic and antitherapeutic consequences of the law. According to Wexler (2014), the law can produce antitherapeutic results when it is used without considering the offender's well-being, leading to negative consequences. On the other hand, the law can cause healing or therapeutic effects for offenders when applied innovatively to address the root cause of the offenders' behavior (Wexler, 2014). Proponents of TJ, therefore, urge lawmakers, judges, directors, supervisors, and lawyers to be conscious of the law's potential healing power and endeavor to apply it to achieve the desired goal (Logan & Link, 2019).

TJ does not propose that the law be used at the expense of other goals, such as procedural justice and due process (Wexler, 2014). Instead, TJ recommends the use of motivation, encouragement, compassion, a friendly courtroom, and trust to address the underlying causes of criminal behavior (Cooper, 2017). The practical application of TJ emphasizes the law in action and not merely the laws in status books (Wexler, 2014). This means that, conceptually, TJ deals more with what legal actors such as lawyers and judges do during hearings and trials (Logan & Link, 2017). TJ's focus on law in action is informed by the notion that legal actors' actions impact offenders' psychological and emotional well-being (Wexler, 2014).

The DCS's approach to drug offenders is better understood in the context of TJ. Logan and Link (2021) found that drug court judges and other members of the drug court team demonstrate TJ principles in their efforts to achieve recovery for people with drug use disorders who are placed in their care. The TJ principles also underlie the key

defining characteristics of the DCS as outlined in the drug court key components (Cooper, 2017). The DCS diverts offenders to treatment programs for the possibility of dismissed charges or reduced sentences (Marlowe et al., 2016). Judges preside over drug court proceedings and monitor the defendants' progress (Trood et al., 2021). Working in collaboration with prosecutors, defense attorneys, treatment providers, probation agents, and others, judges prescribe sanctions for noncompliance with program requirements and rewards for compliance (Marlowe et al., 2016). The courtroom is less punitive, more healing and restorative, more informal, and nonadversarial, and permits more direct interactions between the judge and the defendants (Cooper, 2017).

Marijuana legalization threatens to take away the court's legal authority over marijuana users, thereby jeopardizing the application of TJ in the DCS (Morris, 2019). Once legal, marijuana users may not appear before the drug court judge, making TJ out of reach to adult marijuana users. I used TJ as an appropriate theoretical framework to explore the marijuana legalization implications for the DCS.

Nature of the Study

To address the research question in this qualitative study, I used a generic qualitative design (see Kahlke, 2014) to understand marijuana legalization implications for the DCS from drug court professionals' perspectives. There are three major research approaches: quantitative, qualitative, and mixed methods (Burkholder et al., 2020). Quantitative research is deductive and involves variables and the collection of numerical data to test hypotheses, establish relationships, or compare variables. In contrast, qualitative researchers employ inductive data analysis to explore participants' meanings

of a phenomenon by identifying patterns or themes (Burkholder et al., 2020). Mixed-methods researchers combine qualitative and quantitative approaches for a more vigorous and comprehensive study (Patton, 2015). The quantitative approach was unsuitable for the current study because I did not seek to test hypotheses, establish relationships, or compare variables. I did not use a mixed-methods approach because of time and resource constraints. I employed a qualitative approach.

Qualitative research is a systematic process with philosophical underpinnings to explore human views and experiences for social change (Ravitch & Carl, 2021). Qualitative research is appropriate when researchers want to understand a phenomenon (Creswell, 2018). I sought to understand marijuana legalization's implications for the DCS from drug court professionals' perspectives. The qualitative approach was, therefore, the most appropriate.

I employed the generic qualitative design. Patton (2015) identified 16 qualitative approaches, including generic qualitative inquiry (GQI), qualitative case study, grounded theory, phenomenology, narrative inquiry, and ethnography. These approaches have unique focuses and emphases, and none aligned with the current study's research question and purpose more than the GQI design. The guiding research question for this study was the following: What are the drug court professionals' perspectives regarding the implications that marijuana legalization may have for the drug court system? I chose GQI because it allowed me to answer the research question through in-depth interviews with purposefully selected drug court professionals.

The GQI is basic and exploratory (Patton, 2015). Its focus is to understand how the experience of an event, circumstance, program, or context can be described or explored (Kahlke, 2014). It also focuses on the meaning of a process, program, or event to the target individuals of interest (Patton, 2015). In this sense, the GQI is like the qualitative case study approach, which focuses on understanding a bounded case or cases. The difference is that although GQI is basic and general, the qualitative case study approach focuses on a specific event, person, place, thing, or organization (Yin, 2014). A generic qualitative design allows the researcher to discover and understand other people's perspectives or worldviews about a phenomenon under investigation (Kahlke, 2014).

The phenomenon under investigation in the current study was marijuana legalization's implications for the DCS. Drug court professionals (attorneys, prosecutors, directors, treatment providers, and administrators) are the pivot around which the DCS revolves (Cooper, 2017; Trood et al., 2021). Due to their central role, drug court professionals had the requisite knowledge and experience to answer the research question through in-depth, semi-structured interviews (see Rubin & Rubin, 2012).

The other qualitative designs were not suitable for my study. For instance, grounded theory focuses on theory generation. In contrast, phenomenology focuses on the meaning, structure, and essence of the lived experience of a particular phenomenon for a person or a group of people (Patton, 2015). My study was not about theory generation, nor did it focus on the lived experiences of a person or group. The narrative approach to qualitative inquiry focuses on stories to examine human lives through the narrative lens (Patton, 2015), but I did not seek to investigate lives through narration.

Ethnography emphasizes studying the culture of a group of people. The researcher is immersed in the culture under investigation (Ellis & Bochner, 2000). I did not seek to study the culture of a group of people.

For the GQI design, I needed interview responses from about 12–15 drug court professionals in a marijuana-legalized state, depending on the attainment of data saturation. The 12–15 sample size was guided by the purpose of the study and the available time and resources (see Patton, 2015). Given the study's purpose of understanding the implications of marijuana legalization for the DCS, I assumed the sample size of 12–15 participants would help me attain data saturation (see Wasihun & Ago, 2022).

As anticipated, 13 knowledgeable drug court professionals were selected and interviewed using purposive sampling and a snowball technique. An online interview was adopted because face-to-face interviews were not possible or feasible. In-depth purposive interviewing (see Rubin & Rubin, 2012) was used to collect data from the participants, which were audio-recorded, transcribed, coded, categorized, and developed into themes to answer the research question.

For instrumentation, I used an interview guide (see Appendix C). An interview guide acts as a prompt, reminding the researcher of necessary topics to cover, questions to ask, and areas to probe (Patton, 2015). I developed the interview questions by considering the research question, theoretical framework, and research approach I wanted to use (generic qualitative design). Patton (2015) illustrated how the different inquiry

traditions and theoretical frameworks shape the interview questions. I used open-ended questions in the generic qualitative framework.

I used interview questions and reviewed National Drug Court Resource Center documents. Turner (2010) and Gazaway et al. (2022) explained the need to ask simple, open-ended questions. This means up to one idea should be contained in any question. My interview questions were simple and precise questions.

The interviews with the drug court professionals were audio-recorded and transcribed (see Patton, 2015). I conducted the data analysis so that I could immerse myself in the data to better understand marijuana legalization implications for the DCS. I used MaxQDA software when it became essential to prepare the interview data for analysis. The interview responses were coded and categorized to develop themes related to the implications of marijuana legalization for the DCS. The emerging themes formed the basis of the study's analysis and findings (see Ravitch & Carl, 2021; Saldaña, 2021).

Definitions

The terms listed in this section were used throughout the study. The definitions are provided to enhance readers' understanding.

Adult drug court: A drug court designed for adult drug offenders (Marlowe et al., 2016). The distinction is often made between adult drug courts and juvenile drug courts. The difference was crucial for the current study because marijuana legalization often applies to adults and not juveniles.

Decriminalization: Reclassification of a criminal act as a civil offense with noncustodial sentences or repeal of an outright prohibition while keeping some form of regulation (Hansen et al., 2022)

Drug court: A specialized court designed to address drug dependency problems (Centre for Justice Innovation, 2023)

Drug court client: An offender admitted into a drug court for recovery purposes; the term is used interchangeably with drug court participant (Devall et al., 2023).

Drug court participant: An offender admitted into a drug court for recovery purposes (Devall et al., 2022).

Drug court professionals: A wide range of professionals working as the drug court team. They include judges, defense attorneys, prosecutors, case managers, directors, treatment providers, supervisors, probation officers, and drug court administrators (Gallagher et al., 2018; National Association of Drug Court Professionals (2004).

Drug court system (DCS): A diversion strategy that uses specialized courts to handle substance abuse cases through a comprehensive treatment program, supervision, and alternative sanctions (Logan & Link, 2019).

Drug offender: An individual being processed through the criminal justice system with substance use disorders and charged with nonviolent crimes (Devall et al., 2022).

Law in action: How legal actors behave during the courtroom hearing and other court processes (Wexler, 2014).

Legal actors: Judges, lawyers, and drug-court-assigned drug treatment providers (Wexler, 2014).

Juvenile drug court: A drug court designed to handle juvenile drug offenders (Marlowe et al., 2016).

Marijuana legalization implication: The conclusions that can be drawn from marijuana legalization and its effects (Thompson, 2017).

Treatment courts: Specialized courts that help offenders with substance use and mental health disorders recover by offering treatment (National Association of Drug Court Professionals, n.d.)

Assumptions

Assumptions are claims that cannot be proven and can restrict a study (Simon & Goes, 2013). Taking the study's key assumptions into consideration may ensure trustworthiness. The central assumption of the current study was ontological because it related to the nature of reality (see Tuthill et al., 2020). How drug court professionals see marijuana implications for the DCS was assumed to be subjective, depending on personal experience, culture, and exposure.

A further assumption was that the interviewee drug court professionals would be forthcoming with their answers and that such interviews would generate genuine and accurate responses. These assumptions were necessary in the context of the study because marijuana legalization might have positive and negative implications for the DCS. I expected that irrespective of an interviewee's personal biases, accurate information would be provided to understand all facets of marijuana legalization implications for the DCS. The subjective answers from the drug court professionals allowed multiple interpretations.

Scope and Delimitations

Delimitations are deliberate choices made by a researcher during a study's planning to achieve the study's aim within the available resources and time (Theofanidis & Fountouki, 2018). Even though the DCS is operated in all 50 U.S. states, the current study was delimited to five recreational marijuana -legalized states. This was to ensure that the study could be accomplished within the time and resources available.

In consideration of the data collection methods employed, the study was delimited to one-on-one individual interviews. Other data collection methods, such as focus group discussions, could have been appropriate for this study. Focus group discussions can create group thinking in which group perspectives, opinions, and experiences are fostered. This is done by allowing participants to comment on each other's thoughts, experiences, and responses and encouraging group interaction as part of the data collection method, thereby making the data richer in terms of collective views compared with individual opinions (Ravitch & Carl, 2021). However, focus group discussions may demand facilitating round table discussions among participants, which could have been challenging to a single and novice researcher.

Although there are other actors in the DCS such as judges, probation and parole agents, and law enforcement officers (Gallagher et al., 2018), the current study was delimited to directors, defense attorneys, prosecutors, treatment providers, and administrators for data collection through interviews. The decision to delimit the study to these categories of drug court professionals was informed by the central role played by these drug court professionals and their accessibility. Studies have shown that the drug

court judges, attorneys, case managers, administrators, and treatment providers are the core drug court team members (Gallagher et al., 2018). Focusing on the key players in the DCS made the study more manageable for a single researcher and required less time and fewer resources to achieve the study's aim. Also, delimiting the study to key drug court professionals helped me focus on the respondents with the requisite knowledge and experience to answer the research question. Initially, I intended to limit the study to drug court judges. However, after a consultation with a retired drug court professional and an experienced drug court coordinator, the participant pool was expanded to include other key drug court professionals. During data collection, I discovered it was difficult to persuade drug court judges to respond to the call to participate, and I had to exclude drug court judges from the data collection interviews.

Limitations

Limitations of a study relate to factors that may constrain the study beyond the researcher's control (Theofanidis & Fountouki, 2018). A study's limitations must be acknowledged and, when possible, mitigated because they may affect the study's design, results, and conclusions (Ravitch & Carl, 2021). Limitations may relate to the study's approach or ethical considerations that can pose risks to the study's trustworthiness (Patton, 2015). The critical limitation of the qualitative approach that might have affected the current study was the lack of generalizability (see Burkholder et al., 2020). This study focused on drug court professionals' perspectives to explore marijuana legalization implications for the DCS. There are several drug court models in several states and countries. It is not likely that the study's findings can be transferred to all drug courts,

especially those outside the United States. However, to ensure the study's trustworthiness (credibility, transferability, dependability, and confirmability), steps such as transcript checking, member checking, and thick description were adopted to ensure a high degree of confidence in the study's findings (see Patton, 2015; Ravitch & Carl, 2021).

The ethical challenges that were confronted in this study included how to maintain confidentiality (Patton, 2015). The drug court professionals belonged to specific drug courts, and there was a need to ensure their privacy and protect the drug courts they worked with. The names of the professionals and their courts needed to be masked, and pseudonyms were used to protect participants' identities. The letter "P" was used to describe the drug court professionals interviewed. Efforts were also made to mask the names of the drug courts mentioned by the participants. The study's report also did not include the names of selected states.

There was also the risk of personal bias in the current study. Having worked in drug prevention and control for over 26 years, I needed to guard against personal bias throughout the data collection and analysis to ensure that the views expressed were those of the participants. This was accomplished by following an interview guide and reporting participants' views in detail with direct quotes from the interview scripts.

Significance

This study is significant because substance abuse is one of the biggest challenges of the criminal justice system (see Cooper, 2017). The previous get-tough-on-crime ideologies led to severe punishment for people with substance use disorders, mass incarcerations, and increased prison populations (Berryessa, 2021; Vitiello, 2021).

Despite the cost associated with incarceration and the high prison populations, little was achieved in stopping offenders' drug use (Vitiello, 2021). This led to the search for better solutions for managing drug offenders in the criminal justice system (Cooper, 2017). In 1989, the DCS was discovered as one of the best ways to deal with drug offenders in the criminal justice system (Cooper, 2017). The drug court concept recognizes that many drug-involved offenders have serious needs that must be addressed if they are to live drug- or crime-free lives (Kahn et al., 2021; Logan et al., 2019). The drug court concept has been adapted to other criminal justice challenges, and several studies have found the system effective in reducing recidivism and criminal behavior (Cooper, 2017; Devall et al., 2023; Logan & Link, 2019; Trood et al., 2021). Being one of the effective criminal justice programs, the DCS must be safeguarded by understanding any threat such as marijuana legalization that may affect its successful operations. The identified positive marijuana legalization implications can also be leveraged to improve the DCS.

Marijuana offenders constitute a large portion of drug court participants (Devall et al., 2023; Lydon, 2022; Morris, 2019). The existing literature suggested that marijuana legalization might have both positive and negative implications for the DCS (Morris, 2019). However, until the current study, little was known about the nature of the implications of marijuana legalization for the DCS. This study's findings contributed to filling that gap by discovering marijuana legalization implications that might be a threat or an advantage to the DCS.

The early detection of marijuana legalization's implied threats to the DCS may enable appropriate mitigating measures to be taken, thereby safeguarding the smooth

operations of one of the criminal justice's best programs. The discovery of positive marijuana legalization implications may also be leveraged to improve the DCS. The study may contribute to criminal justice knowledge related to marijuana legalization and the DCS. People with drug use disorders or drug addicts are the ultimate beneficiaries of the study by ensuring that the DCS continues to serve as a vehicle for their recovery. The study has the potential to make a difference in the successful and continuous operation of the DCS. A successful DCS will serve as a model for treating people with drug use disorders in other parts of the world, including West Africa, where the DCS can be adopted (Maria-Goretti & Bangfu, July, 2022; NIDA, n.d.).

Summary

Marijuana legalization is increasing in the United States (Coley et al., 2021; Jones et al., 2018; Walsh & Lund, 2019; Wu et al., 2021;). I employed a generic qualitative design to explore marijuana legalization's implications for the DCS. The DCS has been found to be effective in reducing recidivism and criminal behavior (Trood et al., 2021) and needed to be safeguarded to ensure its successful and continuing operations. The current study contributed to achieving this goal.

Chapter 1 introduced the study and provided information on the study's background. The chapter presented the problem statement, the study's purpose, and the research question that guided the study. The chapter also explained the use of TJ as the theoretical foundation of the study. The chapter described how the study would advance scientific knowledge and provided the rationale for the methodology and the research design. The chapter defined the key terms of the study to aid understanding and

concluded with the study's assumptions, limitations, delimitations, and significance.

Chapter 2 contains a detailed explanation of the study's conceptual framework and a literature review to demonstrate my understanding of the key topics relevant to the study.

Chapter 2: Literature Review

As of May 2022, more than 18 U.S. states had legalized marijuana for adult recreational use (National Conference of State Legislatures, 2022). According to Hansen et al. (2022), there were indications that more states might legalize marijuana. The existing literature suggested that marijuana legalization may have implications for different areas of concern within the criminal justice system, including the DCS (Morris, 2019; Thompson, 2017).

The DCS uses the courts' legal authority to coerce and encourage drug offenders, including marijuana users, to enter and stay in drug treatment long enough to recover from drug addiction and live drug-free lives (Cooper, 2017; Gibbs & Lytle, 2020; Logan & Link, 2019). Cooper (2017) indicated that in most drug courts, a defendant must plead guilty to drug use charges, which are later struck out if the drug court program is completed. This may mean that with marijuana legalization, marijuana-related drug court participants may no longer have to plead guilty to marijuana use. Morris (2019) and Logan et al. (2019) suggested that marijuana legalization may also strip drug courts of their authority over marijuana users and introduce complexities in DCS operations. Even though the authors did not specify the implications this might have on the DCS, the high prevalence of marijuana use among drug court participants suggests that legalizing marijuana may mean that marijuana users will not come into contact with the criminal justice system (Morris, 2019; Steigerwald et al., 2018). Marijuana legalization may also imply that marijuana users may not be admitted into drug courts. Bearing in mind that

marijuana is still illegal at the federal level, the legalization of marijuana at the state level raises several questions and complexities that may affect the DCS (Morris, 2019).

Researchers have examined marijuana legalization's impacts on several criminal justice issues, including serious crimes (Wu et al., 2021), drug use among college students (Coley, 2021; Jones et al., 2018), voting patterns (Moreno, 2016), gender and racial/ethnic disparities (Meize et al., 2022; Willits et al., 2022), implications of marijuana policy changes (Blevins et al., 2018), and public health impacts (Hall & Lynskey, 2016). Other researchers have explored substance abuse treatment providers' experiences with marijuana legalization (Sobesky & Gorgens, 2016), perceptions of marijuana legalization and policing (Stanton et al., 2022), and the implications of marijuana legalization on school cannabis policies (Walsh & Lund, 2019). Wu et al. (2021) affirmed that marijuana legalization is a pivotal policy change whose implications are largely unknown. There is an emerging interest among researchers to investigate marijuana legalization.

Despite researchers' interest in marijuana legalization, little was known about the implications that marijuana legalization may have for the DCS. There was a dearth of knowledge that the current study sought to address by contributing to the literature on marijuana legalization as it relates to the DCS. Understanding marijuana legalization's implications for the DCS may safeguard and improve the DCS's continuous successful operations (Morris, 2019). The purpose of the current qualitative study was to explore the implications of marijuana legalization for the DCS from drug court professionals' perspectives. Studies identified key drug court professionals as the pivot around whom

the DCS revolves (Cooper, 2017; Trood et al., 2021). The central role of the drug court judges and other professionals such as attorneys, prosecutors, case managers, administrators, and coordinators made their perspectives on the implications of marijuana legalization crucial to investigate.

This literature review addresses themes and subthemes related to marijuana legalization implications for the DCS. The review starts with the broad marijuana legalization concepts and themes and narrows to the DCS. The up-to-date research on the topic is compared and synthesized to highlight the current study's relevance. The chapter begins with the literature search strategy, including words and combinations of terms used to search the databases. TJ, as the study's theoretical basis, is discussed. The chapter also has an exhaustive review of the literature addressing key concepts in this study. The chapter concludes with a summary of the major themes found in the review and how this study filled the gap in the literature related to marijuana legalization implications for the DCS. The chapter transitions to Chapter 3, which details the study's methods and research design.

Literature Search Strategy

I searched multiple databases and search engines to locate peer-reviewed articles and other relevant materials published between 2017 and 2022. I started with online searches in the Walden University Library. I supplemented the Walden Library materials with other relevant articles and documents from Google Scholar, official government websites, and relevant organizational websites.

The online databases used included Thoreau Multi-Database Search, EBSCO, PubMed, MEDLINE, ScienceDirect, Embase, PsycINFO, Academic Search Complete, JSTOR, SAGE Journals, PsycNet, ProQuest Central, and ResearchGate. The following search terms were used to locate articles related to marijuana legalization implications for the DCS: *Marijuana OR Cannabis, Drug Laws OR Drug Legalization, Drug Court OR Criminal Justice System, Marijuana OR cannabis legalization, Drug Treatment Court, Drug Court, Marijuana Legalization AND Drug Treatment Courts*, and *Marijuana OR Cannabis users*. Marijuana has different names and spellings, such as cannabis, pot, and marihuana. These variations were considered by modifying the search terms when appropriate. The search strategy yielded several relevant pieces of literature used in writing this literature review.

Theoretical Foundation

The theoretical framework that grounded this study was TJ. TJ was developed by two law professors, David Wexler and Bruce Winick, in 1987 to address how law, policy, and legal institutions can be used to ensure the human dignity, compassion, and well-being of offenders who appear before the law (Yamada, 2021). TJ is a legal philosophy borrowed from other disciplines, including criminology, sociology, psychology, social work, and motivational interviewing (Kawalek, 2020). Initially, the theory was applied to mental health, criminal law, and problem-solving courts to enhance restorative goals and minimize the law's harmful consequences (Kawalek, 2020; Wexler, 2014). TJ has more recently been employed in sentencing, probation, parole, and drug courts (Wexler, 2014).

TJ posits that the law has a role to play in shaping the lives of offenders by focusing on the offenders' emotional lives and psychological well-being (Wexler, 2014). The theory addresses how substantive rules, legal procedures, and law actors such as lawyers and judges can produce healing outcomes for offenders (Yamada, 2021). The theory distinguishes between the therapeutic and antitherapeutic consequences of the law. According to Wexler (2014), the law can produce antitherapeutic results when it is used without considering the offender's well-being, leading to negative consequences. On the other hand, the law can cause healing or therapeutic effects for offenders when applied innovatively to address the root cause of the offenders' behavior (King & Wexler, 2010). Proponents of TJ urge lawmakers, judges, and lawyers to be conscious of the law's potential healing power and endeavor to apply it to achieve the desired end (Logan & Link, 2019).

TJ does not propose that the law be used at the expense of other goals, such as procedural justice and due process (Wexler, 2014). Instead, TJ recommends the use of motivation, encouragement, compassion, a friendly courtroom, and trust to address the underlying causes of criminal behavior (Cooper, 2017). The practical application of TJ emphasizes the law in action and not merely the laws in status books (Wexler, 2014). This means that, conceptually, TJ deals more with what legal actors such as lawyers and judges do during hearings and trials (Logan & Link, 2017). TJ's focus on law in action is informed by the notion that legal actors' actions impact offenders' psychological and emotional well-being (Wexler, 2014). In problem-solving courts, TJ encourages drug court professionals to be conscious of the ability of the law to effect positive change in

the lives of offenders (Frailing et al., 2020). To apply TJ in the drug court setting, the drug court professionals are enjoined to focus on how the law can be used to cause healing and well-being for the drug offender instead of merely punishing the person by incarceration (King & Wexler, 2010; Wexler, 2014).

TJ has been applied in several studies similar to the current study. In a review of drug courts' effectiveness in reducing recidivism and criminal behavior, Logan and Link (2021) used TJ as a theoretical framework to explain the role of drug court judges. Logan and Link found that in most drug courts, the drug court judge demonstrates TJ principles in their efforts to achieve recovery for people with drug use disorders by showing compassion and ensuring the drug offenders' successful treatment. Similarly, in an article on the evolution of drug courts, Cooper (2017) showed that the TJ principles underlie the key defining characteristics of the DCS. Other researchers including Marlowe et al. (2016) and Trood et al. (2021) have applied TJ concepts to explain judicial supervision of recidivism and well-being factors of criminal offenders in problem-solving courts including adult drug courts, driving-under-the-influence courts, juvenile drug courts, and mental health courts.

In drug courts, offenders are diverted to drug treatment programs for the possibility of dismissed charges or reduced sentences (Cooper, 2017; Marlowe et al., 2016). Judges preside over drug court proceedings and monitor the defendants' progress (Trood et al., 2021). Working in collaboration with prosecutors, defense attorneys, treatment providers, probation agents, and others, judges prescribe sanctions for noncompliance with program requirements and rewards for compliance (Marlowe, 2016).

The courtroom is less punitive, more healing, and more restorative. The court atmosphere is also more informal and nonadversarial, permitting more direct interactions between the judge and the defendants (Cooper, 2017). The key DCS principles such as a nonadversarial courtroom, focus on healing and restoration, and direct judge–defendant interactions are better understood in the light of TJ, making the theory relevant to the current study.

TJ's application has also been extended to probation cases. Frailing et al. (2020), in explaining a probation-based program called HOPE, observed that TJ was manifested in the program's use of praise during status hearings and the interactions between participants and their probation officers. Frailing et al. also noted that applying TJ in HOPE enhanced participants' positive perceptions and success of the program. Yamada (2021) pointed out that TJ's multiprogram application makes it a popular and expanding theoretical foundation in the U.S. criminal justice system and internationally. In a survey conducted involving 15 Monroe County drug court participants, Gallagher et al. (2019) discovered that the drug court team was supportive and that praise and encouragement from the judge were the deciding factors in the participants' success. These findings and those from other researchers such as Frailing et al. confirmed drug court professionals' therapeutic role in the DCS, thereby validating the TJ theory's application and popularity in the DCS.

Despite TJ's growing popularity in the criminal justice system, the theory is not without criticism. Freckelton (2008, as cited in Yamada, 2021) recognized that TJ's expansion had attracted criticism, including allegations that TJ lacks novelty, definition,

and clarity and is too conservative and homogeneous. Freckelton added that TJ had been criticized as being unnecessary, redundant, and intrusive upon civil liberties. In response to these allegations, proponents of TJ have explained that TJ should be seen as a theory that encourages law actors to consider the law's therapeutic consequences and factor them into their decision making (Yamada, 2021). Kawalek (2020) acknowledged an ongoing debate as to whether TJ is a theory or practice. The popular view of this debate is that TJ is multidisciplinary and multifaceted in its approach and can be regarded as both a practice and a theory depending on the individual's philosophical orientation.

Irrespective of whether TJ is viewed as a theory or a practice, the relevance of TJ is clear. Yamada (2021) reviewed TJ and concluded that TJ has public policy relevance by helping policymakers focus on the law's positive impact. TJ encourages law actors to be conscious of the power of the law to effect positive change when applied innovatively. This relevance of TJ was crucial for the current study because the intention was to influence policy positively by implementing measures to safeguard the DCS and ensure that people with drug use disorders continue to benefit from the DCS and TJ principles.

Marijuana legalization threatens to take away the court's legal authority over marijuana users, thereby jeopardizing the application of TJ in the DCS as it relates to marijuana offenders (Morris, 2019). Once marijuana is legal, marijuana users may not appear before the drug court judge, making TJ out of reach for marijuana users. Using TJ as the theoretical basis in the current study addressed the implications that marijuana legalization might have on the DCS. I used TJ as an appropriate theoretical framework to explore the marijuana legalization implications for the DCS.

Literature Review Related to Key Variables and Concepts

History of Marijuana Use and Its Prohibition

The use of mind-altering substances predates modern history. Archaeologists and historians found that mind-altering substances, including marijuana, were used in ancient times dating as far back as 5,000 years ago (Adinoff & Cooper, 2019; Lawler, 2018). Writing from a historical point of view, Lawler (2018) described how archaeologists discovered traces of cannabis at sites associated with the Yamnaya people of ancient Central Asia. Even though Lawler's study pointed to the possibility of cannabis use in ancient times, Lawler acknowledged that it was difficult to establish whether cannabis was used for industrial, medical, or recreational purposes at the time. Information on the historical use of cannabis was made clear by Adinoff and Cooper (2019), indicating that cannabis and other mind-altering substances have been used for medical, religious, or recreational purposes as part of civilization for many years. Researchers agreed that marijuana use has a long history and that until the 20th century marijuana was not restricted or regulated (Adinoff & Reiman, 2019). Despite its unregulated or nonrestricted use, Adinoff and Cooper reported that some communities had always regarded recreational marijuana use as morally wrong.

In the United States, Adinoff and Cooper (2019) indicated that marijuana use was not state controlled until 1914 when the Harrison Narcotics Act was passed. After the Harrison Act that sought to regulate marijuana and other drug use, the Federal Bureau of Narcotics was created in 1930 (Dorau, 2021). This was followed by the introduction of the Marihuana Tax Act in 1937, the passage of the 1951 Boggs Act, and the enactment of

the Narcotics Control Act of 1956 (Adinoff & Cooper, 2019; Dorau, 2021). The creation of Federal Bureau of Narcotics and these legislations brought marijuana and other substances under complete prohibition in the United States.

The prohibition era was further strengthened with the passage of the federal Controlled Substances Act (CSA) in 1970, which placed marijuana in its scheduled 1, meaning marijuana has no medical use and is highly addictive (Berman & Kreit, 2020). The passage of CSA and the placement of marijuana in Schedule 1, where it has remained to date, triggered a more rigorous drug law enforcement regime in the United States, culminating in President Richard Nixon's declaration of war on drugs and the subsequent formation of the Drug Enforcement Administration (Kain, 2021). The fallout of the rigorous law enforcement era was high arrests and incarceration of drug offenders, most of whom were marijuana users (Berman & Kreit, 2020). Felson et al. (2019) have noted that cannabis possession arrests in the United States have been greater than any other drug violation in the last two decades.

International Drug Control Regime and U.S. Drug Policies

The U.S. prohibition on drug use reflected the international drug control regime. Researchers, including Sanchez-Aviles and Ditrych (2018), assert that the international drug control regime was influenced by powerful states, especially the US, as the hegemon of the global capitalist economy. In 1946, the United Nations assumed the drug control functions, and in 1961, the Single Convention on Narcotic Drugs was signed (Sánchez-Avilés & Ditrych, 2018). The Single Convention consolidated all the multilateral drug control treaties negotiated between 1912 and 1953, placing over 100

substances, including marijuana, under international controls (Sánchez-Avilés & Ditych, 2018). After the 1961 Single Conventions, the U.N. promulgated two more drug control conventions, the 1971 Convention on Psychotropic Substances and the 1988 Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (Sánchez-Avilés & Ditych, 2018).

The international drug conventions enjoined all parties to put in place appropriate legal and institutional frameworks to deal with drug abuse and illicit drug trafficking. Drug abuse is considered a criminal activity in all these international conventions. Drawing from the U.N. Conventions, most countries criminalized drug abuse and prescribed long years of incarceration for convicts. Some researchers, including Axel and Stothard (2019), believed that the international drug control regime stands in the way of reforms. However, a careful reading of the drug conventions reveals that the conventions have provisions for drug prevention, treatment, and rehabilitation measures to go hand in hand with the punitive measures for drug users. Countries, however, seem to have preferred punitive measures to the treatment and rehabilitation of drug users, believing that incarceration will deter drug use (Berryessa, 2021; Vitiello, 2021). Borrowing from the U.S. get-tough ideology and the international drug control conventions, many countries, including those in West Africa, strictly prohibited marijuana use.

Failure of Previous Drug Control Regimes

The get-tough ideology in fighting drug consumption and its attendant incarceration of drug users has, according to the literature in the field, failed woefully all over the world, leading to calls for policy changes (Berryessa, 2021; Coyne & Hall,

2017). Vitiello (2021) has noted that the drug policy debate has always centered on marijuana. While little is said about other drugs like cocaine and heroin legalization, there are several advocates for marijuana legalization. Studies have shown that marijuana has been the most widely used illicit drug worldwide (Peacock et al., 2018; United Nations Office on Drugs and Crime, 2022). The widespread use of marijuana across the globe might explain its several advocates for legalization. In the US, researchers have noted that for the last 30 years, public support for marijuana legalization has been increasing (Felson et al., 2019).

The failure of the previous drug policies, the mass incarceration of drug users, and the high recidivism rates among drug users led to a search for more innovative ways to solve the drug problem (Berryessa, 2021; Cooper, 2017; Vitiello, 2021). This means that while the push for drug reforms was going on, there was also a search for alternatives to incarceration and the best ways to manage the mass number of people being brought in contact with the Criminal Justice System due to the mass arrests. In effect, the previous drug policies and their multiplied effects led to the discovery of the DCS and promoted the call for marijuana legalization. Even though the actors for the discovery of the DCS and the proponents of marijuana legalization seem to have opposing views, both groups had one source of concern: the failed drug control policies.

Discovery of the Drug Court System

In 1989, the DCS was discovered as one of the practical, innovative ways of diverting drug offenders from incarceration to drug treatment (Devall et al., 2023). The discovery of the DCS coincided with the height of the get-tough-on-crime and the war on

drug period of the U.S. Criminal Justice System (Kahn, 2021). This was also when the global drug control system under the U.N. had established international conventions that urged member states to intensify drug control measures (Sánchez-Avilés & Ditrych, 2018). This was also the same period that drug use was thought to cause the proliferation of crimes (Kahn, 2021).

The period in which the DCS was discovered therefore depicts the courage of a group of criminal justice practitioners who came up with a strategy to deal with drug offenders as a due to the traditional criminal justice system's inability to stop the revolving door of arrests and re-arrests of drug offenders (Cooper, 2017). Cooper (2017) and other researchers, including Marlowe et al. (2016), have explained that the drug court system was developed within the Criminal Justice System to help drug offenders enter into drug treatment instead of incarceration and stay long enough for their recovery. Cooper (2017) added that the DCS was immediately embraced in the United States and soon spread to other countries.

Drug Court System

The DCS is a diversion strategy that uses specialized courts to handle substance abuse cases through a comprehensive treatment program, supervision, and alternative sanctions (Logan & Link, 2019). The drug court concept recognizes that many drug-involved offenders have serious needs that must be addressed if they are to live drug and crime-free lives (Kahn et al., 2021; Logan & Link, 2019). The DCS relies on the court's authority to coerce offenders, a considerable number of whom are marijuana users, to enter and stay in drug treatment long enough to enable them to recover from addiction

(Cooper, 2017; Logan & Link, 2019). The DCS represents a paradigm shift from the war on drugs and its mass incarceration (Cooper, 2017; Marlowe et al., 2016; Vitiello, 2021).

Initially, the DCS was designed to help people with low level, non-violent substance use disorders stop their drug-using behaviors and live drug-free lives (National Association of Drug Court Professionals, 2018). Over the years, the initial drug court concept has been expanded to cover several other criminal justice issues which have substance abuse as an underlying factor (Devall et al., 2023). Due to its successes, the DCS enjoyed popular support leading to its rapid expansion and being used as the foundation for various models of treatment courts within the Criminal Justice System (Devall et al., 2023; Logan & Link, 2019). According to Devall et al. (2023), by the end of 2019, drug treatment courts in the United States had grown to over 4000, covering all 50 U.S. states (p. 5). Adult drug courts are the most popular among the treatment courts, representing about 40% and numbering 1696 as of December 2019 (Devall et al., 2023, p. 5). Even though there are various variations and models in the DCS, this study focused on the initial adult drug court concept as it evolved.

Drug courts vary somewhat from one jurisdiction to another in terms of structure, scope, and target populations. However, they all share three primary goals: (1) to reduce recidivism, (2) to reduce substance abuse among participants, and (3) to rehabilitate participants (Cooper, 2017). In contrast to the traditional court system, drug courts have the following features, which are based on therapeutic jurisprudence principles (Frailing et al., 2020). In a drug court, defendants are diverted to treatment programs in exchange for the possibility of dismissed charges or reduced sentences (Logan & Link, 2021).

Using the principles of TJ, Judges preside over drug court proceedings and monitor the defendants' progress (Trood et al., 2021). Working in collaboration with prosecutors, defense attorneys, treatment providers, and probation agents and judges use sanctions and rewards to therapeutically coerce drug offenders to stay and complete drug treatment successfully (Logan & Link, 2021). The courtroom is less punitive, more healing and restorative, more informal, and non-adversarial. In line with therapeutic jurisprudence, judges encourage direct interactions between the judge and the drug court participants. (Logan & Link, 2021).

Thus, in the DCS, a new working relationship occurs between the Criminal Justice System and health or treatment systems. The role of the judge galvanizes the treatment process into a more robust and accountable form of rehabilitation than previously available in the Criminal Justice System. The focus of the DCS is not on the disposition of drug cases, but rather, the system emphasizes the treatment and rehabilitation of drug-involved offenders using the principles of TJ (National Association of Drug Court Professionals (2018). Drug courts recognize that many drug-involved offenders have serious needs that must be addressed if they are to live crime-free lives.

A qualitative study conducted by Gallagher in 2015 to assess the effectiveness of the key components of the DCS revealed that the drug court team, led by the drug court judge, plays a central role in the DCS (Gallagher, 2015). Using the principles of TJ to ensure the well-being and dignity of offenders, the drug court team frequently interacts with the drug court participants and encourages them to complete the drug court treatment program (Gallagher, 2019). These interactions of the DCJ were found to be one

of the effective components of the DCS. The central role of the drug court team is what informed this study to explore marijuana legalization implications from the drug court professionals' perspectives.

Effectiveness of the Drug Court System

Studies primarily conducted in the United States have found the DCS to reduce recidivism and criminal behavior effectively. Gibbs and Lytle (2020) compared drug court participants' recidivism risks in an adult drug court with non-drug court participants and concluded that drug court participants re-offend less often than non-drug court participants. In a similar study conducted by Shannon et al. (2018) that examined 754 Kentucky Drug Court participants over a 2-year follow-up period, the researchers found that fewer drug court graduates had any convictions compared with non-drug court participants. In Shannon et al (2018) the researchers cited the results of several meta-analyses and indicated that the national estimates of drug court participants who recidivate was "only 16.4% within 1 year of program graduation and 27.5% within 2 years of graduation" (p. 5). Shannon and colleagues concluded that the DCS helps keep individuals out of the criminal justice system for a period ranging "from 3 to 14 years after program entry" (p. 6).

The ability of the DCS to reduce recidivism has been confirmed by other studies including Gallagher (2019) which used qualitative approach to explore the drug court participants' experiences and concluded that the DCS reduces recidivism and criminal behavior.

Shannon et al. (2018) also cited previous drug court economic benefit analyses and noted that the DCS reduces cost. Citing an earlier study by Logan et al. (2004), Shannon et al. (2018) indicated that the cost of treatment and other services provided by drug courts are far less than the cost of incarceration in jail or prison. The economic benefits of drug courts may vary from one drug court to another. However, the consensus among researchers, as confirmed by Shannon and colleagues, is that the DCS reduces criminal justice costs.

One factor that explains the drug court's success is judicial supervision. According to Trood et al. (2021) drug courts engage and supervise clients long enough for them to recover. Drug court supervision is done by the drug court team comprising case managers, probation officers, and social workers who are led by the drug court judge (Devall et al., 2023; Trood et al., 2021). Using the principles of TJ to ensure the welfare of participants, the drug court team facilitates access to treatment and community supports services, housing, and employment under close supervision (Trood et al., 2021).

Reduction of recidivism, cost-saving, and improvement of recovery are the key benefits of the DCS which explains its rapid expansion in the United States and other countries. Due to its success, the DCS has been applied to several criminal justice challenges that have an addiction as their underlying problem (Devall et al., 2023). The DCS has also assumed an international character by being operated in over 20 other countries (Logan & Link, 2019). The DCS will likely expand to other parts of the world, including Africa. According to Maria-Goretti and Bangfu (2022), Ghana's newly passed drug law "represents an important example of incremental, progressive drug policy

reforms in Africa” (para. 3). The authors noted that the Ghana Narcotics Commission Act, 2020 allows judges to divert drug offenders to drug treatment instead of incarceration. The National Institute on Drug Abuse (n.d.) also hinted of a pilot project proposal to introduce the DCS in Ghana.

Being one of the effective U.S. criminal justice programs poised to continue its expansion to other parts of the world, the DCS must be safeguarded by understanding any threat or positive policy change that may affect the DCS’s continuous effective operations. One of the policy changes being led by several U.S. states that may have both positive and negative implications for the DCS is marijuana legalization.

Marijuana Legalization

The call for a change in drug policy, especially for marijuana users, has been going on for a long time since marijuana was prohibited in the early 20th Century. For example, in the United States, the National Organization for the Reform of Marijuana Laws (NORML) has been lobbying for the rescheduling and decriminalizing of marijuana since the 1970s, with some considerable successes (Rich, 2018). In 1996, California became the first U.S. state to legalize marijuana for medical purposes (National Conference of State Legislatures, 2020). Some researchers, including Humphreys and Shover (2020) posit that California’s medical marijuana legalization was a gateway for the sweeping state-level recreational marijuana legalizations that are being witnessed in the United States today. According to Sánchez-Avilés and Ditrych (2018), people use mind-altering substances like marijuana primarily for recreational purposes. This seems to support Humphreys and Shover (2020) position that the real reason behind

the call for marijuana legalization is not medical but for recreational use. A careful look at the trend in marijuana legalization shows that after medical marijuana legalization, states go ahead to also legalize recreational use. This seems to confirm that recreational marijuana legalization is the actual goal of the drug law reforms. This study's focus is, therefore, on recreational marijuana legalization.

The National Conference of State Legislatures (2022) reported that as of May 2022, more than 18 U.S. States have legalized marijuana for adult recreational use. Recreational marijuana legalization followed medical marijuana legalization, which stood at 37 states, four territories, and the District of Columbia as of February 2022 (National Conference of State Legislatures, 2022). Researchers, including Hansen et al. (2022), have hinted that recreational marijuana legalization would continue to cover other U.S. States in a few years to come. Despite the ongoing state-level recreational marijuana legalization, marijuana remains prohibited at the federal level. The legal status of marijuana at the state and federal levels deepens marijuana legalization's complexities and presents possible implications for the Criminal Justice System as a whole and the DCS in particular (Morris, 2019).

Recreational Marijuana legalization is not limited to the United States alone (Queirolo, 2020). Studies conducted by Fischer et al. (2021) revealed that as of August 2020, Canada, and Uruguay have legalized marijuana for recreational use in some form and that New Zealand, Luxembourg, Jamaica, and Mexico might follow suit. As noted by Fischer et al., (2021), marijuana legalization is an evolving research field for the Criminal Justice System. This is particularly crucial due to the prevalence of marijuana use across

nations. The World Drug Report by the UNODC (2019) indicates that marijuana is the most widely used illegal drug worldwide. The post-marijuana legalization era, therefore, presents an opportunity for researchers to examine the dynamics or the implications that marijuana legalization may have as it relates to drug use, health, crime, and several other areas.

The existing literature suggests that marijuana legalization may have various implications for different areas of concern within the Criminal Justice System and in several other areas like public health and public policy development. Wu et al. (2021) used a quasi-experimental research design and examined Oregon's recreational marijuana legalization's impact on serious crimes as measured by the Uniform Crime Report (UCR) in Oregon. The study showed that marijuana legalization in Oregon caused a substantial increase in crimes compared to non-marijuana-legalized states. Using a similar quantitative approach, Jones et al. (2018) examined Colorado's marijuana legalization effect on the state's college students. They concluded that the rates of marijuana use in Colorado were higher than the national average. In a longitudinal study that evaluated colleges from a recreational marijuana-legalized state and a non-legalized state, Barker and Moreno (2021) also found an increase in marijuana use among the students in the marijuana-legalized state. In the previous years, Hall and Lynskey (2016) evaluated the public health impacts of recreational marijuana use in the United States and linked it to the Criminal Justice System. The study indicated the plausibility of ML causing an increase in marijuana use with multiplying effects. To confirm, Hall and Lynskey's findings, Firth et al. (2020) assessed the changes in rates of juvenile cannabis criminal

allegations in Oregon between January 2012 and September, 2018. The researchers found that cannabis allegation rates in Oregon after legalization increased by 28% among all youth and 32% for all cannabis-using youth.

The findings from Wu et al. (2021), Jones et al. (2018), and Barker and Moreno (2021) suggest that ML leads to increased drug use and crime. This finding seems to collaborate with findings in Canada, where Brubacher et al. (2022) found that after cannabis legalization, British Columbia trauma centers recorded more than doubled injured drivers compared to the pre-legalization period.

Despite the findings that ML may increase drug use and crime, other studies give mixed results about ML's impacts. Kan et al. (2022) found more cannabis use, cannabis selling, and driving under the influence (DUIs) in Pennsylvania, a non-legalized state, than in California, where marijuana is legalized for both medical and recreational use. However, Gali et al. (2021) indicated that marijuana use increased in California 6 months after legalization. Gali and colleagues also discovered that people's perception of marijuana's health benefits increased in the period following ML in California. Coley et al. (2021) examined the impact of marijuana legalization on adolescent drug use, tobacco, and alcohol. They found that recreational ML did not significantly affect marijuana use but rather showed some decrease in use after legalization.

A study conducted in Canada about the impact of ML also yielded mixed results. Turna et al. (2021), after examining post-legalization changes in cannabis use in Canada, found an increased use among people who were not active cannabis users prior to

legalization. However, among the active cannabis users, the researchers found a decrease in use after legalization.

The mixed results of marijuana legalization's impact on crime and drug use notwithstanding, these findings show that there may be some implications. For instance, an increase in drug use among college students may have implications for the school environment. This is because recreational marijuana legalization is for adults of 21 years and above in most states (Smale et al., 2019). Being legalized for adults like teachers and workers in the school environment, while at the same time illegal for some students, poses a challenge in the college setting. Teachers and workers may freely use marijuana, while students who are mostly under 21 are exempted from use. This may present a complex situation for the school system.

One of the topical issues in the criminal justice system is gender and racial/ethnic disparities (Centre for Justice Innovation, 2023). In a study conducted by Meize et al., (2022), the researchers examined trends in arrests for women and found a significant reduction in arrest for women following marijuana legalization in Colorado even though racial and ethnic disparities were found to persist. In a similar study to explore trends in cannabis arrests Willits et al. (2022) found that racial disparities persist in Colorado and Washington states after ML. However, the study also found a general decline in cannabis arrests for almost all racial groups even though the decline was inconsistent across racial groups and states.

Qualitative studies conducted on the impact or implications of marijuana legalization give more insight into attitudes, perceptions, and views from a wide range of

professionals. Sobesky and Gorgens (2016) used qualitative research to explore adolescent substance abuse treatment providers' experiences in Colorado after marijuana legalization. They found that legalization led to increased normalization and validation of marijuana consumption and greater access to marijuana-related products by Colorado's adolescents. The increased normalization and validation of marijuana consumption may explain the findings by Wu et al. (2021) and other researchers that ML increases drug use and crime.

Resko et al. (2019) provided valuable insights into the public's perception of marijuana legalization by indicating that more people, after legalization, perceived marijuana as less harmful and more medicinal. This study collaborates with the findings of Sobesky and Gorgens (2016). In mixed-methods research, Moreno et al. (2016) examined college students' marijuana legalization perspectives regarding their voting patterns and marijuana legalization impacts. They found similarities between Washington (marijuana legalized states) and Wisconsin (non-legalized state) in attitudes and voting but higher intentions to use marijuana in Washington than in Wisconsin. The study implies that students' attitudes towards marijuana may not change in the face of marijuana legalization.

Robertson and Tustin (2020) used a mixed-methods approach to examine Switzerland students' attitudes on cannabis use and the factors that may control cannabis use. The researchers found that cannabis use was controlled by informal perceptions and not by the law and that, among Switzerland college students, heavy drug use was considered abnormal. Informal controls can be explored further to determine their

specific roles, which can help policymakers shift from using formal drug laws to informal controls. Perhaps informal drug control measures will result in better drug prevention and control.

Ward et al. (2019) explored neighboring law enforcement officers' perceptions of recreational marijuana legalization in Colorado. They found that neighboring law enforcement officers from Nebraska, Kansas, and Wyoming view Colorado's legalization of recreational marijuana as negatively impacting their enforcement duties. Respondents cited an increase in potency, perceived juvenile use, and strain on their resources as major issues exacerbated by Colorado's recreational ML. The findings by Ward and colleagues showed that legalization in one state may have implications for a neighboring state.

In a more recent study by Stratton et al. (2022), using semi-structured interviews, the researchers explored the pre-and post-legalization experiences of 92 police professionals in Washington and Idaho. Respondents were concerned about the exposure of the youth to cannabis use and reported an increase in impaired driving due to cannabis use. This study seemed to confirm a study by Brubacher et al. (2022), which found an increase in the number of cannabis-related injured drivers in British Columbia trauma centers.

Researchers have also tried to understand the possible benefits of ML. Valeriy et al. (2019) reviewed the benefits and adverse effects of ML in various states across the United States. It was discovered that people's views on the merits of marijuana legalization are varied. The author concluded that ML might have fewer merits than anticipated by legalization supporters. However, on a positive note, Klassen and Anthony

(2019) found that recreational cannabis legalization has significantly contributed to reducing illicit cultivation sites in Oregonian national forests. Even though the existing research seems to point to less positive effects for ML, before this study, it is yet to be known whether more positive impacts of marijuana legalization may show after a considerable period after legalization.

In a mixed-method study, Walsh & Lund (2019) explored the implications of *Bill C-45* (Canadian Cannabis Act) on drug-related educational policies in Canadian schools and found that the Cannabis Act would likely necessitate a review of existing school drug policies. Review of school drug testing policy and the need to educate all stakeholders on cannabis legalization are some of the issues that need to be addressed due to ML. There was also the need to introduce proactive dialogue in response to how to mitigate any potential cannabis legalization impact on education. Walsh & Lund (2019) shows that it is important to put in place measures to mitigate any adverse effects of ML on existing programs like the DCS.

Even though researchers have examined a wide range of areas where ML may have some implications, no study has been found to explore ML implications on the DCS. However, some studies suggest that ML may have serious implications for the DCS. In most drug courts, participants must plead guilty to a criminal charge and waive the constitutional right of a speedy trial (Cooper, 2017). This will enable the court to offer the defendants a choice of entering drug treatment under the court's supervision for a considerable period, after which, upon successful completion, the defendant's criminal charge will be expunged. Where the participant fails to complete the supervised drug

treatment, the person is made to face the charges and be prosecuted under the traditional system. (Cooper, 2017). When marijuana is legal, people who might have pleaded guilty to marijuana use for them to be admitted to the DCS may not have any basis to do so. Legalizing marijuana may therefore mean that marijuana users may not come into contact with the Criminal Justice System. It may also imply that marijuana users may not be admitted into drug courts. Bearing in mind that marijuana is still illegal at the federal level, the legalization of marijuana at the state level raises several pertinent issues and complexities that may affect the Criminal Justice System as a whole and the DCS (Morris, 2019).

The implications that ML might have on the DCS are compounded by the prevalence of marijuana use in the general U.S. population as well as among offenders and drug court participants. According to Steigerwald et al. (2018), a study conducted in 2017 on adult marijuana usage in the United States indicated a 15% prevalence rate. Morris (2019) also cited a 2016 national survey indicating that marijuana is the commonest drug of abuse among Americans who are 12 years or older. The Bureau of Justice Statistics (2017, as cited in Morris 2019) showed that both the countrywide and offenders' marijuana prevalence might be rising. In August 2022, the National Institute on Drug Abuse (NIDA) reported that "Marijuana and hallucinogen use among young adults reached an all-time high in 2021" (NIDA, 2022, p. 1). According to the Center for Behavioral Health Statistics and Quality (2021), 17.9 percent of people aged 12 or older (or 49.6 million people) used marijuana in 2020 (Figures 9 and 11). The percentage was highest among young adults aged 18 to 25 (34.5 percent or 11.6 million people), followed

by adults aged 26 or older (16.3 percent or 35.5 million people), then by adolescents aged 12 to 17 representing 10.1 percent or 2.5 million people (pp. 18 & 19)

The prevalent use of marijuana among the general U.S. population translates into the high marijuana use prevalence in the Criminal Justice System. According to the Bureau of Justice Statistics (2017 as cited in Morris 2019), the prison and jail inmates who had used marijuana or its derivatives between 2007 and 2009 were more than 60 percent (p. 7). The same Bureau of Justice Statistics also indicated that the prevalence of both the countrywide and offenders' Marijuana might be rising. Due to the prevalence of marijuana use in both the general population and criminal offenders, several people continue to flow into the Criminal Justice System, leading to a high number of marijuana-related cases.

Marijuana use is also common among drug court participants. According to Marlowe et al. (2016), the percentage of marijuana-related adult drug court participants ranges from 8-22 percent (p.49). In the same report, Marlowe et al. have indicated that 50 to 66 percent of adult drug court participants use marijuana as their primary, secondary, or tertiary substance of abuse. This picture shows that if marijuana is no longer illegal, it could impact the operations of the DCS. This makes the wave of marijuana legalization, which is currently going on in the US, worth exploring to unearth any possible implications it might have on the DCS. DCS's Operators can leverage any identified positive marijuana implications to improve the system. At the same time, the early detection of any negative implications can be mitigated by putting in the necessary measures to safeguard the continuous operation of the DCS, which has been found to be

effective in reducing recidivism and criminal behavior (Centre for Justice Innovation 2023; Logan & Link, 2019; Trood et al., 2021).

Summary and Conclusion

This literature review has revealed that marijuana has been used for a long time for religious, medical, and recreational purposes, and it was until the early 20th century that marijuana was controlled by state and federal laws in the U.S. (Adinoff & Cooper, 2018; Dorau, 2021; Lawler, 2018). The existing literature shows that, backed by international drug control regimes, the U.S. drug policy has been characterized by a get-tough ideology which has led to mass incarceration with its attended problems of recidivism and cost (Berryessa, 2021; Sanchez-Aviles & Ditych; 2018; Vitiello, 2021).

Due to the challenges of the previous drug policies, the DCS was discovered as an innovative way to handle drug offenders (Cooper, 2017). The DCS was found to be effective in reducing recidivism and cost, leading to its rapid expansion in the U.S. and beyond (Devall et al., 2023; Logan and Link, 2021; Trood et al., 2021)

The literature indicated that even though, there had been calls for marijuana legalization since the 1970s, it was until the 1990s that states began to allow legal medical marijuana use which was followed by sweeping state-level legalizations both for medical and recreational use from 2012 to date (Kahn et al., 2021; Logan & Link, 2019; National Conference of State Legislatures, 2022). The existing literature suggests that marijuana legalization may have implications for the DCS since it threatens to take away the legal authority of drug courts and introduce complexities in the DCS (Morris, 2019; Trood et al., 2021).

It is known from the literature that ML has led to an increase in crime and drug use in some states (Coley et al., 2021; Jones et al., 2018; Wu et al., 2021). However, according to other research studies, there are mixed results on the impacts that ML has on the Criminal Justice System (Coley et al. (2021; Turna et al. (2021). What was yet to be known was how marijuana legalization would impact the DCS and the implications this might have for the DCS. The present study intended to fill this gap by applying a generic qualitative study design to explore the implications of marijuana legalization for the DCS from drug court judges' perspectives.

The early detection and understanding of marijuana legalization's implied threats to the DCS will enable appropriate mitigating measures to be taken, thereby safeguarding the smooth operations of one of the criminal justice's best programs. The discovery of positive marijuana legalization can also be leveraged to improve the DCS. The study will contribute to criminal justice knowledge relating to marijuana legalization and the DCS. People with drug use disorders or drug addicts are the ultimate beneficiaries of the study by ensuring that the DCS continues to serve as a vehicle for their recovery. The study, therefore, has the potential to contribute to making a difference in the successful and continuous operation of the DCS. A successful DCS will serve as a model for treating people with drug use disorders in several other parts of the World, including West Africa, where the DCS can be adopted (Maria-Goretti & Bangfu, 2022; NIDA, n.d.)

This Chapter 2 transitions to Chapter 3, which contains detailed discussions, explanations, and justification of the research methodology and the research design that were used to conduct the study.

Chapter 3: Research Method

The purpose of this qualitative study was to explore the implications of marijuana legalization for the DCS from drug court professionals' perspectives. In 1989, the DCS was discovered as one of the best ways to manage drug offenders in the criminal justice system (Devall et al., 2023). The drug court concept recognizes that many drug-involved offenders have serious needs that must be addressed if they are to live drug- and crime-free lives (Kahn et al., 2021; Logan et al., 2019). The drug court concept has been adapted to other criminal justice challenges, and several studies found the system to be effective in reducing recidivism and criminal behavior (Cooper, 2017; Devall & Lanier, 2022; Logan & Link, 2019; Trood et al., 2021). Being one of the effective criminal justice programs, the DCS must be safeguarded by understanding any threat such as marijuana legalization that may affect its successful operations.

Marijuana offenders constitute a large portion of drug court participants (Lydon, 2022; Morris, 2019), and marijuana legalization seems to place marijuana offenders outside the legal authority of drug courts (Morris, 2019). This may have implications for the DCS that needed to be explored. Until the current study, little was known about marijuana legalization and its implications for the operations of the DCS. Therefore, this study was crucial to discover marijuana legalization implications that might be threats to the DCS as well as the positive marijuana legalization implications that can be leveraged to improve the DCS.

The results of this research have several possibilities for social change. Findings may be used to identify the best way to manage the DCS in this era of marijuana

legalization. Also, findings may inform policymakers regarding the appropriate measures to put in place so as not to jeopardize the effectiveness of the DCS as marijuana legalization spreads to other U.S. states. The research may also reveal other issues to be explored through further studies to strengthen DCS as a successful strategy for managing drug offenders.

Chapter 3 begins with the details of the study's research design and rationale. My role as the researcher and positionality issues are discussed by describing the strategies used to address potential ethical and bias issues. The chapter then details the study's methodology, including the procedures for participant selection, instrumentation, data collection, and data analysis. The next part of the chapter discusses the criteria used to ensure the study's rigor and trustworthiness by addressing issues of credibility, transferability, dependability, and confirmability. The chapter concludes with a summary and transition to Chapter 4.

Research Design and Rationale

The research question of this study was the following: What are the drug court professionals' perspectives regarding the implications that marijuana legalization may have for the drug court system? The phenomenon under investigation in this study was marijuana legalization's implications for the DCS. Drug court professionals such as judges, attorneys, case managers, treatment providers and administrators are the pivot around which the DCS revolves (Cooper, 2017; Trood et al., 2021). Due to their central role, drug court professionals had the requisite knowledge and experience to answer the

research question through in-depth, semi-structured interviews (see Rubin & Rubin, 2012).

I used a qualitative approach to answer the research question (see Kahlke, 2014) by providing an in-depth understanding of marijuana legalization's implications for the DCS from drug court professionals' perspectives. There are three major research approaches: quantitative, qualitative, and mixed methods (Burkholder et al., 2020). Quantitative research is deductive and involves variables and the collection of numerical data to test hypotheses, establish relationships, or compare variables (Burkholder et al., 2020). In contrast, qualitative researchers employ inductive data analysis to explore participants' meanings of a phenomenon by identifying patterns or themes (Burkholder et al., 2020). Mixed-methods researchers combine qualitative and quantitative approaches for a more rigorous and comprehensive study (Patton, 2015). A quantitative approach was unsuitable for the current study because I did not seek to test hypotheses, establish relationships, or compare variables. I did not use a mixed-methods approach because of time and resource constraints. I employed a qualitative approach.

The qualitative approach is a systematic process with philosophical underpinnings to explore human views and experiences for social change (Ravitch & Carl, 2021). According to Creswell and Poth (2018), the philosophical foundations of qualitative researchers can be categorized into four sets. These philosophical assumptions relate to ontology (the concept of truth and reality), epistemology (how knowledge is created), axiology (the position of the researcher in the study), and methodology (the process of research). From the ontological point of view, qualitative researchers emphasize multiple

realities and truths, making the researcher a participant (Patton, 2015). Epistemologically, qualitative researchers believe that knowledge is developed from “individual’s subjective experiences” and is shared (Ravitch & Carl, 2021, p. 5). In terms of axiology, qualitative researchers acknowledge the value and biases of both the researcher and the participants. Qualitative researchers also believe in interpretive, naturalistic, and inductive research approaches (Ravitch & Carl, 2021). For example, qualitative researchers study their phenomena in the natural environment instead of laboratories. Qualitative research is naturalistic compared to quantitative research, which might depend on laboratory experiments.

All researchers try to make sense of what is being studied. The degree of sense will depend on the approach used. For example, a quantitative researcher may conduct regression analysis to determine relationships between variables. Such a quantitative study may not be able to capture the feelings, experiences, and emotions of the variables (if they are human beings). On the other hand, a qualitative researcher may understand the feelings, observe the demeanor of respondents, or experience the phenomenon being studied (Ravitch & Carl, 2021). Therefore, the qualitative researcher will be able to interpret what has been studied regarding the meanings people bring to them.

I employed the qualitative approach to go beyond statistical analysis of numerical data or examination of relationships between variables and provide an in-depth understanding of the implications of the impact of marijuana legalization on the DCS by exploring the perspectives of the people who are at the core of the implementation of the DCS: the drug court professionals. I also assumed there are multiple realities and truths

(see Patton, 2015). In addition, I support the values of subjectivity, individual experiences, and biases in research (see Ravitch & Carl, 2021). Given the purpose of the current study, the research question, and my philosophical orientation, the qualitative approach was appropriate for this study. As Creswell and Poth (2018) noted, qualitative methodology is appropriate when researchers want to understand a phenomenon in depth. I sought an in-depth understanding of marijuana legalization's implications for the DCS from drug court professionals' perspectives. The qualitative approach was, therefore, the most appropriate for this study.

Qualitative researchers have several research designs to choose from. Each of these qualitative designs has features that make it appropriate for a particular study depending on the study's goals. Patton (2015) identified 16 qualitative designs, including GQI, qualitative case study, grounded theory, phenomenology, narrative inquiry, and ethnography. These approaches have their unique focuses, and the approach that aligned best with the current study's purpose and research question was the GQI.

The GQI is basic and exploratory (Patton, 2015). Its focus is to understand how the experience of an event, circumstance, program, or context can be described or explored (Kahlke, 2014). It also focuses on the meaning of a process, program, or event to the targeted individual's interest (Patton, 2015). The GQI may be similar to the qualitative case study design, which focuses on understanding a bounded case or cases. The difference is that although GQI is basic and general, the qualitative case study design focuses on a specific event, person, place, thing, or organization (Yin, 2014). GQI may also be similar to phenomenology. However, Percy et al. (2015) explained that although

phenomenology focuses on the psychological lived experiences of the participants, GQI emphasizes the “outward opinions, the actual-world experiences, and the thoughtful description and reflection” (p. 6) of the phenomenon under study. The current study’s focus was marijuana legalization implications for the DCS. I sought to understand this phenomenon from the thoughtful perspectives of drug court professionals and not from the professionals’ lived experiences. This made the GQI design more appropriate than phenomenology.

A generic qualitative design allows the researcher to discover and understand other people’s perspectives or worldviews about a phenomenon under investigation (Kahlke, 2014). The phenomenon under investigated in the current study was marijuana legalization’s implications for the DCS. Drug court professionals, being central to the implementation of the DCS, provided the needed information-rich perspectives on the implications of marijuana legalization for the DCS.

Other qualitative designs were not suitable for this study. For instance, grounded theory focuses on theory generation. My study was not about theory generation; therefore the grounded theory design was unsuitable. The narrative approach to qualitative inquiry focuses on stories and examines human lives through the narrative lens (Charmaz, 2016). I did not seek to investigate lives through narration. Ethnography emphasizes studying the culture of a group of people. The researcher is immersed in the culture under investigation (Ellis & Bochner, 2000). I did not seek to study the culture of a group of people.

Kennedy (2016) noted that the generic qualitative design may be suitable for dissertations because it is flexible and easy to use. In addition to its facility and suitability for a dissertation, GQI aligned with the purpose of my study. According to Percy et al. (2015), GQI focuses on people's subjective views, attitudes, and experiences about the phenomenon under study. I focused on the subjective views of drug court professionals regarding marijuana legalization implications for the DCS.

Percy et al. (2016) suggested that a generic qualitative design is appropriate when “the researcher has a body of pre-knowledge/pre-understandings (categories or sub-categories of information) about the topic that he or she wants to be able to describe from the participants' perspective more fully” (p. 5). Having worked as a drug prevention and control officer for over 26 years, I had prior knowledge of marijuana legalization and the implications it might have on the DCS. In this sense, some aspects of the research problem were known prior to the study. Some knowledge was subjectively constructed as I interacted with the drug court professionals and collected the data.

GQI is also well suited for research that has pragmatic goals. Creswell and Poth (2018) explained that pragmatism is outcome focused and aims to effect social change by relating knowledge to action. I desired to use the knowledge gained from this study to improve the DCS. The study, therefore, had a pragmatic goal aside from the requirement for a dissertation. The generic design was appropriate to achieve this aim.

Caelli et al. (2003) posited that GQI should be characterized by “(a) the theoretical positioning of the researcher, (b) a congruence between methodology and methods, (c) strategies to establish rigor, and (d) the analytical lens of the researcher” (p.

5). Kennedy (2016) explained that theoretical positioning refers to the researcher's philosophical orientation of reality, knowledge creation, and values. Congruence requires the research tradition to align with the data collection and analysis methods. This means that the generic qualitative researcher must align their methods with their theoretical positioning and the analytical lens with which data are interpreted. At the same time, the researcher must ensure the study's rigor by addressing personal biases or assumptions (Ravitch & Carl, 2021). The researcher should also employ strategies to test saturation and provide a detailed report of the research procedure adopted and member checking. Creswell and Poth (2018) noted that the researcher's role manifested in the person's beliefs and motivations for the study influences data analysis and interpretation. My role as the researcher in this study was adequately explained to guide the reader and ensure the study's trustworthiness.

Role of the Researcher

In this study, I was the interviewer and the researcher and, as such, the primary instrument of the research (see Burkholder et al., 2020). My role as the primary data collection instrument brought me into an intimate relationship with the participants (see Creswell & Poth, 2018). This enjoined me to build trust to enable the free flow of information during the interview. I needed to build an initial rapport with the drug court professionals, who were the study's participants, to ensure open and honest responses during the interviews. Rubin and Rubin (2012) explained that an initial rapport is crucial in a qualitative interview because people are usually more willing to talk to the researcher if they feel some personal connection to them. However, Patton (2015) cautioned that

rappport must not undermine the researcher's neutrality concerning what the participant says. This means the researcher must be nonjudgmental, conveying to the participants that their knowledge, experiences, attitudes, and feelings are essential.

Gazaway et al. (2022) indicated that it is the role of a qualitative researcher to ask simple, open-ended questions. This means that no more than one idea should be contained in any given question. To achieve this, I used an interview guide to ensure that my interview questions were singular and simple to elicit relevant responses. I used follow-up questions to probe for more in-depth understanding when necessary. As part of my role as a researcher in this study, I also observed nonverbal responses, such as the participants' facial expressions, and included them in the data.

Closing the interview was also crucial. Rubin and Rubin (2012) described the qualitative interview as a conversational partnership. The interviewer will be needed for follow-up questions, and the interviewee may remember something they would like to tell the interviewer. Therefore, the interview must be closed in such a way that further conversation between the researcher and the participant will not be impeded.

My role as the primary instrument of the research enjoined me to be conscious that my subjectivity, identity, positionality, and meaning making may affect the study's results (Ravitch & Carl, 2021). Therefore, potential personal biases were managed to ensure quality as part of the research process (Burkholder et al., 2020). A significant part of my working career has been in drug control, and I have experienced the futility of incarcerating people with drug use disorders. During my Hubert Humphrey Fellowship at the Virginia Commonwealth University in Virginia, I did some considerable studies on

the DCS, and I intend to introduce the system in West Africa. I am also against marijuana legalization, especially in West Africa. This position had the tendency to influence the lens through which I approached this study. My position threatened to affect the interview questions, analysis, and data interpretation. Therefore, there was the need to guard against personal biases by developing measures to ensure and maintain the study's quality.

The measures to prevent personal biases in this study included documenting all the potential biases throughout the research process, building in peer review and committee members' reviews, and member checking to maintain quality. I also applied thick descriptions of the phenomenon under study by detailing every step of the study. Moreover, I ensured that the actual views and experiences of the participants and their contexts were accurately reported (Shenton, 2004). Throughout the research process, I adopted an iterative verification strategy to continually check, re-check and adjust the research process to ensure the study's rigor. In this regard, a journal of all the activities of the study was kept and used as part of the records of the fieldwork. I also recorded any personal beliefs and assumptions that might have influenced the study's findings as part of the study's limitations.

Methodology

The methodology of a research study is the study's overall framework or approach that guides the study (Maxfield & Babbie, 2018). Broadly, there are quantitative, qualitative, and mixed-methods research approaches. There are also several qualitative research designs (Patton, 2015). This study used a qualitative approach and a

generic qualitative inquiry design. Ravitch and Carl (2021) explained that qualitative research methods are helpful for understanding and explaining individuals' experiences to obtain an in-depth understanding of a phenomenon. This research aimed at understanding the implications of marijuana legalization for the DCS from drug court professionals' perspectives. This methodology section explains the study's participant selection logic, procedures for recruitment, instrumentation, data collection, and data analysis.

Participant Selection Logic

The criteria for inclusion and exclusion for my study were informed by the need to obtain excellent data that could answer the research question (Morse, 2010). Therefore, through purposeful sampling, I selected 13 drug court professionals in five recreational marijuana legalized states (Rubin & Rubin, 2012). Drug court professionals generally have experience and the requisite knowledge to provide in-depth insight into marijuana legalization's implications for the DCS. There are many drug court professionals, but this study was limited to drug court, defense attorneys, prosecutors, directors or coordinators, treatment providers and administrators. Among the drug court professionals, I needed to select those who could provide the best in-depth insight into the possible or actual marijuana legalization implications for the DCS. To this end, I selected drug court professionals who have between 5 - 22 years working experience. This enabled me to capture the experiences of the professionals before the recreational marijuana legalization. Professionals who took office after 2021 were excluded since they might not have enough experience with the period before marijuana legalization.

Procedures for Recruitment

In July 2022, I attended the National Association of Drug Court Professionals' conference in Nashville, where I met some drug court professionals. I therefore contacted some of these known drug court professionals directly through emails who met the inclusion criteria and were willing to articulate their views on the research question. Where necessary, I used snowball or chain sampling to locate other qualified, information-rich participants for the interviews (Patton, 2015).

Sample Size and Data Saturation

For the sample size, I selected 13 participants for the in-depth interviews. This sample size was guided by the purpose of the study, saturation, and the available time and resources (Patton, 2015). It was expected that given the study's purpose of understanding the implications of marijuana legalization for the DCS from the drug court professionals' perspective, the sample size of 12 - 15 participants would help me achieve data saturation within the limited time and resource constraints of a dissertation.

Data saturation refers to the point in data collection and analysis where new information produces little or no change (Mason, 2010; Guest et al., 2006). In other words, collecting new data does not shed further light on the issue under investigation. The number of samples that a researcher may require to reach a saturation point may differ depending on several factors, including the study's goal, the homogeneity of the population, and the researcher's and the participant's experience (Mason, 2010; Guest et al., 2006).

Mason (2010) has explained that if the homogeneity of a study's population is high, a researcher could reach saturation after six interviews. Baker (2012) has suggested a sample size of between 12 - 20 for a qualitative study to facilitate interview planning and structuring. According to Baker (2012), more than 20 sample sizes seem impractical within a dissertation's time and resource constraints. In a qualitative study by Guest et al. (2006), saturation was reached after interviewing 12 women in two West African countries (Ghana and Nigeria). He explained that the sample he interviewed was relatively homogeneous (women at high risk of HIV), and the research focused on how the women discussed sex.

In my research, the sample population was relatively homogeneous. All the anticipated participants were drug court professionals who were asked similar questions about what they perceive as marijuana legalization implications for the DCS. In a dissertation, Amalfi (2019) used a sample size of 10 in a qualitative case study research design to explore IT leaders' experiences related to data breaches in the cloud environment and the strategies they may use to avoid them. The researcher planned to recruit 12 IT leaders to participate in the study. Out of the planned 12 participants, only ten agreed to participate. In my case, I targeted 15 participants so that if some could not participate, it would still be possible to achieve saturation by the 10th or 12th interview. I achieved data saturation by the time I interviewed the 11th drug court professionals. However, to be sure that no new information was coming out from subsequent interviews, I added two more participants to make it 13.

Instrumentation

In this qualitative study, I was the primary instrument in the research process. The interview was my primary data collection method. As the interviewer, I used the *Interview Guide Instructions* published by Walden University in 2016. The interview guide was simple, allowing the novice researcher to interview within a short time. I also used the *Excel Coding Document Template* published by Walden University to organize the transcripts and prepare them for coding (Walden University, 2016). The Walden Excel Spreadsheet made it easy to bring all the data on one sheet, thereby facilitating data analysis. There was also the Walden's *Field Note Guide* which assisted me in the field research process.

I interviewed 13 drug court professionals to elicit their views on marijuana legalization implications for the DCS. To effectively conduct the interviews, I developed interview questions and an interview guide (see Appendix C). Patton (2015) has indicated that the study's purpose, research design, and theoretical framework shape the interview questions. This study used therapeutic jurisprudence theory and generic qualitative inquiry to explore marijuana legalization implications for the DCS from drug court professionals' perspectives. Therefore, my interview questions were guided by therapeutic jurisprudence theory and a generic qualitative inquiry design to elicit the most in-depth answers to the research question.

To stay focused on answering the research question, I relied on the interview guide as a prompt to remind me of the necessary topics to cover, questions to ask, and areas to probe (Patton, 2015). According to Myers and Neuman (2007), the interview

guide prompts the researcher about issues like sharing critical details about the study, informed consent, and building rapport.

Data Collection

Qualitative data collection involves several possible methods, including interviews, focus groups, participant observations, questionnaires, observational field notes, documents, and archival data (Ravitch & Carl, 2021). Each of these data collection methods has its strengths and weaknesses, and how they are employed is driven by a study's design and the research question (Ravitch & Carl, 2021). I employed one-on-one interviews as this study's primary data collection method.

A one-on-one interview focuses on individuals' unique knowledge and experiences (Ravitch & Carl, 2021). Individual interviews may provide more in-depth information than other qualitative data collection methods like focus group discussions (Ravitch & Carl, 2021). For instance, while focus group discussions can provide checks and balances to mediate false or extreme views, individual interview participants may freely share their thoughts without any hesitation due to the absence of a third person (Patton, 2015). In focus group discussions, participants may be reluctant to share their personal experiences and perspectives in a group format for fear of victimization from others. This can make the data from focus groups less specific and potentially less helpful in answering certain kinds of research questions. This study's research question sought to elicit in-depth views of drug court professionals that go beyond group views, hence the proposed use of individual interviews.

As a qualitative interviewer, I adopted all the characteristics of a good interviewer to gather the most information-rich data to answer the research question. Ravitch and Carl (2021) have indicated that qualitative interviews are relational, and trust and reciprocity are vital. Therefore, throughout the interview process, I built a healthy relationship with the drug court professionals to enable the interview to take place in an atmosphere devoid of suspicion and apprehension.

Secondly, a good qualitative interview must be contextualized (Ravitch & Carl, 2021). Qualitative research seeks to understand the meanings individuals attach to a phenomenon (Ravitch & Carl, 2021). Therefore, the interviews were conducted so that individual perspectives were sought by controlling my own biases and respecting the interviewee's views, even if they were contrary to what was considered the norm (Rubin & Rubin, 2012). Moreover, a good qualitative interviewer is non-evaluative (Ravitch & Carl, 2021). To this end, I sought to understand the feelings, experiences, views, and concerns of a phenomenon and not judge or evaluate the interviewee's views or perspectives. In this way, was as neutral as possible.

In this study, I relied on an interview guide (see Appendix C). Using the interview guide, I began with a good introduction in which I identified myself and explained the study's topic and purpose (Ravitch & Carl, 2021). I also indicated the duration of the interview, assured the interviewees of confidentiality, and expressed the voluntariness of the interview and the fact that recording and notes would be taken during the interview. The introduction was crucial to making the interviewees comfortable and deepened the trust between the interviewee and me.

Following the interview guide, I used open-ended, personalized, and follow-up questions (Yob & Brewer, n.d.). The idea was that I wanted to have an in-depth understanding and identify the nuances of the phenomenon under study. Therefore, questions that would elicit “yes” and “no” answers, for instance, were used sparingly. I used open-ended and carefully phrased questions that allowed the interviewees enough room to share their experiences or perspectives. Also, the interview questions were personalized (Patton, 2015). I used personal pronouns like “you” and “your” in framing the questions. This related the answers to the interviewee’s perspectives, not abstract ideas. The follow-up questions helped me to clear doubts and obtain vivid descriptions and a deeper understanding.

Patton (2015) advised that a novice interviewer should begin the interview with a more general question followed by specific questions. Following Patton’s advice, I started the interview with more general and easy-to-answer questions and then built up to more demanding specific questions. Other researchers like Turner (2010) and Gazaway et al. (2022) also explained the need to ask simple, open-ended, singular questions. This means that no more than one idea should be contained in any given question. My questions were, therefore, simple and straightforward.

Percy et al. (2016) affirmed that GQI “typically uses data collection methods that elicit people’s reports on their ideas about things that are outside themselves” (P. 6). This contrasts with a research design like phenomenology, which focuses on the participants’ lived experiences of the phenomenon under study (Percy et al., 2016). Percy and colleagues further explained that since GQI focuses on an actual outside event,

researchers do not often use open-ended conversational interviewing. Instead, interview questions are either semi or fully structured so that the study can elicit specific information about the phenomenon under study. In this study, the real phenomenon under study was marijuana legalization implications for the DCS. The study did not necessarily seek the lived experiences of drug court professionals as the phenomenological study might seek. Instead, the drug court professionals were required to provide their views, based on their rich knowledge and experience, on the implications marijuana legalization has on the DCS. I could have used a fully structured interview method, but the fully structured interviews may not allow me to unearth some of the nuances of marijuana legalization implications on the DCS. Therefore, to elicit information-rich responses, I adopted semi-structured interview questions. During the interviews, I took notes on the key points that emerged and recorded the interviews with the expressed consent of the participants. I also observed the participants to capture relevant non-verbal communication.

The kind of questions I asked were not personal or embarrassing. Neither might they put the anticipated participants at risk. For example, the interview questions included the following:

1. Please tell me about how you perceive marijuana legalization in relation to the Drug Court System.
2. Since drug court participants must plead guilty to drug use charges before admission into the drug court program, what happens to potential participants who are marijuana users now that marijuana is legal in your state?

3. Before marijuana legalization in your state, how did you handle marijuana offenders in your court?
4. Now that marijuana is legal for both medical and recreational purposes, how do you handle marijuana offenders?

The interviews with the drug court professionals were audio-recorded and transcribed for analysis.

Data Analysis

After the interviews, I used transcription software to transcribe the audio-recorded interviews verbatim. The verbatim transcription ensured the data's accuracy, reliability, validity, and veracity (Halcomb & Davidson, 2006). The intent, the chosen approach, and the type of analysis the researcher embarks upon will determine whether to use summary or verbatim transcription. For example, Rubin and Rubin (2012) have explained that if speech mannerisms are part of one's research, one may use verbatim transcription to capture pronunciation, pauses, and grammatical errors. On the other hand, if the study does not require all these details but the actual words, then one may use only the summary transcription. The instant research did not necessarily require the details of pronunciation, pauses, and grammatical errors, so I could have used summary transcription. However, as a novice researcher, I needed to capture the interview verbatim so I could then use the interview question to sieve the relevant information needed to answer the research question. Relying on only summary transcription may leave some important study details out.

Following the tips for robust qualitative analysis by Patton (2015), I started the data analysis while in the field in the form of field notes. This helped me to record emergent patterns and possible themes and use them as part of the final analysis. I then organized the data by ensuring that I had all the interviews that constituted the raw data of my qualitative inquiry (Patton, 2015). I checked that the data elements and sources were labeled, dated, and complete. I used the letter “P” to refer to the interview participants. So, I labelled the interview scripts as “transcript of P1, P2, up to P13. After that, I protected the data with external drive backups. Appendixes D1, D2 and D3 are sampled copies of the transcribed audio recording of P1, P6, and P13.

Since purpose drives analysis, I reaffirmed the purpose of my study by restating it and designing frames for the analysis (Patton, 2015). I first reviewed exemplars for inspiration and guidance and made qualitative analysis software decision. Intense, dedicated time for analysis was scheduled for immersion in the data analysis process, which lasted three weeks.

After the transcription, I adapted and followed the step-by-step analysis plan Percy (2016) outlined. In this regard, I first reviewed and familiarized myself with the transcribed interview data collected from each drug court professional by reading and intuitively highlighting any words, phrases, or sentences that appear relevant or meaningful. Secondly, I reviewed the highlighted data and used the research question to decide if the highlighted data were related to the research question. I deleted those highlights that were not related to the research questions. Then, I took each piece of data and coded it by using in vivo and descriptive coding techniques. I then grouped the

related items to develop categories and described them in a phrase or statement that summed them up. As I started to see patterns, I identified data items corresponding to the specific categories and placed them in the previously assembled clusters that manifested that category. All the categories were considered for emerging themes. The categories were refined and further categorized into sub-themes. The sub-themes were related concepts that emerged from the categories and were expressed in concise, meaningful sentences. The subthemes were summarized into major themes of the study to answer the research question. After analyzing all the data, I arranged the themes in a matrix. Table 1 is the matrix showing the research question, categories, sub-themes, and their corresponding major themes.

Table 1*Matrix Showing Categories, Subthemes, and Themes*

Category	Subtheme	Theme
<ul style="list-style-type: none"> • Right drug court population • Reduction in DC populations • Marginal reduction in racial disparity • ML forces drug courts to focus on the right population • Opportunity for re-evaluation of drug court population • Decline in felony courts' population and increase in misdemeanor population. • No effects for states with the right drug court participants 	<ul style="list-style-type: none"> • ML has reduced or shifted drug court populations in some states • ML forces the DCS to focus on the right population • ML has no effects on drug courts with the right population • ML affects the population of people of color in the drug court system 	Theme 1: ML affects the drug court population in various ways.
<ul style="list-style-type: none"> • Increased difficulty for recovery • Tension between drug courts and marijuana users • ML introduces different treatment of clients • Uncertainty in the application of the law • Complicates the therapeutic discussion • ML and false medical marijuana claims • Confusion among participants • Additional work • The need of physicians in drug court teams 	<ul style="list-style-type: none"> • More efforts to deal with participant's attitudes • Increased monitoring and evaluation of claims for medical marijuana • Increasing need for a doctor in the drug court team • Confusion among practitioners and participants 	Theme 2: ML complicates matters in drug courts and increases the workload
<ul style="list-style-type: none"> • Marijuana taxation, a potential source of income • Potential funding source for more services • Marijuana use sensitization 	<ul style="list-style-type: none"> • ML is a possible source of funding through marijuana taxes • Marijuana taxes may help provide more services for the drug court system. 	Theme 3: ML may provide additional funding for more services in the drug court system.
<ul style="list-style-type: none"> • Substituting marijuana use with more dangerous drugs • ML, a harm reduction measure • ML allows the use of marijuana as a temperance drug in drug courts 	<ul style="list-style-type: none"> • ML enhances harm reduction in the drug court system • Marijuana legalization serves as a harm-reduction strategy 	Theme 4: ML may facilitate harm reduction in the drug court system.
<ul style="list-style-type: none"> • ML introduces funding complications for drug courts • Federal funding restricts drug court operations due to marijuana legalization • Marijuana research restrictions • Drug court professionals grapple with two laws • Federal funds require abstinence for people with marijuana use disorders in drug courts • Federal funding mandates abstinence-based drug courts • Marijuana legalization introduces funding confusion in drug courts 	<ul style="list-style-type: none"> • ML states may be confused due to federal fund restrictions • ML at the state level is rendered ineffective by federal fund restrictions. • Federal funding restrictions force drug courts to be abstinence-based and restrict marijuana research 	Theme 5: ML introduces some confusion and complications in the drug court system due to federal funding restrictions

The matrix was used to discuss the themes with supporting direct quotes in the findings and interpretations section of the dissertation.

In this study, I relied more on manual data analysis than software. My data did not involve visual data, such as video or photos. The data source was mainly the interview responses from 13 drug court professionals. Therefore, even though I had Qualitative data analysis (QDA) software, MaxQDA, I only used it sparingly.

The study's data was treated confidentially by storing them securely. I stored the electronic data generated from the audio-recorded interviews on a password-protected external drive. I am the only person with access to the data, and I will keep the data in a secure place for five years and after that destroy the data.

Issues of Trustworthiness

All research, whether quantitative or qualitative, should be of high quality, especially for the Criminal Justice System. Research findings inform several criminal justice policies, programs, practices, and policies, and the quality of the research findings influences the success or utility of the policies, programs, and practices (Burkholder et al., 2020). The tools used to assess the quality of a research study may differ depending on whether the study uses a quantitative or qualitative approach. While quantitative researchers use terms like validity, reliability, and objectivity, qualitative researchers talk about trustworthiness.

Lincoln and Guba (1985, as cited in Patton, 2015) defined the trustworthiness of a qualitative study as the degree of confidence one can have in the study's findings. This means that the higher the confidence that a study's finding is accurate or credible, the

higher the trustworthiness and, therefore, the quality of the study. Patton (2015) listed four criteria of trustworthiness: credibility, transferability, dependability, and confirmability.

Credibility

Credibility relates to whether the study's findings accurately reflect the reality or the respondents' perceptions (Patton, 2015). This means that the researcher should be mindful of their own potential biases that may result from their cultural or socioeconomic background, nationality, ability, status, and other factors (Burkholder et al., 2020). In this case, the researcher should indicate in the study methodology the steps used to minimize such biases. In this study, I was mindful of my potential biases as a drug prevention and control officer. To minimize any biases, I made sure that I allowed participants to share their views. I also recorded the conversation verbatim. Additionally, this study's research process has been described in detail as audit trail.

According to Patton (2015), the credibility of qualitative inquiry depends on four elements, namely, (1) Systematic, in-depth fieldwork; (2) Systematic and conscientious analysis of data with attention to issues of credibility (3) Credibility of the inquirer; and the readers' and users' philosophical belief in the value of qualitative inquiry. Following these four elements to ensure credibility, I conducted systematic and in-depth fieldwork to gather data from about 13 drug court professionals. During the data analysis, I paid particular attention to the study's credibility by ensuring that the views reported were the views of the research participants. To confirm the participant's views, I used direct quotes to support the participants' perspectives.

Transferability

Transferability refers to the degree to which the findings from one study can be transferred to another situation (Lincoln & Guba, 1985, as cited in Burkholder et al., 2020). The idea of transferability in qualitative research is closely related to generalizability in quantitative research. In qualitative research, however, the researcher describes the setting of the study with sufficient clarity and detail so that readers of that study can make their own judgments about what does and does not apply to other scenarios (Burkholder et al., 2020). This makes transferability in qualitative studies quite limited. Unlike a quantitative study, the purpose of a qualitative study may not be to generalize from a sample study.

To ensure the transferability of this study, I employed a thick description. In this regard, the context of the study was described in detail. Marijuana legalization's implications for the DCS were also described in detail to allow comparison in a similar context. Even though transferability in qualitative studies may be limited, Percy et al. (2016) have indicated that when the information about a topic is rich, the findings may be applied to similar situations. It is therefore envisaged that by collecting information-rich data from 13 knowledgeable drug court professionals and adopting a thick description, this study's findings may be applied to the DCS in other states.

Dependability

Dependability refers to the extent to which the research and its findings are consistent to allow duplication in future studies (Ravitch & Carl, 2021). To address the dependability issue, I ensured that the process for the study was reported in detail. I also

used an audit trail to detail how I coded the interview transcripts and categorized them to form subthemes and how I arrived at the major themes. This will enable future researchers to repeat the study and allow readers to assess the extent to which proper research practices have been followed (Patton, 2015).

Confirmability

Confirmability relates to the coherence of a study's data, findings, interpretation, and recommendations (Ravitch & Carl, 2021). Qualitative research is prone to personal bias since the researcher serves as the research instrument (Ravitch & Carl, 2021). The researcher must, therefore, put in place measures to reduce personal bias. To ensure confirmability for my dissertation, I recorded any personal beliefs and assumptions that might influence the study's findings. The limitations of the study's methods and their potential effects were described in depth to allow the integrity of the research results to be assessed.

Since I work in drug control, I needed to guard against my personal biases by developing measures, including documenting all the potential biases throughout the process, building in peer review, and member checking to maintain quality. I also applied thick descriptions of the phenomenon under study by detailing every step of the study. These measures helped me ensure the study's credibility by conveying the participants' views, experiences, and contexts (Shenton, 2004). Throughout the research process, I adopted an iterative verification strategy to continually check, recheck, and adjust the research process to maintain the study's rigor.

Ethical Procedures

The study's participants were drug court professionals. Drug court professionals may not be considered vulnerable groups. However, protecting privacy, minimizing harm, and respecting the shared experience of others are valuable ethical considerations for any researcher (Ravitch & Carl, 2021). Protecting privacy in research involves ensuring that participants' identities are not disclosed at all or against the participant's will (Ravitch & Carl, 2021). This might be achieved using pseudonyms and numbers to identify research participants (Ravitch & Carl, 2021). In this study, participants were described as "P1", "P2" to "P13". The names of the participants drug courts or states were not mentioned in the study's report. In a situation where a participant gave self-identifiable information, this was masked. I interviewed some drug court professionals who worked for the National Association of Drug Court Professionals. All these professionals were described as directors to avoid disclosing their identities.

Minimizing harm may also present the unique ethical challenge of being able to anticipate the harm that a particular question or body language might cause a participant. People's sensitivity may be diverse and what one may consider offensive may be difficult to predict (Zdanowicz-Kucharczyk, 2021). This might make it challenging to avoid causing harm in all its forms during data collection. For example, describing people as drug addicts or street children may cause some emotional harm to research participants. One way a researcher can minimize this challenge is to pre-test his data collection method and subject it to different review mechanisms by peers or supervisors with more experience. In this study, I used an interview guide and pre-prepared questions that my

supervisors reviewed to minimize any potential challenge. I also had an initial pretest of the interview guide with a retired drug court professional and a serving drug court coordinator. The insight gained from them helped me to shape the language of the questions and a few changes that prompted me to go back to the IRB for modifications which were approved before the actual study's interviews began. The IRB approval number for this study was 03-17-23-1062681.

Respecting the shared experience of others entails accepting and recognizing that all research participants are experts in their own experiences (Ravitch & Carl, 2021). Every participant may bring different knowledge or wisdom to the phenomenon under study. In this study, I ensured participants' views were respected by not judging or showing any sign of disapproval of any view expressed, even if they were contrary to my own. All the participants were treated as experts in their own fields.

There was also the ethical issue of ensuring the confidentiality of the data and the anonymity of the drug court professionals. To achieve this, statements were not attributed to identifiable individuals. This might be important because a participant may suffer a public backlash depending on the views expressed. To ensure anonymity and avoid potential harm, I described the drug court professionals interviewed as "P." So there were P1 to P13. I used the same Ps to describe the statements attributed to them to ensure their anonymity. Even though a researcher may put in measures to protect the identity of the participants, the participants themselves may disclose vital information to third parties (Maxfield & Babbie, 2018). Therefore, I implored the participants to refrain from sharing

sensitive information and keep all discussions confidential, as I also keep them confidential.

Another ethical issue dealt with in this study was informed consent. As a strategy to deal with the ethical issue of informed consent, I ensured that the potential research participants were aware of their involvement in the study before the interviews. (Burkholder et al., 2020). Through emails (See Appendix A) and telephone calls, I sufficiently disclosed the study's information to the participants to decide whether to participate (Burkholder et al., 2020). The rationale for this was that participation should be voluntary. There was no coerced participation in this study. Also, I disclosed the potentially associated risks or benefits of the study in a consent form I shared with the participants prior to their participation (See Appendix B). There are no known risks associated with this study. However, during data collection, I must look out for any potential risk and deal with it immediately.

Summary

This qualitative study used a generic design to explore marijuana legalization implications for the DCS from drug court professionals' perspectives. This chapter has provided the details of the study's research design and rationale. The chapter has explained my role as the main instrument of data collection, the ethical issues in the study, and how I addressed them. The study relied on one-on-one individual interviews as the primary data collection method. The sample size of this study was 13. Thirteen knowledgeable drug court professionals were purposefully selected for in-depth interviews. A step-by-step data analysis was used to code, categorize, and develop

themes that formed the basis for the study's findings. The concluding part of the chapter discussed the criteria to ensure the study's rigor and trustworthiness. I described how I addressed the study's credibility, transferability, dependability, and confirmability. The next chapter of the dissertation is Chapter 4, which describes the data collected and the results of the data analysis. The chapter also described the categories and the themes that emerged from the study's data.

Chapter 4: Results

The purpose of this qualitative study was to explore the implications of marijuana legalization for the DCS from drug court professionals' perspectives. The DCS was discovered as one of the best ways to manage drug offenders in the criminal justice system (Devall et al., 2023). The drug court concept recognizes that many drug-involved offenders have serious needs that must be addressed if they are to live drug- and crime-free lives (Kahn et al., 2021; Logan et al., 2019). Studies primarily conducted in the United States found that the DCS reduces recidivism and criminal behavior (Devall et al., 2023; Logan & Link, 2019; Trood et al., 2021).

Marijuana offenders constitute a large portion of drug court participants (Devall et al., 2023; Lydon, 2022; Morris, 2019). Several U.S. states have legalized marijuana use for medical or recreational purposes. Marijuana legalization seems to place marijuana offenders outside the legal authority of drug courts (Morris, 2019). This may have implications for the DCS that needed to be explored to safeguard the continuous operations of the DCS by leveraging the positive implications and mitigating the legalization's adverse effects.

Before this study, no known study had explored the implications that marijuana legalization might have for the DCS. I applied a generic qualitative design (see Kahlke, 2014) and a purposive sampling technique (see Patton, 2015) to identify 13 drug court professionals (attorneys, administrators, coordinators, treatment providers, and directors) from six marijuana-legalized states for an in-depth interview to explore the implications that marijuana legalization might have for the DCS. The research question that guided

this study was as follows: What are the drug court professionals' perspectives regarding the implications marijuana legalization may have for the drug court system? I gathered data from 13 drug court professionals with 5–22 years of working experience in the DCS to answer the research question. The 13 drug court professionals were purposefully selected from six U.S. states that have legalized marijuana for medical and recreational use.

Chapter 4 presents a detailed description of the data analysis and the study results. The chapter begins with the data collection setting and a description of the study's relevant participant demographics. This is followed by a detailed description of the data collection and analysis process. The chapter also presents evidence of trustworthiness, the study's results, and summary of the answers to the research question. The chapter concludes with a transition to Chapter 5.

Setting

This study was not piloted. However, before the main study, I conducted test interviews with one experienced drug court coordinator in one marijuana-legalized state and a retired drug court program director. The initial interviews were intended to test the study's interview questions and obtain views on the best categories of drug court professionals needed to provide information to answer the research question. Based on the insights gained from the initial interviews, the initial 14 interview questions were reduced to 12. The study's participant pool was also expanded from drug court judges in one state to include other drug court professionals such as coordinators, attorneys, treatment providers, and directors in six marijuana-legalized states. There were also some

participating drug court professionals whose experiences cut across several marijuana-legalized states and who had played several roles as drug court professionals. The drug court professionals who had performed different roles as drug court professionals and whose experience cut across other states were described as drug court directors in this study.

There are several categories of drug court professionals (Devall et al., 2023), but from the initial interviews I discovered that drug court directors, coordinators, attorneys, and treatment providers were best suited to provide in-depth information to answer the study's research question. These changes in the number of interview questions and the expansion of the participant pool necessitated additional IRB approval. Therefore, I submitted a change of procedure form and received IRB approval (see Appendix A) before the data collection started. The IRB approval number for this study was 03-17-23-1062681.

Participant Demographics and Characteristics

Data for this study were gathered from 13 drug court professionals including eight women and five men. Participants worked in six marijuana-legalized states. Four participants were experienced drug court professionals who had worked in more than one marijuana-legalized state. The participants' years of working as drug court professionals ranged from 5 - 22 years. Most of the participants interviewed had played several roles as drug court professionals. The participants were referred to as P1–P13 participants. Table 2 presents the participants' relevant demographics and characteristics.

Table 2*Participants' Demographics and Characteristics*

Participant	Gender	Approximate number of years	Role as drug court professional
P1	Female	8 years	Director, administrator
P2	Female	11 years	Attorney (prosecutor)
P3	Male	17 years	Director, coordinator
P4	Female	9 years	Treatment provider
P5	Male	5 years	Defense attorney
P6	Male	20 years	Treatment provider
P7	Female	7 years	Administrator
P8	Female	5 years	Senior research officer
P9	Male	15 years	Administrator, defense attorney
P10	Female	18 years	Attorney (prosecutor)
P11	Female	22 years	Director
P12	Male	17 years	Treatment provider
P13	Female	21 years	Director, attorney

Data Collection

I conducted semi-structured individual face-to-face and telephone interviews with 13 drug court professionals to explore marijuana legalization implications for the DCS. Purposive sampling was used to select experienced and knowledgeable drug court professionals who provided in-depth answers to the interview questions. I identified 20 drug court professionals through the National Association of Drug Court Professionals website and sent them 20 invitation emails (see Appendix B). Out of the 20 emails, three responded and agreed to participate in the study. A consent form was sent to the three participants, who were asked to respond with “I consent,” which they did through emails. Then, a date and time were scheduled for the interviews through a dedicated Zoom link subscribed purposefully for the interviews.

The interview with P1 took place on June 12, 2023, when I was in Accra, Ghana, while P1 was in the United States. The interview, which lasted 41 minutes, was initially

smooth. Halfway through the interview, the internet connection was disrupted, and the interview froze for about a minute. The internet connectivity issue had been anticipated, and I had already bought a ticket to the United States to conduct the interview there. Therefore, I was in the United States by the scheduled time for the second and third interviews, which took place on June 16 and 17, 2023. The subsequent interviews were very smooth, with stable internet connections.

Using the snowball technique, I asked the three drug court professionals interviewed (P1, P2, and P3) to recommend other drug court professionals for the study. The subsequent participants were contacted through emails and agreed to participate in the study. Some participants promised to meet me at the National Association of the Drug Court Professionals' Conference (RISE23) scheduled in Houston, Texas between July 26 and 30, 2023. Consent forms were sent to the participants, after which interview dates and times were scheduled. Even though the consent forms were sent through emails and the interviews were scheduled online, some participants preferred face-to-face physical interviews because the interview dates and time coincided with the National Association of Drug Court Professionals' Conference (RISE23) in Houston, which I also attended. This enabled the interviews with nine participants to be conducted face-to-face.

Saturation

The interviews continued on June 19 and ended on July 3, 2023, after the 13th participant had been interviewed. The data collection reached saturation after the 11th interview. I conducted two more interviews to ensure that the answers to the interview questions did not yield new information. After the 11th participant, the same information

was being given. Some participants were using the same words and were repeating the views that previous participants had expressed.

Apart from the interviews with P2 and P5, which were conducted via telephone, all interviews were conducted face-to-face or through Zoom. The duration of the interviews ranged from 26 to 42 minutes. Table 3 shows the interview dates, duration, and mode.

Table 3

Interview Dates, Duration, and Mode

Participant	Interview date	Duration	Mode
P1	June 12, 2023	41 minutes	Zoom
P2	June 16, 2023	32 minutes	Telephone
P3	June 17, 2023	30 minutes	Zoom
P4	June 19, 2023	33 minutes	Face-to-face
P5	June 20, 2023	34 minutes	Telephone
P6	June 26, 2023	42 minutes	Face-to-face
P7	June 27, 2023	28 minutes	Face-to-face
P8	June 27, 2023	26 minutes	Face-to-face
P9	June 28, 2023	34 minutes	Face-to-face
P10	June 29, 2023	32 minutes	Face-to-face
P11	June 29, 2023	30 minutes	Face-to-face
P12	July 3, 2023	32 minutes	Face-to-face
P13	July 3, 2023	33 minutes	Face-to-face

Conduct of the Interviews

The interviews focused on the participants' unique knowledge and experiences to provide in-depth information on marijuana legalization implications for DCS. The individual interviews allowed participants to freely share their thoughts without hesitation because no third party was present. An interview guide (see Appendix C) was used to ensure that the interviews focused on eliciting relevant information to the study's research question.

Ravitch and Carl (2021) indicated that qualitative interviews are relational, so trust and reciprocity are vital. Having this in mind, I developed a healthy relationship with the participant throughout the interview process, enabling the interview to occur in an atmosphere devoid of suspicion and apprehension. The interviews were conducted in such a way that the individual perspectives of the participants would be elicited and respected without inserting my biases.

I began each interview with a brief self-introduction and an explanation of the study's purpose (see Ravitch & Carl, 2021). The anticipated duration of the interview was stated, and the participants were assured of the study's confidentiality, voluntariness, and the fact that recordings and notes would be taken during the interview. The introduction helped me make the interviewees feel comfortable and deepened the trust between me and the participants.

As part of the introduction, I thanked the participants for agreeing to participate in the study and let them know they were uniquely positioned to share knowledge and experience on marijuana legalization implications for the DCS. Participants were assured of confidentiality and that their names, states, or other identifying information would not be mentioned in the study's report. I then asked participants' permission to record. All participants agreed to the recording of the interviews. At this point, I switched on the recording application, Otter.ai, and backed it up with my phone. All interviews were recorded without any challenges. Two of the interviews were conducted through telephone conversation. For those two interviews, I used my telephone to record and used the Otter.ai application on my laptop as a backup.

The main interview began with a general question about the DCS and moved to more specific questions (see Appendix C). I used open-ended questions and follow-up probes to elicit in-depth information about marijuana legalization implications for the DCS. The follow-up probes enabled me to obtain information-rich data to answer the research question.

During the interviews, I took notes on key points, which later were compared to the interview transcripts. Apart from the two interviews that were done via telephone, I observed and took notes of participants' nonverbal communication. For example, in answering the question about the negative implications marijuana legalization has had in the DCS, most participants began with "Umm." Some were also observed to be excited about the positive things that marijuana legalization has introduced in the DCS.

Recording and Storage of the Data

The interviews were recorded using Otter.ai software, which I purchased for recording and transcribing the interviews. I also used my telephone to record the interviews as a backup. The recorded interviews were stored on my laptop and an external drive. I was the only one with access to the computer and the external drive. The interview records were secured by a password on the laptop and external drive.

The interview audio recordings were transcribed using the Otter.ai transcription software. After the transcriptions, I had to clean the transcripts by listening carefully to the recordings and ensuring that the transcripts captured the exact words of the participants. The software helped, but I spent considerable time cleaning the transcripts because some participants spoke very quickly. The transcription cleaning lasted 2 weeks.

After the cleaning, I sent the transcribed Word documents to their respective participants for verification. Of the 13 transcripts, I received feedback from five participants. All five participants indicated that the transcription was accurate. Only P13 made minor corrections in her transcript. I assumed that the other transcripts for which I did not receive feedback were also correct. After transcript review, I prepared the transcripts for analysis by importing them to an Excel sheet for data analysis.

Data Analysis

The data analysis started with coding all 13 cleaned transcripts. The transcribed documents were imported into an Excel sheet, making it easy to code one script after the other on the same Excel sheet. I started the coding by highlighting the relevant portions of the transcripts. Relevance was guided by the study's purpose and the research question. Highlighting the relevant parts of the transcripts helped me to separate the information related to the research question from the unrelated information. The relevant information was highlighted in red and green. Words, phrases, and sentences containing potential codes were highlighted in red, and likely quotes were highlighted in green. Based on the advice of Patton (2015), I started the analysis on the field and made initial notes on possible themes as they emerged during the data collection. The field notes assisted me in identifying relevant information from the individual transcripts.

After highlighting the relevant portions of the transcripts, I transferred the relevant information to another Excel sheet for coding. Transcripts were coded one after the other using descriptive and in vivo coding techniques. The in vivo coding technique allowed me to use participants' own words or phrases as codes (see Saldana, 2021).

Using the descriptive coding method, I assigned labels to the data to summarize the relevant information in a word or short phrase.

Using the study's purpose and the research question as guides, the codes were refined and imported into another Excel sheet. From the refined codes, categories, subthemes, and major themes were developed (see Table 1). Unlike the initial coding stage, which dealt with the individual data, the categorization considered all the data sources and teased out similar items (ideas, concepts, etc.) into groups or categories. At the third stage of the data analysis, I developed themes from the identified categories. Themes were developed by situating constructs or concepts from the categories to make arguments and develop findings related to the research questions (Ravitch & Carl, 2021). The themes showed the relationship between two or more concepts (Rubin & Rubin, 2012). Developing the themes, I looked holistically at the transcripts and the field notes to answer the research question. Figure 1 illustrates the steps used in the study's data analysis, from coding to the development of themes.

Figure 1*Data Analysis Steps*

Step 1: All transcripts were transferred to an Excel sheet and highlighted in red and green

Step 2: The highlighted transcripts were coded using in vivo and descriptive coding techniques

Step 3: Guided by the study's purpose and research question, codes were refined

Step 4: Codes were categorized into similar concepts

Step 5: Out of the categories 5 major themes emerged

Evidence of Trustworthiness

In this study, careful attention was paid to ensuring the study's trustworthiness. Lincoln and Guba (1985, as cited in Patton, 2015) defined the trustworthiness of a qualitative study as the degree of confidence one can have in a study's findings. The higher the confidence that a study's finding is accurate or credible, the higher its trustworthiness and, therefore, the quality of the study. Patton (2015) listed four criteria of trustworthiness: credibility, transferability, dependability, and confirmability.

Credibility

Credibility relates to whether the study's findings accurately reflect the reality or the respondents' perceptions (Patton, 2015). Throughout the data collection and analysis, I was mindful of my own potential biases that may result from my position as a drug control and prevention officer. According to Patton (2015), the credibility of qualitative inquiry depends on four elements, namely, (1) the systematic, in-depth fieldwork; (2) the systematic and conscientious analysis of data with attention to issues of credibility; (3) the credibility of the inquirer; and the readers' and users' philosophical belief in the value of qualitative inquiry. Following these four elements to ensure credibility, I conducted systematic and in-depth fieldwork to gather data from 13 drug court professionals. The drug court professionals were selected based on their experience and in-depth knowledge of marijuana legalization and the drug court system. Nine out of the 11 participants selected to participate in this study had worked in the drug court system for more than ten years. The interviews of these experienced professionals were audio-recorded and transcribed verbatim. After the transcription, the transcribed scripts were sent to them to confirm the accuracy of their responses. This ensured that their views were accurately captured.

Transferability

According to Lincoln and Guba (1985, as cited in Burkholder et al., 2020), transferability refers to the degree to which the findings from one study can be transferred to another situation. Burkholder et al. (2020) have explained that in qualitative research, the researcher should describe the setting of the study with sufficient clarity and detail so

that readers of that study can make their judgments about what does and does not apply to other scenarios. In this study, I employed a thick description of the study's setting and its methodology. Marijuana legalization's implications on the DCS were described in detail to allow comparison in a similar context. Even though transferability in qualitative studies is limited, Percy et al. (2016) indicated that when the information about a topic is rich, the findings may be applied to similar situations. It is therefore envisaged that, by collecting information-rich data from 13 knowledgeable drug court professionals and adopting a thick description, the study's findings may be applied to the drug courts in other similar situations.

Dependability

As explained by Ravitch and Carl (2021), dependability refers to the extent to which the research and its findings are consistent to allow duplication in future studies. I reported the study's processes in detail to address the dependability issue. Additionally, I used an audit trail to detail how I obtained the codes, categories, and themes used in the study's data analysis. This will enable future researchers to repeat the study and allow readers to assess the extent to which proper research practices have been followed.

Confirmability

Confirmability relates to the coherence of a study's data, findings, interpretation, and recommendations (Ravitch & Carl, 2021). Throughout the study, I was conscious that qualitative research is prone to personal bias since the researcher serves as the research instrument (Ravitch & Carl, 2021). I therefore put in place measures to reduce subjective bias by recording any personal beliefs and assumptions that might influence

the study's findings. The limitations of the study's methods and their potential effects are described in depth to allow the integrity of the research results to be assessed.

Since I work in drug control, I developed further measures to reduce potential personal biases. These measures include member checking to maintain the accuracy of the interview transcripts, applying thick descriptions to leave audit trail, and detailing every step of the study. Throughout the research process, I also adopted an iterative verification strategy to continually check, recheck, and adjust the research process to ensure the study's rigor.

Results

This section presents the results of the analysis of the interview data collected from the 13 drug court professionals. The results are organized by themes and sub-themes. The themes are the overall marijuana legalization implications for the drug court system that emerged based on the codes and categories as guided by the research question. Within the themes, there were sub-themes that represented various segments related to the themes. After the analysis as described in the preceding section, five themes emerged.

The purpose of this qualitative generic study was to explore the implications of marijuana legalization for the DCS from drug court Professionals' perspectives. To achieve the study's purpose, it was necessary to answer the overarching research question, which was as follows: What are the drug court professionals' perspectives regarding the implications marijuana legalization may have for the Drug Court System? Five major themes emerged from the study's data analysis as drug court professionals'

perspectives regarding the implications marijuana legalization may have for the DCS.

Table 4 shows the overarching research question and the related major themes that emerged from the data analysis.

Table 4

Research Question and the Emerged Major Themes

Research question	Emerg ed theme after data analysis
What are the drug court professionals' perspectives regarding the implications marijuana legalization may have for the Drug Court System?	1: ML affects the drug court population in various ways. 2: ML complicates matters in drug courts and increases the workload. 3: ML may provide additional funding for more services in the drug court system. 4: ML may facilitate harm reduction in the drug court system 5: ML introduces some confusion and complications in the drug court system due to federal funding restrictions

These themes are presented one after the other in detail.

Theme 1: ML Affects the Drug Court Population in Various Ways

This theme relates to the population who are targeted in the DCS. Eleven out of the 13 drug court professionals interviewed were of the view that marijuana legalization affects the drug court population. For the purposes of analysis, marijuana legalization effects on the drug court's population were grouped into four areas as follows:

- ML may help drug courts to focus on the right drug court population.
- ML has reduced drug court populations in some states.
- ML has shifted drug court populations in some states from felony courts to misdemeanor courts.

- ML has no population-related effects on drug courts which were already screening for the right population.
- ML may have mixed effects on the population of people of color DCS.

Marijuana Legalization May Help Drug Courts to Focus on the Right Drug Court Population

The drug court system started in 1989 in Miami Dade County as an innovative strategy to focus on substance abuse and address “the underlying criminogenic needs of justice-involved individuals” (Devall et al., 2023, p. 9). Initially, the targeted population consisted of non-violent, low-level drug offenders. (Cooper, 2017) As the drug court system evolved, studies showed that drug courts were better suited for offenders who are in high need and are at high risk (Centre for Justice Innovation, 2023). Until marijuana legalization in some states, drug courts were admitting participants who may not be at high risk or in high need of the intensive treatment and supervision programs that drug courts offer (Copper, 2017). These were mostly people who were arrested on mere marijuana possession charges (Centre for Justice Innovation, 2023). With the advent of ML, marijuana possession per se is no longer a crime, and mere marijuana possessors can, therefore not be arrested and be admitted into the DCS unless they have committed crimes due to their dependence on marijuana. This means that now, in the era of marijuana legalization, only people in high need and at high risk will be routed to the DCS, thereby ensuring that DCS has the right population.

P1 and P3 explained the need for high-risk and high-need drug court populations for the DCS. P1 stated, “So, for drug courts, the main premise is that you should be

taking folks who are at high risk and high need and have a moderate to severe substance use disorder.” P3 went a step further to explain what is meant by “high-risk and high-need” population and added that drug courts work best for the high-need and high-risk population:

And to go one step further, the way we’ve come to understand it is that, drug courts work best for people who are both high risks, meaning they have a high risk of committing future crimes as well as high need, meaning that they have a very serious substance use disorder and are in need of intensive treatment and are likely to not have good treatment outcomes in less intensive settings.

Emphasizing this view, P6 stated, “Drug court models are super intensive in terms of the contact and follow-ups of the person. And that’s not a great place for low-risk people”.

P1 added, “the legalization of marijuana really helps us refocus from low-level drug use to where drug courts should be focusing on: people who are at high risk and are in high need due to their severe substance use.” Marijuana legalization achieves this by making mere marijuana possession not a crime. This means that mere marijuana possessors who are not at high risk and in high need will not be routed through the drug court system as it used to be. After marijuana legalization, only severe marijuana users whose drug use leads them to commit crimes will find their way into the DCS as the right drug court population. This supports the view that marijuana legalization can be seen as a positive development for the DCS. This is because, it refocuses drug courts to enroll the right population, thereby making maximum use of available resources for effectiveness.

To identify the right population, P11 explained what goes on in the drug courts by stating that “we provide a screening for them to determine if they are at high risk, in high need”. This means that marijuana users who have not committed any crime and are using marijuana just for recreational purposes will not find their way into the drug courts. This will ensure that the DCS focuses on the right population irrespective of whether the substance is classified as legal or not”. This may imply that like DC resources will be used judiciously by not wasting them on recreational marijuana users.

P12 confirmed this by stating that:

The drug court model is really not designed for people where the only legal problem they have is that they have possessed drugs. It’s not for that person. Drug courts are for people whose drug addiction, whether it’s legal or illegal, has led to serious crime.

P1, P3, P6, and P12 stated that one positive thing that marijuana legalization has introduced is that it is forcing some courts to look again at the proper drug court target population. P12 put it this way:

The legalization is forcing some of those programs to say, wow, marijuana is no longer a crime. And because marijuana is no longer a crime, therefore, we need to look at our population and see. Do we have people who are living with addiction, and that addiction is leading to some more serious crimes? And most communities do. And so, a positive part is that it has forced some programs to begin accepting the right population.

P7 and P8 noted that ML legalization does not exclude marijuana users who commit crimes due to their drug dependence from being admitted to the drug court system. For example, when answering a question as to whether marijuana users will be admitted to the drug court system since it is now legal, P7 said, “Yes, you can still be admitted. There are a lot of drug courts where you’re admitted for crimes related to drugs”. After probing, P7 added that:

So, let’s say I’m addicted to meth, right? So, I’m using meth, and I spend all my money on meth, and I don’t have money for food. I go into a store, I steal food, I’m arrested for theft, I can be entered into a drug court because the reason I was stealing, the reason I committed that crime was for the drug. So, even though I didn’t get into trouble for using meth, I can still be entered into the drug court.

This means that admission into DC in a marijuana-legalized state does not depend on marijuana possession, which is no longer a crime, but rather on crimes committed due to addiction.

ML Has Reduced Drug Court Populations in Some States

The second effect of marijuana legalization (ML) as it relates to the population of the DCS is that ML has reduced the drug court population in drug courts, which relied on drug possession for admission of participants. Marijuana use is prevalent in the United States (Morris, 2019). This made it easy to arrest marijuana users on possession charges and send them through the DCS leading to some drug courts having many marijuana users as clients (Morris, 2019). When marijuana was legalized, marijuana possession ceased to become illegal in some states. People who could hitherto be arrested on

marijuana possession charges were no longer liable for arrest. This led to a situation where some drug courts lost participants. In an interview with P10, she stated, “Our populations have really lowered because a lot of what we’ve done in the past was people who were charged with possession crimes, then they get into drug court”. P12 explained, “for those courts in the United States where most of their people are only there because they were living with addiction, and they had possession charges, those programs are having trouble finding enough participants”. This means that marijuana legalization caused a reduction in drug court populations only for the drug courts, which were filling their courts with marijuana users who were there on mere marijuana possession charges. P12 further explained, “if you were caught operating somewhere where your population was primarily people who were possessing marijuana, those records are suffering because those are no longer crimes, no longer state crimes.” Marijuana possession is no longer a crime in marijuana legalized state and therefore those drug courts which relied on marijuana possession charges to get clients experienced a reduction in their population. Reduction in drug court population can have both positive and negative implications for the DCS. Positively, there will be room for the high risk and high need population to enter the DCS. Negatively, some drug courts may lose funding opportunities.

ML Has Shifted Drug Court Populations in Some States From Felony Courts to Misdemeanor Courts

Another related finding from the study’s data is the shift of the drug court population in some states from felony courts to misdemeanor courts. In states where marijuana has been classified as a misdemeanor following its legalization, those states are

now diverting marijuana use offenders from felony courts to misdemeanor courts.

Talking about one marijuana-legalized state where marijuana is now a misdemeanor offense, P8 stated that:

The other thing that we find is that we have therapeutic courts at the misdemeanor level and the felony level. When you legalize marijuana, you remove those cases from the felony level, but it puts more pressure on the therapeutic court programs at the misdemeanor level because it's like you can only have so much on you even though it's legal. And so, if you mark that out, you then can be charged with a misdemeanor or this lower offense, and then you can be routed to a therapeutic court at the lower-level court.

This means that ML did not necessarily reduce the number of participants in the court program. It just changed which court program they would have to be in.

ML Has No Population-Related Effects on Drug Courts, Which Were Already Screening for the Right Population

The reduction of drug court participants by ML does not apply to those drug courts which were screening for people who were in high need and at high risk. This is because those drug courts were not admitting just marijuana possession cases. Instead, the courts were doing screening to identify those who had committed crimes due to their drug addiction. P11 explained the screening process and stated, “we provide a screening for them to determine if they are at high risk and in high need, for repeat offenses, or failure on supervision.” So, for those states that were screening for the right drug court populations, ML did not affect their populations. For example, P9 stated that, “The

legalization of marijuana did not hurt our program.” ML did not hurt their program because, before marijuana legalization, they were not just admitting participants on mere marijuana charges. So now that marijuana is legalized, there is no impact on their drug court’s population. This was different from states that were arresting marijuana users on possession charges and routing them through the DCS. For example, P12 said, “So, if you’re a drug court, which was not just taking people who had marijuana possession charges, but had other issues, the impact hasn’t been that great.” On the other hand, P12 further explained that “if you were caught operating somewhere where your population was primarily people who were possessing marijuana, those records are suffering because those are no longer crimes, no longer state crimes.”

ML May Have Mixed Effects on the Population of People of Color DCS

Another result of the study’s data analysis relates to people of color, mostly Blacks and Hispanics. P12 stated that after marijuana legalization, “looking at the overall numbers, the percentage of people of color, Black people who are getting into drug courts is less than others.” He explained that many people of color were being arrested and charged for marijuana possession, and since marijuana has been legalized at the state level, there were no more marijuana arrests and hence fewer people of color being routed through the DCS. P12 noted that:

Normally, if it’s less in the justice system, that’s a good thing. But in the drug courts, that is not the case. Drug courts are beneficial for people to get the opportunity for treatment and to get their cases either dismissed or reduced. So,

we want more people in drug courts. We want more people of color in drug courts to get the benefit.

Even though the number of people of color being admitted into drug courts may reduce due to marijuana legalization, the reduction may not be significant because people of color may continue to flow into the DCS. P12 explained, “because there are plenty of people of color being arrested with drug problems that are more serious than possession charges that ought to be considered for drug courts.” P7 expressed similar views on the effects of ML on people of color in the DCS but added a different perspective:

Yes. So, a lot of the convictions and criminal involvement of minorities and people of color were related to marijuana convictions that were incredibly disproportional. And so, by taking that away, it equalizes the field a little bit. Not totally. Yes, but quite a bit. You were able to kind of bring that down, and it was able to level the playing field a little bit.

The perspectives expressed by P7 and P12 support the view that since marijuana is legalized in some states, the Black community who were, before marijuana legalization, arrested on marijuana possession charges will not find their way into the DCS unless they commit crimes. P9 saw this as a positive unintended consequence of ML:

We saw it as a benefit, to be honest with you. And I’ll say it this way. In the United States of America, the majority of people who were being arrested for marijuana possession were Black people. And one of the things that we were seeing was because of over-policing inside the Black community and the Black and Latino communities. And it was having a disproportionate minority

confinement and destroying the Black community. By the legalization of it, we were able to keep our prison populations down for something that was no different from someone buying a six-pack of beer. So, we were saving families by not having the father, the son, or typically the father of the son going into prison for a drug that should probably not even be listed as a Schedule One controlled substance.

This view does not mean that racial disparity has been taken away by marijuana legalization (Meize et al., 2022). Addressing the issue of racial disparity in her state's drug courts, P8 was clear, stating, "But what we find is that the racial disparity is still just as strong... So, legalizing marijuana didn't end that disparity. Fewer people are arrested overall, which is great, but it didn't end that disparity. A recent study by Meize et al. (2022) confirmed that racial disparity is still strong in the DCS.

Theme 2: ML Complicates Matters in Drug Courts and Increases the Workload

When marijuana was illegal across the US, both at the state and federal levels, drug court participants with marijuana use disorders seemed to understand that they were supposed to stay away from marijuana abuse. They were tested for marijuana use, and when found non-compliant, they were punished in various ways. After marijuana was legalized in several states for medical and recreational purposes, most participants' attitudes towards marijuana use changed. Some drug court participants think that since marijuana has been legalized in their state, they should be allowed to use it in the drug courts. Most drug courts in the marijuana legalized states, however, demanded that participants continue to abstain from marijuana use. The data from the participants

suggest that marijuana legalization complicates matters and increases the workload in the DCS. The complications and the workload increase are manifested in the following areas:

- More efforts to deal with participants' attitudes
- Increased need for monitoring and evaluation of medical marijuana claims
- Confusion among practitioners and drug court participants

More Efforts to Deal With Participants' Attitudes

Following marijuana legalization, drug court teams seem to be facing increased difficulty in dealing with clients to abstain from marijuana use. Talking about the difficulty faced in the drug courts due to the different perspectives, P2 stated, "You know, this makes things a little more difficult for us. For obvious reasons, because now, you know, some people still say, oh, it's legal. I'm like, well, you knew that it wasn't legal in the program when you signed up for it". So, there seems to be tension between drug court teams and drug court participants regarding marijuana use. Marijuana users think marijuana is now legal, and they should be allowed to use it whether they are in the drug courts or not. On the other hand, drug courts say no; even though it is legal at the state level, you are not permitted to use it as far as drug courts are concerned. P8 described the situation faced by the drug court participants by stating:

I think one of the negative things is the difference in perspectives. So, you have a participant that comes into the program, and they say, well, it's legal; I should be able to use it. And the court team says, well, we need you to be abstinent for the program. And so that different in perspectives is a kind of, you know, battling of heads until someone wins.

P4 and P6 described the tension between marijuana users and the drug court team as difficult and complicated. According to P4, the marijuana users are the “Most difficult clients to deal with since ML introduced the need to explain to clients why they should abstain from marijuana use even though it is legal, and sometimes this leads to arguments with clients.” From P6’s perspective, “It just really complicates the therapeutic discussion about behavior change, drug use, sobriety.” P1, P2, and P13 explained that drug court participants are required to abstain from marijuana even though it is legal at the state level because it is treated like alcohol, which is also legal but not allowed in drug courts. For example, P2 stated, “again it really doesn’t matter if it’s legal or not; you’re still not allowed to use it. It’s just like alcohol; we don’t allow that use there”. P13 gave more explanation and described the difficulty they face:

Participants often say, ‘Well, that’s legal; I can do it.’ We have to work to help them understand that they have substance use disorder and are more susceptible. If you used marijuana, alcohol, or anything, you are more susceptible to start using it again. We have to make sure that they understand that even though it’s legal because they have substance use disorder, marijuana could take them out of their recovery and return them to use other drugs.

The need to explain to marijuana users to abstain from marijuana use and the tension or arguments it has introduced to the DCS means that drug court professionals have additional responsibility to convince drug court participants to abstain from marijuana use even though it is legal at the state level.

Increased Need for Monitoring and Evaluation of Medical Marijuana Claims

Medical marijuana has also introduced the increased need for monitoring and evaluation of medical marijuana claims in the DCS. About 70% of the study's participants stated that medical marijuana has introduced more complications in the DCS than recreational marijuana. Recreational marijuana is treated the same way as alcohol is treated. Even though it is legal at the state level, drug courts do not allow clients to use it. When it comes to medical marijuana, most drug courts will allow use if a participant genuinely needs marijuana as a medicine. This is where the complication lies. Drug courts must ascertain the authenticity of medical marijuana claims and be satisfied that they are not spurious. P13 explains the challenges they face:

The challenge comes when it's medical marijuana. Medical marijuana means that a doctor has said you need marijuana as medicine. That gets a little more complicated. Judges then have to make a decision. Judges will often ask the participant to bring in statements from their doctor or have their doctor appear in court for a hearing. The judge wants to determine if there is any other alternative that the doctor could come up with instead of marijuana.

This challenge means that medical marijuana claims may introduce additional hearings in drug courts to determine the authenticity or otherwise of a client's claim to be allowed to use marijuana as a medicine while in the drug court program. This seems to add to the complications that marijuana legalization has introduced in the DCS.

P1, P3, P5, P6, P7, P10, and P11 expressed similar views and added that drug courts are currently learning how to manage someone with a medical marijuana card. P5

saw this as a dilemma in the DCS. “The dilemma is really this: it’s like, who are we to go against what a doctor advises for treatment? But at the same time, we see people who find doctors who authorize or prescribe anything. So that’s really the dilemma.” Due to this dilemma, some study participants recommended that there may be the need to add a medical doctor to the drug court team to facilitate the evaluation of marijuana medical claims.

Confusion Among Practitioners and Drug Court Participants

Ten out of the 13 participants interviewed expressed the view that marijuana legalization has introduced confusion in some drug courts. P10 stated, “I think it confuses the issue because the participants think it’s just marijuana. It’s fine. It’s legal. I should be allowed to use it. And so, there’s resistance to us telling them they can’t use it.” The real confusion seems to be that there are laws in some states that state that one cannot be prohibited from participating in a drug court program because they’re using marijuana (Centre for Justice Innovation, 2023). Apart from the federal law that prohibits marijuana use, the drug courts do not allow use because it may go against their internal program policies. There are some drug courts that are, therefore grappling with whether to allow marijuana use or not. P1 noted that “they’re grappling with whether or not they should allow people into their program. It’s really a big question for everybody to kind of grapple with. And each state is doing it a little bit differently”.

Since there is no clear-cut direction as to whether to allow marijuana use in the drug court or not, states are doing it their own way, complicating matters. P3 describes this as a difficult spot when he stated, “And so, drug courts are in this difficult spot where

they have to decide whether or not to allow their participants to use marijuana. And at this stage, frankly, there's no good right or wrong answer to that question". After probing, P3 continued with a more specific explanation:

So, there's a handful of states I know of six; there may be more where that's the case where the courts have said: You must allow people to use marijuana even if they're on probation or in a drug court program. So that's a complicated factor here.

P5 also explains another dimension of the confusion in the courts as far as drug court participants are concerned, where he talked about the different treatment of clients:

Sometimes, some clients might have medical authorization. And because the court system is like all the clients see their cases, it's like one client might just say, hey, this is unfair, that he gets to use it because he has a medical marijuana card. It is more of a burden. The potential thing is that one guy sees another guy do it, and then he thinks he could also do it himself. It is like a snowball situation where you might have like half the participants go to the same guy to receive medical marijuana authorization.

When asked of what should be done to minimize the confusion, P5 quickly answered, "We were looking for some ideas ourselves. We were constantly searching for ideas". Other drug court professionals interviewed also expressed the idea that there were no clear solutions to the confusion introduced by marijuana legalization in the DCS and that they were in a learning mode, searching for the best approaches. In the meantime, the dominant practice in the DCS is that once a person agrees to be in the drug courts, the

person must also agree to abstain from marijuana use. For instance, when asked what is being done, P6 stated, “I will tell you. A lot of the drug courts in ... decided, well, we’re just going to have our rules. And so, a person who chooses to be in our drug court agrees not to use marijuana or anything”.

When P7 was asked about some of the specific negative things that marijuana legalization has introduced in the drug courts, she stated, “Umm, I think it may have caused a little confusion among participants. Because if they’re getting in trouble for something they’re doing while they’re high, they may think, “ oh, well, I’m using legal drugs.” And P11 was very succinct: “For the drug court teams, it’s been very disruptive. It’s hard for them because they don’t know where to sit”. Until drug courts can find the best approach to deal with marijuana users in the DCS, it seems the confusion will continue. This calls for a clear-cut policy on how to handle marijuana users in the DCS as marijuana legalization continues.

Theme 3: ML May Provide Additional Funding for More Services in the DCS Through Marijuana Taxes

Two participants, P6 and P9, indicated that marijuana legalization might provide additional funding for drug courts. The participants explained that marijuana is taxed, and users are ready to pay the tax, making it a source of income that could be used for the operations of drug courts. P6 stated, “Well, there is one thing you get in any state that has legalized marijuana. They’ve got more revenue because they tax it”. P6 explained how the marijuana revenue is applied to the various sectors related to drug courts in his state by stating, “Public health departments got a bunch of the marijuana tax money.

Ultimately, long story short, the criminal justice system, and focused efforts on substance use reduction, got its bit tiny little piece of the revenue.” In the view of P6, the amount of marijuana’s tax money used for public health is small, but he indicated that marijuana taxation could be a potential source of income for drug courts when a substantial part of the marijuana tax revenue is dedicated to drug courts:

The Highways Department got more money out of it. Okay. So, we’re going to have some nice new paved highways. So, it will be great to drive on. But again, I think in a world where more and more people may use marijuana, I think public health money wasn’t solid. I wish there had been money dedicated to the courts. I think drug courts would have benefited from it. It could be a great funding stream for permanency and programs for drug courts.

P6 gave the reason why he thinks a substantial part of marijuana tax revenue should be dedicated to drug courts. He stated, “Because those courts are always going to capture the people who are having the hardest time and causing the biggest problems in society because of their use.” P9, expressing a similar view, gave specific examples of how they have used marijuana tax revenue to improve infrastructure and drug education:

The other benefit that we saw in the state of [REDACTED] as well as the state of [REDACTED] was that we were able to use the taxes from marijuana to improve the infrastructure of roads, the infrastructure of public service buildings, and, more importantly, schools, as well as doing drug mitigation and education.

P9 explained why there could be so much revenue in marijuana taxation and gave more specific examples of how his state had used marijuana tax revenue:

So, we had an excess of, say, \$200 million that was going back into the economy from taxing those drugs, and people were willing to buy it. So, they were willing to pay that higher tax rate. And those dollars went into education programs. The money that we were able to utilize from that whole marijuana becoming legalized was also money that went into our drug treatment program. So, we could pay for additional therapists, yeah. We could also pay for additional probation officers. And at the same time, we were able to organize extra training and services for fentanyl because of the opioid crisis that we're having here in the United States of America. So, we were able to buy more opioid resuscitation kits utilizing marijuana tax dollars.

Marijuana tax could be one of the stable sources of revenue for the operations of the DCS, moving it away from total dependence on federal funds, which may come with its own restrictions.

Theme 4: ML May Facilitate Harm Reduction in the DCS

Four out of the 13 participants interviewed expressed the view that marijuana legalization facilitates harm reduction in the DCS. Harm reduction is a strategy to reduce the harmful effects of drug use through various means, including substituting a less harmful drug for a more devastating drug (SAMHSA, April 4, 2023). Recreational marijuana use is considered less harmful than other substances, including cocaine and heroin. P1 stated that due to marijuana legalization, some programs have started taking a harm reduction approach to marijuana use where if the person can stop using more

serious drugs and continue with only marijuana use, the person may be tolerated in the system:

And we've started to see programs that have taken a harm reduction approach to the use of marijuana, where if you have gone through recovery. If you have stopped your more serious drug use, right? We know that marijuana doesn't lead to overdoses. And it does not have the same, you know, immediate health consequences that some of these other drugs do. So, if you've stopped using stimulants, or heroin or meth, or any of those things, but you're still using marijuana medicinally or recreationally, many programs are starting to see the benefit of still allowing you into the program having you work up the rest of your pro-social environments.

P1 gave a specific example of how marijuana legalization may help minimize or reduce the harmful effects of other drug use:

There's a vast majority of the veteran population that uses marijuana or cannabis after they come out of the military as a way to help medicate for the experiences they've gone through...they say, 'This has improved my post-traumatic syndrome symptoms. And so, I'm not going to give up the use of this drug. But they can work through a program where they stop drinking alcohol, which is the biggest issue for the veteran population. They can stop drinking alcohol, get help with their family or marital issues, and all these other risk factors that they can improve.

P9 added, “Marijuana is used as a temperance drug for more destructive drugs. We had people addicted to very strong illegal substances such as opioids, methamphetamine, heroin, or cocaine, who were using marijuana as a temperance drug”.

P3 hoped that marijuana legalization “will make the drug court field continue to become even less punitive” to facilitate a harm reduction approach. P3 stated that some drug court participants say, “I’ve substituted marijuana for heroin. Okay, you know, so I started using marijuana instead of heroin”. He looked at this scenario from the legal perspective. He opined, “I’ve got a person who’s still got a problem, drug addiction, but they’re not breaking the law.” This means that marijuana legalization allows people to use marijuana as a harm reduction approach and not break the law as it used to be before marijuana legalization.

P8 also explained another harm reduction dimension of marijuana use by indicating that if a client does not have access to a less harmful drug like marijuana, the person may use more harmful drugs:

Yeah, I think that it’s a harm-reduction thing. But what I do know is that if you don’t have access to your drug of choice, you may use whatever access you do have, which could be something more dangerous. So, I really am an advocate for harm reduction methods. I think legalizing is a great way to keep people out of the criminal legal system.

P8 further explained that “Sometimes people can use marijuana as an opiate sort of substitution, but basically, a harm reduction method of changing to a less dangerous drug

doesn't mean it's not still dangerous. It is just less dangerous". P8, therefore, does not think drug courts should be abstinent based:

And I don't think we should be abstinent based. I think that that's hard for someone to do. If you think about it, we don't make you abstinent from tobacco, but we make you abstinent from alcohol and marijuana, and whatever else is legal.

Even though some of the participants interviewed thought drug courts should not be abstinent-based, the current federal scheduling of marijuana as scheduled 1 drug and the restrictions that come with federal funding may make this very difficult unless there is a change in the federal legal status of marijuana use. The last theme of this study addresses the federal-state legal marijuana status and its implications for the DCS.

Theme 5: Marijuana Legalization Introduces Confusion and Complications in the DCS Due to Federal Funding Restrictions

Nine out of the 13 participants interviewed shared the view that marijuana legalization has introduced some degree of confusion and complication in the DCS due to federal funding restrictions. All 9 participants explained that since marijuana is illegal at the federal level, drug courts could not allow marijuana use in the drug court program if they are receiving federal funding. This federal prohibition presents two challenges in the drug courts.

Marijuana-Legalized States May be Confused Due to Federal Fund Marijuana

Restrictions

Participants indicated that marijuana-legalized states may be confused due to federal fund restrictions for marijuana users. P13 explained the federal fund confusion:

If any state or program receives any federal grants, because it's still illegal federally, they cannot use federal funds and accept someone who uses marijuana; it's a prohibition. When you have those that allow marijuana, it gets a little confusing with the participants regarding what is legal is concerned.

Similar to the views expressed by P13, P1 thinks that "it sends a very mixed message to anybody who is trying to come up with a policy for drug courts about what they should do if your state has legalized it." In addition to the confusion of not knowing exactly what to do, P3 added that there was also confusion in the DCS about whether or not state court authorities have the power to enforce federal laws. P3 explained that when drug court participants are put on probation, they are told that since marijuana is illegal at the federal level, they are prohibited from using it even though it is legal at the state level and is still a crime. P3 stated that:

But there was actually a court decision in the state of Montana within the last few years, where the state of Montana Supreme Court said state justice system authorities don't have the power to enforce federal law so that it's not legitimate for them to tell people you can't use marijuana because it's illegal federally, because that's not their business.

Faced with the federal prohibition of using federal funds to allow marijuana use and the court's decision that the state justice system could not enforce federal drug laws, drug courts are in a dilemma as to what to do. P6 describes the situation as "an incredible difficulty" and referred to the federal and state marijuana laws as "laws that are in conflict." The conflicting marijuana laws at the federal and state levels lead to confusion for drug court participants on the one hand and the drug court team on the other hand.

Federal Funding Restrictions Force Drug Courts to Be Abstinence-Based Only and Restrict Marijuana Research and Expansion

Another concern most of the study's participants expressed is that the federal funding restrictions force drug courts to be abstinence-based only and restrict them from exploring other ways of managing marijuana users in marijuana-legalized states. For example, P1 stated, "It kind of puts them in a position where they cannot expand or broaden their idea of a drug court because they're reliant on federal funding that still requires you to be abstinence-only, including marijuana." Some drug courts might have allowed the drug court participants to use marijuana had it not been for the federal funding restrictions. P1 explained the consequences of the federal marijuana use restrictions.

So, it just takes away the ability for drug courts to put into place policies they might otherwise consider and then do research on them. And so, it also means that from the federal government's perspective, we have a terrible lack of research on marijuana in general because it's a controlled substance.

Collaborating with the views of the other participants, P3 also described a few ways where the consequences of the federal restrictions come into play.

Many drug courts in the United States get money from the federal government to help operate their programs. The federal government gives money so new programs can start. They give money so that existing programs can do new things or be enhanced somehow. Any court that gets money from the federal government through a grant program must agree. When they accept the grant money, they have to agree that they will test people for marijuana to make sure that they're not using it. And that's because marijuana is illegal at the federal level.

Participants expressed the need to do more research on marijuana, especially on the claim that it has therapeutic effects. They, however, explained that it is difficult to do that research in the US because of the federal illegality and the federal restrictions. For example, P4 stated, "Because you can't do the proper studies on the drug to know what it is you're dealing with. I mean, when you've got to get all of your information from outside of your country for the most part". Marijuana may be legalized at the federal level, and when that happens, the confusion faced due to federal funding restrictions may be eliminated.

Summary

Chapter 4 presented the study's findings based on the data analysis. The study used data collected from 13 drug court professionals from six marijuana-legalized states in the US. The researcher employed a thematic data analysis approach as a guide and followed five steps to arrive at the study's major themes (Saldaña, 2021). In line with the

thematic analysis approach, all the transcripts of all the 13 participants were coded using in vivo and descriptive codes. The codes were grouped into categories, and out of the categories, five themes emerged to answer the research question. Theme 1 relates to ML and drug court populations. The data analysis indicated that ML affects drug court populations in five ways, namely:

- ML may help drug courts to focus on the right drug court population.
- ML has reduced drug court populations in some states.
- ML has shifted drug court populations in some states from felony courts to misdemeanor courts.
- ML has no population-related effects on drug courts, which were already screening for the right population.
- ML may have mixed effects on the population of people of color DCS.

Theme 2 of the study relates to the complications and increased workload in the DCS due to ML. Three subthemes were identified as follows:

- More efforts to deal with participants' attitudes
- Increased need for monitoring and evaluation of medical marijuana claims
- Confusion among practitioners and participants.

Theme 3 addresses drug court professionals' views towards marijuana legalization as a source of additional funding for more services in the DCS through marijuana taxes. The fourth theme from the data analysis indicates that ML facilitates harm reduction in the DCS. Lastly, the data showed that ML introduces confusion and complications in the drug court system due to federal funding restrictions.

This chapter transitions to Chapter 5, which presents the interpretation of the study's findings and discusses its limitations. Chapter 5 also makes recommendations and describes the study's implications for future studies and positive social change. The chapter concludes with the study's overall takeaway.

Chapter 5: Discussion, Conclusions, and Recommendations

Substance abuse poses one of the biggest challenges for the criminal justice system. To address the challenges of substance abuse and its underlying criminogenic effects in the criminal justice system, a group of criminal justice professionals discovered the DCS in 1989 as an innovative way of stopping the high recidivism rate associated with drug offenders (Devall et al., 2023). The drug court concept recognizes that many drug-involved offenders have serious needs that must be addressed if they are to live drug- and crime-free lives (Kahn et al., 2021; Logan et al., 2019). Marijuana offenders constitute a large portion of drug court participants (Lydon, 2022; Morris, 2019). The DCS uses the court's authority to divert drug offenders from incarceration to treatment and ensure their recovery through supervision (Trood et al., 202021; Devall et al., 2023). Recently, some U.S. states legalized marijuana use, prompting researchers to explore marijuana legalization implications for several criminal justice issues, including serious crimes (Wu et al., 2021), drug use among college students (Coley, 2021; Jones et al., 2018), and others. However, until the current study, little was known about how marijuana legalization affects the DCS. The purpose of this qualitative study was to explore the implications of marijuana legalization for the DCS from drug court professionals' perspectives.

I used TJ theory (see Wexler, 2014) and a generic qualitative design (see Kahlke, 2014) to explore marijuana legalization implications for the DCS. Purposive sampling (see Patton, 2015) was used to identify 13 knowledgeable drug court professionals in six marijuana-legalized states in the United States. Through semi-structured, one-on-one, in-

depth interviews, data were collected from the 13 drug court professionals and analyzed to answer the study's research question, which addressed drug court professionals' perspectives regarding marijuana legalization implications for the DCS.

This study revealed five key marijuana legalization implications that might be threats or advantages for the DCS. The emerged marijuana legalization's implied threats to the DCS may enable appropriate mitigating measures to be taken, and the positive implications may be leveraged to improve the DCS. The study's findings have the potential to contribute to improving the operations of the DCS in the era of ML. After the study's data analysis, the five key findings that emerged were as follows:

1. Marijuana legalization affects the drug court population in various ways.
2. Marijuana legalization complicates matters in drug courts and increases the workload.
3. Marijuana legalization may provide additional funding for more services in the DCS.
4. Marijuana legalization may facilitate harm reduction in the drug court system.
5. Marijuana legalization introduces some confusion and complications in the drug court system due to federal funding restrictions.

Interpretation of the Findings

In this section, I interpret the five key findings that emerged from the data analysis on marijuana legalization implications for the DCS.

Finding 1: ML Affects the Drug Court Population in Various Ways

The first major finding of this study was that marijuana legalization affects the drug court population. The literature review in Chapter 2 showed that marijuana users constitute a large portion of the drug court population, and that marijuana legalization may have implications for the drug court populations (Morris, 2019; Steigerwald et al., 2018). The current study's data revealed that marijuana legalization affects the drug court population in five ways. First, the data analysis revealed that marijuana legalization helps drug courts focus on the appropriate drug court population. The DCS addresses "the underlying criminogenic needs of justice-involved individuals" (Devall et al., 2023, p. 9). Current findings confirm Cooper's (2017), assertion that the initial drug courts that started the drug court programs in the early 1990s targeted low-level, nonviolent offenders. This led to the arrests of many marijuana users on possession charges, who were then put in the DCS. As the DCS evolved, studies showed that drug courts were better suited for offenders who are in high need and are at high risk (Centre for Justice Innovation, 2023). This means that low-level marijuana users arrested on possession charges were not the appropriate drug court population.

Ten of the 13 current participants confirmed that low-level drug users arrested on possession charges were not the appropriate drug court population. The participants emphasized that drug courts are better suited for people at high risk and in high need of the intensive treatment and supervision programs offered by drug courts. With marijuana legalization, marijuana possession is no longer a crime in some states. Marijuana users can, therefore, not be admitted into the DCS in a recreational marijuana-legalized state

unless they commit serious crimes that qualify them for drug court admission. This means that in the era of marijuana legalization, only people in high need and at high risk will be routed to the DCS, thereby ensuring that drug courts have the appropriate population. This is important because having the appropriate drug court population will ensure the judicious use of resources. This is seen as a positive marijuana legalization implication for the DCS.

Second, the current study's data showed that marijuana legalization has reduced the drug court population in some marijuana-legalized states. The peer-reviewed literature in Chapter 2 suggested that if marijuana is legalized, some participants may not find their way into the DCS, thereby reducing drug court populations. The current study's data confirm the reduction of the drug court population in some marijuana-legalized states. P2, P10, and P12 confirmed that marijuana legalization has lowered drug court populations in some states that used to rely on drug possession for admission of participants.

Marijuana use is prevalent in the United States, and it is easy to arrest marijuana users and send them through the DCS (Morris, 2019). When marijuana was legalized, marijuana possession ceased to be illegal, and people could not be arrested on marijuana possession charges. This led to a situation in which some drug courts lost participants. However, the reduction in drug court populations happened in drug courts that relied on marijuana possession for drug court admissions. The reduction of drug court participants as a result of marijuana legalization does not apply to drug courts that were screening for people who were in high need and at high risk because those drug courts were not

admitting marijuana possession cases. Instead, the courts were doing screening to identify those who had committed crimes due to their drug addiction. Reduction in the drug court populations implies that some drug courts may lose funding where funding is based on numbers. Reduction in the drug court populations may also be a positive thing for drug courts that had too many participants and were seeking ways to reduce their numbers.

Another population-related finding from the current study's data was the shift of the drug court population in some states from felony courts to misdemeanor courts. In states where marijuana had been classified as a misdemeanor offense following its legalization, those states were diverting marijuana use offenders from felony courts to misdemeanor courts. This means that marijuana legalization did not reduce the number of participants in the court program in some states. It changed which court program they would have to be in. The shift of offenders on marijuana possession charges from felony courts to misdemeanor courts may require further research to deepen criminal justice knowledge related to marijuana users in misdemeanor treatment courts.

The peer-reviewed literature in Chapter 2 indicated that marijuana legalization might have implications for people of color in the DCS (Meize et al., 2022). The current study's data confirm this and provide a new dimension. This study's data suggest that marijuana legalization may have mixed effects on the population of people of color in the DCS. Some participants in this study expressed the view that the percentage of people of color, especially Black people, getting into drug courts may be lower than others. For example, P12 explained that many Black people were being arrested and charged for marijuana possession, and because marijuana had been legalized at the state level, there

were no more marijuana arrests; therefore, fewer Black people were being routed through the DCS. The drug court professional noted that it might be good to have fewer Blacks admitted to the drug courts due to marijuana legalization. However, drug courts are beneficial for people to obtain the opportunity for treatment and to get their cases dismissed or reduced. P12 wants “more people of color in drug courts to get the benefit.” Even though the number of people of color being admitted into drug courts may be reduced due to marijuana legalization, the reduction may not be significant because people of color may continue to flow into the DCS through other means.

Another perspective expressed by participants on marijuana legalization and people of color is that marijuana legalization may reduce racial disparity in the DCS. Before marijuana legalization, many people of color were being arrested on marijuana charges, which is no longer the case in marijuana-legalized states. This view disconfirms the finding by Meize et al. (2022), which indicated that racial disparity in drug courts is still as strong after marijuana legalization. Data analysis from the current study indicated that marijuana legalization does not end racial disparities in the DCS, but might reduce it somewhat. The study by Meize et al. (2022) confirmed that racial disparity is still strong in the DCS.

Finding 2: ML Complicates Matters in Drug Courts and Increases the Workload

The second major finding from the current study’s data analysis was that marijuana legalization complicates matters in drug courts and increases the workload. Before marijuana legalization, marijuana-related drug court participants understood that they could not use marijuana while in the drug court program (Morris, 2019). My study’s

data indicated that after marijuana legalization in several states for medical and recreational purposes, most drug court participants' attitudes toward marijuana use have changed. Most drug court participants in marijuana-legalized states think that because marijuana has been legalized in their state, they should be allowed to use it in the drug courts. However, drug courts in marijuana-legalized states continue to demand that drug court participants abstain from marijuana use. This attitude of drug court participants and the insistence of drug courts for total abstinence from marijuana use have complicated matters in the DCS and have led to an increased workload for the drug court team.

This finding relates to the theoretical framework of this study, TJ, which demands that drug court professionals such as judges, probation officers, attorneys, and treatment case managers apply the law to ensure the recovery of drug court participants. In the efforts to apply the principles of TJ, the drug court team strives to explain to marijuana users in their courts that even though marijuana is legalized at the state level, they still need to abstain from marijuana use to enhance their recovery. All 13 current study participants indicated that they had to struggle to explain to participants the need to continue to abstain from marijuana after marijuana legalization. Participants explained that, most often, they had to address the issue on a case-by-case basis and that there were no clear policy guidelines to address the issues about drug court participants' arguments that because marijuana is legal, they should be allowed to use it.

Another complication occasioned by marijuana legalization in the DCS was the need for increased monitoring and evaluation of medical marijuana users. Participants underscored the difficulty of ascertaining the authenticity of their client's medical

marijuana use claims. Some of the participants doubted whether drug court participants with marijuana cards obtained them from genuine doctors or physicians. This situation has added an extra responsibility for drug courts to organize mini-hearings and invite medical marijuana card issuers to verify a participant's claims. Drug court programs are intensive for clients and the drug court team (Centre for Justice Innovation, 2023). This means that marijuana legalization complications and the additional responsibilities of drug court teams to ascertain the authenticity of medical marijuana claims have increased the drug court workload and the need for more resources and expertise.

Current participants described another dimension of marijuana legalization complications in the drug court as “confusion” and “dilemma.” Ten out of the 13 participants expressed the view that marijuana legalization has introduced confusion in some drug courts. Apart from the resistance from drug court participants to abstain from legal marijuana use, there are laws in some states that a person cannot be prohibited from participating in a drug court program because they are using marijuana (Centre for Justice Innovation, 2023). Apart from the federal law that prohibits marijuana use, the drug courts do not allow use because it may go against their internal program policies. There are some drug courts that are, therefore, grappling with whether to allow marijuana use or not. Participants described this situation as dealing with conflicting laws without clear policy directions. Consequently, participants indicated that states are doing it their own way. Conflicting laws, no clear-cut policy guidelines, and each state doing it their own way deepen marijuana legalization complications in the DCS.

Another finding of this study that related to the confusion occasioned by marijuana legalization in drug courts was the different treatment of clients within the same drug court. The participants indicated that drug court clients who have medical marijuana cards and are therefore allowed to use marijuana in the DCS are seen as being treated differently from their colleagues who are prevented from using it because they do not have marijuana cards. P6 and P11 considered this situation as a burden that it makes it difficult to prevent other drug court participants from finding a way to get medical marijuana cards, irrespective of whether they genuinely need marijuana as a medicine or not. According to the participants, this disrupts the drug courts' goal of ensuring their clients' recovery from substance use addiction. Until drug courts can find the best approach to deal with marijuana users in the DCS in marijuana-legalized states, it seems these complications will continue. This situation calls for a clear-cut policy on how to handle marijuana users in the drug court system as marijuana legalization continues.

Finding 3: ML May Provide Additional Funding for More Services in the DCS

The third major finding from this study is that ML may provide additional funding for more services in the DCS through marijuana taxes. This may be a positive development that can be leveraged to improve the DCS. Two participants, P6 and P9, explained that marijuana is taxed, and users are ready to pay the tax, making it a source of income that could be used for the operations of drug courts. Marijuana tax revenue may be applied to the various sectors related to drug courts, including public health infrastructure. P9 enumerated how marijuana tax revenue has been applied in his state to support drug use prevention education drug treatment programs, paying for additional

therapists and probation officers, organizing extra training and services for fentanyl because of the opioid crisis, and buying more opioid resuscitation kits. Marijuana tax could be one of the stable sources of revenue for the operations of the drug court system, moving it away from total dependence on federal funds, which may come with its own restrictions.

Finding 4: ML May Facilitate Harm Reduction in the DCS

The fourth finding from this study can also be described as a positive marijuana legalization implication. Four out of the 13 participants interviewed expressed the view that marijuana legalization facilitates harm reduction in the DCS. Harm reduction is a strategy to reduce the harmful effects of drug use through various means, including substituting a less harmful drug for a more devastating drug (SAMHSA, April 4, 2023). Participants are of the view that recreational marijuana use is considered less harmful than using other substances such as cocaine, heroin, methamphetamine, and, in some cases, even alcohol. Participants explained that some programs have started taking a harm reduction approach to marijuana use where if a person can stop using more serious drugs and continue with only marijuana use, the person may be tolerated in the system. The rationale behind this tolerance is that the person may use marijuana as a temperance drug to be able to cope with abstaining from more dangerous drugs. This approach may be taken on a case-by-case basis with therapeutic jurisprudence as the guiding principle.

P1 gave a specific example of how marijuana legalization may help minimize or reduce the harmful effects of other drug use when she talked about the veteran population. According to the drug court professional, most veterans use marijuana or

cannabis to mitigate the effects of their post-traumatic experiences. This helps them to forgo the use of other substances, including alcohol, which disrupts their lives more seriously than the recreational use of marijuana. In a related view, P3 hoped that marijuana legalization “will make the drug court field continue to become even less punitive” to facilitate a harm reduction approach. In this sense, some clients may be substituting recreational marijuana use for the use of more dangerous drugs.

Ideally, total abstinence may be preferred for drug court clients. However, when it becomes necessary to have a substitute, many drug court professionals may advocate for a harm reduction approach, which may help clients go through the other demands of the DCS. Looking at it from the legal point of view, marijuana is legal for recreational use in some states, and therefore, a user will not be contravening the law, thereby avoiding criminal penalties. In this regard, some participants believed that drug courts should not be abstinence based. In their view, each client should be assessed on a case-by-case basis. Where necessary, the person should be allowed to use recreational marijuana if that will ultimately help their recovery from other drug use.

Even though some of the participants interviewed thought drug courts should not be abstinence based, the current federal scheduling of marijuana as a Schedule 1 drug and the restrictions that come with federal funding may make this very difficult unless there is a change in the federal legal status of marijuana use. The last significant finding of this study addresses the federal legal marijuana status and its implications for the DCS.

Finding 5: Marijuana Legalization Introduces Confusion and Complications in the DCS Due to Federal Funding Restrictions

Nine out of the 13 participants interviewed shared the view that marijuana legalization has introduced some degree of confusion and complication in the DCS due to federal funding restrictions. The nine participants explained that since marijuana is illegal at the federal level, drug courts could not allow marijuana use in the drug court program if they are receiving federal funding. The federal prohibition presents two challenges in drug courts. Firstly, marijuana-legalized states may be confused due to federal fund marijuana restrictions. Secondly, federal funding restrictions force drug courts to be abstinence-based only and restrict marijuana research in the DCS.

Participants indicated that marijuana-legalized states may be confused about how to treat marijuana use in their drug courts. On one hand, their state laws allow marijuana use. On the other hand, since marijuana is illegal at the federal level, they are not permitted to receive federal funds and allow clients to use marijuana. This presents a dilemma, especially when drug courts need federal funds for their operations. To satisfy federal conditions for receiving federal funds, most drug courts resort to being abstinent based only. This means that marijuana use cannot be allowed, irrespective of a client's situation. In addition to the confusion of not knowing exactly what to do, participants added that there was also confusion in the drug court system about whether or not state court authorities have the power to enforce federal law. This confusion is in the light of a court decision to the effect that state justice system authorities do not have the power to enforce federal laws.

Faced with the federal prohibition of using federal funds to allow marijuana use and the court's decision that the state justice system could not enforce federal drug laws, drug courts are in a dilemma as to what to do. P6 described the situation as "an incredible difficulty" and referred to the federal and state marijuana laws as "laws that are in conflict." The conflicting marijuana laws at the federal and state levels lead to confusion for drug court participants on the one hand and the drug court team on the other hand.

Another implication of the federal fund's restrictions is that the federal funding restrictions force drug courts to be abstinence-based only and restrict them from exploring other ways of managing marijuana users in marijuana-legalized states. About 80 percent of the study participants were of the view that, had it not been for the federal restrictions, they might have considered allowing marijuana use on a case-by-case basis.

Current participants expressed the need to do more research on marijuana, especially on the claim that it has therapeutic effects, and to come up with the best management strategies for marijuana use in the DCS. They, however, explained that it is difficult to do that research in the United States because of the federal legislation restrictions. Marijuana may be legalized at the federal level, and when that happens, the confusion faced due to federal funding restrictions may be eliminated.

Limitations of the Study

The critical limitation that may affect this study is the lack of generalizability (Burkholder et al., 2020). This study focuses on drug court professionals' perspectives to explore marijuana legalization implications for the DCS, and the findings are limited to the views of 13 drug court professionals from six marijuana-legalized states in the United

States. Several drug courts models exist in several states (Devall et al., 2023). It is not likely that the study's findings can be generalized to cover all drug courts, especially those outside the United States. The findings may, therefore, not apply to all drug courts in all jurisdictions. However, since this study's focus is not on individual drug courts, the study's findings must be viewed within the framework of the implications of marijuana legalization for the DCS as a program and not as individual drug courts.

Unlike a quantitative study, the purpose of a qualitative research like this study may not be to generalize (Burkholder et al., 2020). However, in qualitative research, the researcher may describe the setting of the study with sufficient clarity and detail so that readers of that study can make their own judgments about what does and does not apply to other scenarios (Burkholder et al., 2020). I employed thick description in this study to allow comparison in a similar context. Even though transferability in qualitative studies is limited, Percy et al. (2016) have indicated that when the information about a topic is rich, the findings may be applied to similar situations. This study collected information-rich data from 13 knowledgeable drug court professionals. The study's information-rich data and thick description may allow its findings to be applied in similar situations.

This study used only interviews as the data collection method. Other data collection methods, like focus group discussions, might have allowed participants to comment on each other's thoughts, experiences, and responses and encouraged group interaction as part of the data collection method, thereby making the data richer in terms of collective views compared with individual opinions (Ravitch & Carl, 2021). However, focus group discussions may demand facilitating round table discussions among

participants, which can be challenging to a single and novice researcher within dissertation constraints. Using interviews only as the data collection method limits the study's findings to individual views and not collective views, as may be in a focus group discussion.

Another limitation of this study relates to the absence of drug court judges in the categories of drug court professionals interviewed. Although drug court judges played a pivotal role in the DCS, it was difficult to get them to participate in the study. I made several attempts to get drug court judges for the study's data collection but could not get participants who were drug court judges. Even though drug court judges were not interviewed for this study, the other drug court professionals could provide information-rich data for the study due to the amount of time they spent with marijuana-related drug court clients compared to drug court judges. For instance, P2 and P13 indicated that, even though drug court judges lead the drug court team, the treatment providers and the defense attorneys spend more time with drug court clients than the drug court judges. This means that the absence of drug court judges for the study's data collection may be compensated for by the presence of other drug court professionals who spend more time with the drug court clients, including marijuana users.

Recommendations

This section describes the recommendations for further research grounded in the current study's strengths and limitations.

Expand the Participant Pool and Cover More Marijuana-Legalized States

This study was limited regarding the categories of drug court professionals interviewed and the number of marijuana-legalized states covered. Therefore, future studies should cover more marijuana-legalized states and expand the participant pool to cover more categories of drug court professionals, such as drug court judges, probation, and law enforcement officers. Expanding the participant pool may yield more insightful findings about marijuana legalization implications for the DCS.

Expand the Data Collection Methods to Include Focus Group Discussions

Future research may also consider using other data collection methods like focus group discussions. A focus group is a small group of people (usually 4 to 12) with specialized knowledge and experiences on a given topic under study, assembled for a guided discussion to generate data (Onwuegbuzie et al., 2009). It is a qualitative data collection method suited for studies seeking to understand questions related to social interaction processes and exploring attitudes, opinions, and experiences in specific groups and contexts (Ravitch & Carl, 2021). Focus group discussions can create groupthink and quality control provided by the group participants. For instance, unlike during individual interviews, where the participant can express a view that may not be challenged, in focus groups, the group participants can provide checks and balances that can mediate false or extreme views (Patton 2015, as cited in Ravitch & Carl, 2021). Using focus group discussions to explore marijuana legalization may demand more resources and time. However, it may yield richer data and insights than the individual interview used in this study due to time and resource constraints.

Implications

This section describes the study's potential impact for positive social change. It also describes empirical implications and proffers recommendations for practice.

Potential Impact for Positive Social Change

This study has unearthed five significant marijuana legalization implications for the DCS. The findings relate to drug court populations, drug court workloads, revenue for the DCS, harm reduction, and complications due to federal prohibition of marijuana use. The early detection and understanding of marijuana legalization's implied threats to the DCS will enable appropriate mitigating measures to be taken, thereby safeguarding the smooth operations of one of the criminal justice's best programs. The study found that ML may be positive for the DCS in some cases. For example, the study's findings suggest that due to ML, drug courts can benefit from marijuana taxes to expand and provide more services. It was also found that ML may enhance harm reduction in the DCS. The discovery of these positive ML implications can be leveraged to improve the DCS.

People with drug use disorders may be the study's ultimate beneficiaries. This is because the study has the potential to contribute to making a difference in the successful and continuous operation of the DCS. A successful DCS will serve as a vehicle for treating people with drug use disorders in several parts of the World, including West Africa, where the DCS can be adopted (Maria-Goretti & Bangfu, 2022; NIDA, n.d.)

Recommendations for Practice

The following recommendations for practice are grounded in the study's findings and the literature reviewed.

Develop a System for Low-Level Marijuana Users

A new system may have to be developed for people who may be addicted to marijuana but may not qualify to be admitted to drug courts because they might not have committed any serious crime or may not be in high need and at high risk. This study's literature review, as confirmed by participants, indicated that the right population for drug courts are those who are at high risk of committing crimes due to addiction and are, therefore, in high need of recovery. Marijuana legalization ensures that only these high needs and high-risk populations flow into the drug court system. This is achieved by making marijuana possession not a crime and, therefore, not a condition to enter into drug courts. This may be a positive finding for the DCS, as resources can be maximized by concentrating on only those who need intensive drug court programs. However, focusing on only high-need and high-risk populations means that marijuana users who are low-risk and have not committed any crime will never get access to drug courts. This might result in a situation where people who have marijuana use disorders and commit only lower-level crimes, not having any place to go. This view was expressed by P12 when he stated that:

In terms of drug courts, you know, I mentioned that for those who are relying on this population to keep their numbers up, that's going to be a problem for them. It

might result in certain communities, certain people who are using only marijuana, committing lower-level crimes, not having any place to go.

It is therefore recommended that measures be put in place to ensure that low-level marijuana users who have not committed any crimes but want to be drug-free get access to treatment through a program similar to the DCS. Communities may look at other options for people to get the help they need, even if they don't need the structure and intensity of a drug court. This recommendation is crucial because, as ML continues to spread to more states, it is likely that the number of people with marijuana use disorders will increase. Participants stated that whether marijuana is legal or not, there are people who are going to become addicted to marijuana. Marijuana is an addictive drug, even when used as medicine (NIDA, 2019). As an addictive substance, marijuana can begin to destroy users' lives. At the same time, these people may not get the opportunity to enter drug courts unless they have committed crimes, based on which they can be arrested and sent through the DCS (Centre for Justice Innovation, 2023). So, developing other means of treating people with marijuana use disorders who cannot be admitted into the DCS becomes a treatment priority that will have to be addressed.

Adopt an Individual Assessment-Based Approach

This study found that ML may cause complications in the DCS regarding how to manage marijuana use in legalized states. Most participants interviewed indicated that marijuana users should be managed on a case-by-case basis. Even though this seems to increase the workload in the DCS, a case-by-case assessment of the client's needs will ensure that individually tailored treatment modalities are applied to facilitate a speedy

recovery. For instance, based on a case-by-case assessment, clients who require marijuana as a medicine to treat certain conditions can be allowed to do so. Those with fake marijuana cards can be sanctioned, and those requiring marijuana as a harm reduction measure can be accommodated.

Adopt a Recovery-Focused System of Care Irrespective of Legal Status

Drug courts should focus on the recovery of people with substance use disorders and not be distracted by ML. This means that irrespective of whether a substance is described as legal or not, the DCS should continue to apply the principles of therapeutic jurisprudence to ensure that drug court participants recover from their addiction and are integrated successfully into society.

Use the Marijuana Tax for More Services in the DCS

This study found that ML may be a source of revenue for the DCS. I therefore recommend that marijuana tax money should be directed to improve drug court infrastructure and services.

Include Physicians in the Drug Court Team

Due to medical marijuana claims that may be difficult to ascertain, it is recommended that physicians are included in the drug court team. Physicians could assist in ascertaining marijuana claims and offer medical advice regarding medical marijuana use. The presence of physicians in the drug courts teams could also help in the drug courts' harm reduction programs for clients who need harm reduction.

Conclusion

The use of mind-altering substances, including marijuana, pre-dates modern history (Adinoff & Cooper, 2019; Lawler, 2018). Until the 20th Century, marijuana use was not regulated in the United States (Dorau, 2021). Through a series of legislation, marijuana use was criminalized until recently when some states in the United States legalized marijuana for medical and recreational use (National Conference of State Legislatures, 2022). Marijuana use has gone through a cycle from unregulated use to prohibition and now legalization. Irrespective of the legal status at any point in time, marijuana use has continued, making it one of the oldest and most widely used mind-altering substances (ECOWAS Commission, 2021; Morris, 2019; Steigerwald et al., 2018; UNODC, 2022). After a long debate, ML is spreading across several U.S. states, drawing the attention of researchers to examine the effects or the implications that ML might have in the criminal justice space. The current study adds a new dimension of knowledge regarding ML's implications for the DCS. This study has found that ML may have positive and negative implications for the DCS. The negative implications should be mitigated while the positive implications are leveraged to improve the DCS. Some practical recommendations have been made in this regard. Drug courts should not be distracted by what is described as legal or not legal. The essential is that the DCS should focus on being a vehicle for the recovery of people with substance use disorders, whether a substance is described as legal or illegal.

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Appendix A: IRB Approval for Change of Procedure

Dear Daniel,

This e-mail serves to inform you that your request for a change in procedures, submitted on 4/6/23 has been approved. You may implement the requested changes effective immediately. The approval number and expiration date for this study will remain the same.

Also attached to this e-mail is the updated IRB approved consent form. Please note, if this is already in an on-line format, you will need to update that consent document to include any changes.

Appendix B: Participant Invitation Email

Dear (Surname)

I am a doctoral student at Walden University. My name is Daniel Amankwaah. I am conducting a research study to explore the implications of marijuana legalization for the Drug Court System (DCS) from drug court professionals' perspectives. I would appreciate it if you would be interested in assisting as a participant.

Your participation in this study involves answering about 12 open-ended questions that will enable me to capture the implications that marijuana legalization might have for the Drug Court System. The interview will take about 30-60 minutes of your time through Zoom or Microsoft Team on a date and time convenient to you during the next two weeks. Participation in this study is voluntary and confidential as mandated by the ethical standards of Walden University's Institutional Review Board (IRB).

As part of the process of obtaining your voluntary participation, I have attached a consent form that contains some sample interview questions.

Your assistance in conducting this research study would be greatly appreciated. If you have any questions, please contact me at ...

Best regards,

Appendix C: Interview Guide and Questions

Introduction

Thank you so much for agreeing to participate in this study.

- I want to go over this process with you. You were invited to participate in this interview because you are one of the most experienced and knowledgeable drug court professionals.
- You are in a unique position and your knowledge is crucial to me because you can help shine some light on marijuana legalization's implications for the Drug Court System.
- What you share with me today is confidential. I will not use your name or identifying information outside this session or any other session we may have.
- With your permission, I will audio record this meeting to ensure the accuracy of your statements and use these statements for analysis purposes. Do I have your consent to record this meeting?
- I want to let you know that this interview is planned for about 30 - 60 minutes. However, if you wish, the session may be extended to allow you to share your thoughts and reflections with me. At the end of today's interview, we will schedule a second interview if we need additional time to explore the concepts with your approval.
- Before we begin, do you have any questions for me about the process?

Preliminary introductory questions

1. How do you see the drug court system in general?

The law's role in the DCS – therapeutic injunction

2. What are your views about the law's role in shaping offenders' behaviors?
 - Can you please give examples?

Marijuana Legalization and the DCS

3. Please tell me about how you perceive marijuana legalization in relation to the Drug Court System.
4. Since drug court participants must plead guilty to drug use charges before admission into the drug court program, what happens to potential participants who are marijuana users, now that marijuana is legal in your state?
5. Before marijuana legalization in your state, how did you handle marijuana offenders in your court?
6. Now that marijuana is legal for both medical and recreational purposes, how do you handle marijuana offenders?

7. What do you perceive as the specific things that have happened or are happening in your drug court due to marijuana legalization?
8. Bearing in mind that marijuana is still illegal at the federal level, what are the issues that marijuana legalization introduces in the operations of the Drug Court System?
9. What can you say is positive about marijuana legalization in relation to the Drug Court System?
10. What are the negative things that marijuana legalization has introduced to the drug court system?
11. In your view, what can be done to improve the Drug Court System in this era of marijuana legalization?
12. Is there anything else you would like to share about marijuana legalization implications for the DCS?

Closing Statement

Thank you very much for the insightful information you have given. Can I contact you again if I have further questions or need further clarification? Also, I would appreciate it if you could recommend other knowledgeable participants I can interview. Please do not hesitate to reach out to me either through my email at...or my telephone number...

Appendix D: Sample Codes

P1 Codes	P2 Codes	P3 Codes	P4 Codes	P5 Codes	P6 Codes	P7 Codes	P8 Codes	P9 Codes	P10 Codes	P11 Codes	P12 Codes	P13 Codes
- humanely treated, - treated without stigma, - Therapeutic interventions advocated, - recovery-oriented system of care - high-risk and high-need population - moderate to severe - co-occurring use, - hardly with simply marijuana use disorder, - criminality around their action, - pleading guilty crime - underlying drug use disorder, - not possession charge, - possession is no more prosecuted, - Federal money--non-abstinence-based approach - complications, -complicated dynamics, - abstinence-based only, - treat the same way as alcohol, -further complications - grappling with the laws, - grappling with allowing marijuana users into the program, - benefits in allowing marijuana users	Marijuana use is not allowed, greater need to explain to participants Not a new thing, more conversation with participants to explain, Federal-state differences does not matter, is as it was like before, Now more efforts need to explain things-out Same as before, just like alcohol, not allowed, Participants prior agreement, tension between	known to work best for very serious drug use disorders, not for low-level drug use, for serious drug use disorders, need high intensive settings to have good outcomes, criminality, high need, high risk population, law is seen as a form of leverage, use of coercion justified, legitimate place for coercion, moderate to severe substance use disorders, uncontrolled use, should be brought to a point of decision, experiences a lot of bad consequences, cannot stop on their own, know consequences but cannot stop, cannot control use, uncontrolled drug abuse penalty of the law used as a bargaining chip to get them enter treatment, initially may not be motivated to change, eventually get motivated and accept to change, the law used as an initial leverage, Worked on to see the need to change, TJ principles applied, examples of TJ, ML facilitates the inflow of the right population, Coercive powers of the court not affected, not charged on simple possession, complicate matters, polysubstance abuse, ML raises questions,	Support services crucial, relationship with the drug court team crucial, support systems, relationship individual relationship, community relationship, drug scheduling, problematic, racist move, scheduled drugs, population that used it, racist move, not enough studies on it-- admission based on criminal acts,	less punitive- services crucial, innovation, working together to ensure recovery, probation system, innovative sanctions, judge applies TJ principles, more freedom for judges to interact, making the law more personal, for healing, aims at recovery not punishment per se, a system, all play their roles, direct conversation, protection of rights, No huge effects, not been fully legalized, federally prohibited, dilemma, the focus of drug courts to recover from addiction, dilemma Addictive, can disrupt daily life, can lead to criminality due to addiction, Recreational use not allowed, Participants capitalizing on medical use, introduce more efforts for evaluation, need to find out ways to navigate it, medical marijuana presents more difficulty,	adapt to individual needs, not for lower risk people, super intensive, follow-ups, case by case basis, continue use, addictive substances not allowed, therapeutic court, less punitive, motivation for recovery, better understanding of their circumstances, legal xxx illegal focus, focus on addiction, legal xxx illegal leads to complications, uncertainty in the application of the law, having own rules, total abstinence, No change for abstinence-based courts, discussions, motivation to change, substituting marijuana use with more dangerous drugs, more complicated, complicated	committing drug dependence-related crimes, dependence on drugs, meeting needs to prevent crimes, Admission is crime based not mere possession, individual needs based approach, Complications, federal prohibition, does not really matter, involvement of minorities and people of color, marijuana convictions disproportionate, equalizes the field a little bit, lighter caseload, focus on more harmful drugs, light	expungement, reduced sentences, therapeutic program, leverage to prevent future crimes, arrests for adults decreased, different effects depending on how handled: reacts, based on the population, two jurisdictions at odds - complications, funding, confusion about what jcc can do, restrictions, forced abstinence-based programs, Cannot explore due to federal restrictions, therapeutic courts at two levels, misdemeanor and felony levels, marijuana alone federal misdemeanor, further complication, change of court where one has to be, removal	federal funding restrictions, a bona fide medical condition, marijuana card, not allowed to use it for recreational conditions, same as alcohol, therapeutic skills training, stabilized, catalyst, support, compliant with Uranalysis test, harder, no uptick in crime, uptick in crime, compliant for probationers, ML did not hurt the program, physician therapist, more conversation for medical marijuana users, may allow medical use recreational use not allowed due to federal restrictions, strange position, grant funding complication, restriction, participants violating constitutional rights, tight	plead to a crime and not mere possession, poly drug users common, solely marijuana uncommon, less severe, mess and tangled, use not allowed, honest, committed a crime, screening and reward, sanctions are therapeutic in nature, relapse is the symptom of the disease, and then	physicians in staffing, time spent engaging with participants by the judge crucial, minimal amount of jail, innovative sanctions, disruptive, no clear direction, crime commission, screening, demand, and reward, sanctions are therapeutic in nature, relapse is the symptom of the disease, and then	TJ explained and exemplified, direct communication between judge and participants, model change, solves real problem, restorative justice, principles of TJ, underlying causes of crime, constitutional protection and due process observed, marijuana possession, marijuana possession, participant courts, now suffering in numbers, drug courts not for possession cases, for people whose drug addiction has led to serious crimes, irrespective of whether the substance is legal or not, not great impact for the proper drug court population, not so with the possession based courts,	communication and working together, more services, a lot more services and a lot more engagement, Criminal charges, giving up certain rights, being treated like alcohol, not being allowed, medical marijuana poses a challenge, involving participants' doctor, evaluating the claims, verifying the authenticity, alternatives preferred for