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The Lived Experiences of Plea-Bargaining Agreement Grantees among Selected Residents of DOH-Treatment and Rehabilitation Center

Lawrence D. Balana^{1*}, Camille V. De Leon¹

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ABSTRACT

Plea bargaining agreements (PBA) for drug rehabilitation residents in the Philippines seek to strike a balance between criminal justice and public health approaches, allowing individuals to avoid harsh penalties while accessing voluntary, evidence-based treatment and rehabilitation programs. However, the implementation of PBA necessitates a careful design and monitoring system ensures that the well-being of the individuals involved are protected. Our qualitative study explored the lived experiences of selected grantees of plea-bargaining agreement among six in-house program residents of DOH- Treatment and Rehabilitation Center in Bataan to identify the significant changes it has on their lives, given their current situation. Using interpretative phenomenological analysis, responses were interpreted, analyzed, and categorized according to primary patterns. To ensure the reliability and validity of the written protocols, member checking, together with spending prolonged time and description were employed. Results revealed that the participants have generally gained positive insight and were able to attain motivation towards their recovery from drug dependence. They employed various coping mechanisms such as acceptance of their current situation; drawing strength from family; and their pursuance in attaining a better future. The in-depth analysis of the lived experiences and actual accounts of selected residents granted with plea-bargaining agreement generally provides an enriched overview of the recovery pattern of persons who used drugs (PWUDs) inside the treatment and rehabilitation center. This research may serve as a basis for extension services and collaboration among policymakers and society in improving PBA interventions align with human rights principles.

INTRODUCTION

According to the World Health Organization (2019), the world drug problem has multiple public health dimensions encompassing vulnerability to drug use disorders and dependence, treatment, and care of people with drug use disorders, reducing the harm associated with drug misuse, and access to controlled medicines for medical pain relief. It remains a common and shared responsibility that should be addressed in a multilateral setting through effective and increased international cooperation and demands an integrated, multidisciplinary, mutually reinforcing, balanced, scientific evidence-based and comprehensive approach.

The drug problem in the Philippines is a complex and multifaceted issue that encompasses not only criminal justice concerns but also public health considerations (Simbulan *et al.*, 2019). In response, the government has implemented various policies and strategies, including the compulsory rehabilitation of individuals found to be using illicit drugs (Alibudbud, 2023). Drug use has long been viewed negatively, with drug users often facing harsh societal judgment. The previous administration of President Rodrigo R. Duterte established an aggressive “Drug War” policy aimed at eradicating the drug problem, which he claimed could be resolved within three to six months. However, this approach led to numerous issues as Duterte took office, as he reportedly urged members of the public to kill suspected criminals and drug addicts

without hesitation (Bouckaert, 2023; Reporter, 2016).

Human rights groups and the United Nations have condemned Duterte’s war on drugs, stating that it is morally and legally unjustifiable and has created large-scale human rights violations. The effectiveness and legality of the compulsory rehabilitation programs implemented as part of this strategy have also been called into question. While the government’s intention to address the drug problem is understandable, the limited evidence supporting the benefits of compulsory treatment and the potential for human rights violations within such settings have led to recommendations that policymakers prioritize voluntary and non-compulsory treatment options (Boehringer, 2017; Johnson & Fernquest, 2018). Furthermore, the political dynamics surrounding drug rehabilitation in the Philippines cannot be overlooked.

Controversies continue to arise over whether drug dependents should face extrajudicial killings or be confined in institutions that aim to educate them on the negative effects of drug use and help them value themselves. This so-called “drug war” has resulted in over one million drug surrenderers, 40 thousand arrests, and an estimated six thousand deaths, with two thousand occurring during police operations and thousands more due to extrajudicial killings (Bueza, 2017). Meanwhile, dependents must undergo effective treatment and rehabilitation to assist them in managing their substance use disorders over time. For those with mild to moderate issues, treatment

¹ Bataan Peninsula State University, Philippines

* Corresponding author’s e-mail: lddbalana@bpsu.edu.ph

through the general health care system may be sufficient, while those with severe disorders may require specialty treatment. To this end, Philippines Republic Act 9165, also known as the Comprehensive Dangerous Drugs Act of 2002 mandates the Department of Health to regulate, oversee, and monitor the integration, coordination, and supervision of all drug rehabilitation programs, projects, and activities. The objective is to establish, operate, maintain, and manage nationwide Drug Abuse Treatment and Rehabilitation Centers that ensure high-quality services to help persons who have used illegal drugs achieve holistic recovery from addiction.

In light of the ongoing efforts to address the serious drug problem in the country, the Supreme Court of the Philippines has issued separate resolutions in A.M. No. 18-03-16-SC in 2018 and 2019, allowing plea bargaining in drug cases and the possibility of probation. Certain criteria have been established for eligibility. First, when the accused is charged with possession of dangerous drugs under Section 11 of RA 9165, and the quantity of “shabu” is less than 5 grams or, in the case of marijuana, less than 300 grams. Second, when the accused is charged under Section 5 of RA 9165 with the sale of “shabu” and the quantity found in their possession is less than 1 gram, or in the case of marijuana, less than 10 grams. Third, when the accused is charged under Section 13 in relation to Section 11 of RA 9165, and the quantity of the dangerous drug in their possession is less than 5 grams, or in the case of marijuana, less than 300 grams. Lastly, when the accused is an employee or a visitor of a drug den, dive, or resort, provided they are charged solely under Section 7 of RA 9165, and there are no other persons charged for maintaining the said drug den, dive, or resort. Additionally, plea bargaining is also permissible if the accused is charged with possession of “shabu” weighing 5 to 9.99 grams, or marijuana weighing 300 to 499 grams. However, probation will not be allowed in such instances. With these guidelines in place, Regional Trial Courts have promptly enacted this circular, which has given the accused an opportunity to reduce the severity of their offenses and access rehabilitation programs. The opportunity for plea bargaining and probation in drug cases reflects a shift in the approach to addressing the drug problem in the Philippines.

The researchers interest in this topic was heightened by the pressing issue of drug addiction in the Philippines, which is still on the rise despite the existing measures of the legal system and administration's efforts. This societal challenge has brought significant social and economic problems across the country, highlighting the urgent need for a well-designed and effective treatment program that addresses the specific needs of those affected. Given the complex and multifaceted nature of the drug problem, comprehensive solutions that incorporate public health considerations, rehabilitation, and community-based support are crucial to effectively address this growing

concern and provide sustainable recovery pathways for individuals struggling with addiction.

This study examined the patterns of change in attitude, behavior, and coping strategies - both internal and external - among selected residents in a treatment and rehabilitation program who were grantees of plea-bargaining agreement. It also explored the significant shifts in the residents' perspectives after they were given the opportunity for rehabilitation instead of incarceration for their drug-related offenses.

MATERIALS AND METHODS

The study used an interpretative phenomenological analysis (Smith, 2009) to capture the lived experiences of six (6) residents in treatment and rehabilitation programs who were granted plea bargaining agreement. A purposive selection was utilized in identifying qualified participants through the following criteria: (a) must be 18 years old and above; (b) single or married; (c) currently admitted in rehabilitation and already spent at least two [2] months in treatment program; (d) was previously imprisoned due to drug case/s but ordered to be rehabilitated through the signing of Plea- Bargaining Agreement and (e) has no psychiatric evaluation results.

The profile of the participants consisted of six males, whose age range from 24 to 43 ($M=32.2$); four (4) are single; one (1) married and one (1) is legally separated. All of them have violated the Article II, Section 5 and Section 11 of the Republic Act 9165 “Comprehensive Dangerous Drugs Act of 2002” after being caught of selling, trading and possession of dangerous drugs. All of them have suffered detention from at least 3 months which is the shortest and eight years as the longest period of imprisonment. Also, respondents have already stayed in the in-house treatment program for at least 4 months. Prior to the interview session, a written informed consent form was provided to each participant. This form outlined the purpose of the study and interview, as well as the entire interview process. The content was thoroughly discussed with the participants to ensure their voluntary decision to be part of the study. The researchers also requested permission to record the interviews. The use of a voice recorder was deemed essential to avoid missing any important points from the participants' responses.

At the end of each interview, the researcher ensured the participants that their responses would be kept confidential. The researcher also shared information with the participants regarding the purpose of the research and the findings.

RESULTS AND DISCUSSION

The data analysis generated three (3) themes that account for the external experience of the phenomenon and the internal experiences of the participants with the subsequent responses.

Table 1: Summary of Superordinate and Subordinate Themes

| Superordinate Theme | Subordinate Theme |
|------------------------------------|--|
| Discerning Tough Decision | 1.1. Embracing the System 1.2. Pleading Guilty |
| Perceiving Things Positively | 2.1. Recognizing New Opportunities 2.2. Attaining New Life Perspective |
| Enacting Healthy Coping Mechanisms | 3.1. Accepting the situation 3.2. Drawing Strength from Family Support 3.3. Pursuing a Better Future |

Discerning Tough Decision

The first superordinate theme explores the challenging decision for participants to sign the Plea-Bargaining Agreement. It elaborates how they grappled with this decision, presenting their external experiences of pleading to the Trial Court to reduce their criminal charges by admitting their offenses. This process was marked by uncertainties about whether their decisions would ultimately benefit them. As a prerequisite for their plea to lower their criminal charges, participants had to conscientiously acknowledge their mistakes.

Embracing the System

The first subtheme concerns the participants’ uncertainty about availing the plea bargain. Most participants had doubts about how this framework would work. Given that they believe their cases do not warrant lengthy incarceration, participants had to carefully consider their decision. However, to attain liberty, they had to navigate the system. One participant expressed hesitation in signing the agreement, stating he had not actually tried selling drugs. Nevertheless, he still accepted the plea bargain as an option for his freedom, recounting: “...at first I really don’t like to sign because I didn’t really push drugs.”

Another participant had doubts if he would sign the plea. However, after seeing that most of his co-inmates are being freed after availing the same legal option, he also decided to imitate them. The participant elaborated, “At first I have second thought of signing the plea, however, after seeing my co-inmates who are being freed, I was encouraged to sign, also because of my child.”

Participants have already suffered imprisonment for years. Yet, one of them believes that he has a chance to win the case but decided later on to accept the agreement. For instance, one participant shared that his arresting officer was also imprisoned due to same ordeal he underwent. “I was having a second thought because during that time, my arresting police officer was also brought to jail due to drugs.” One has identified that he is doubtful to sign the plea due to his lack of knowledge on how it would work. One participant elaborated how his mother encouraged him to plea: “I still don’t have an idea what it was all about.”

Pleading Guilty

The second subtheme highlights that to take advantage of the framework, one must admit the allegation as

the initial step to reduce the criminal case and obtain freedom. As one participant explained, “I will admit it, it’s like admitting the accusation that I was using [drugs]... to lower the case.” Another participant stated, “They gave this to us to reduce the severity of our case.”

Perceiving Things Positively

This superordinate theme highlights the positive perspective of the residents regarding the plea-bargaining agreement. Despite initial hesitations, they were ultimately able to embrace the agreement as a new opportunity, leading them to adopt a more optimistic life outlook.

Recognizing New Opportunities. Participants viewed Plea-Bargaining Agreement as another chance provided by the government to address their legal issues and move forward with their lives. Since their cases were non-bailable, they risked being detained for 20 to 40 years, depending on their progress and performance in court. Consequently, they saw the Plea-Bargaining Agreement as a way to expedite their cases and regain their freedom, requiring them to only admit their offenses. Participants expressed their perspectives on the plea option, highlighting the positive impact it could have. One participant shared that it was an opportunity for him to turn his life around, stating, “I see it as a chance to fix my life.” Another participant echoed the same sentiment, noting, “They gave me another chance to start over,” and “They’ve given you the chance to change your life and be free.”

Attaining New Life Perspective. Participants were able to see the plea bargaining as an opportunity to improve their lives. Many stated that they gained hope after signing the agreement, as it would reduce the severity of their criminal offenses. One participant expressed feeling a sense of inner peace, describing it as “I have gained inner peace.” Another participant identified this experience as a catalyst for changing his life perspectives, saying, “It has changed my perspective in life.” Meanwhile, another participant simply stated that it gave him hope.

Enacting Healthy Coping Mechanisms

The last superordinate theme describes the coping strategies participants used to deal with their experiences of rehabilitation through the plea-bargaining agreement. It highlights three ways the participants coped before and during their rehabilitation program. This theme also involves the participants’ reflections on the people and coping styles that helped them the most.

Accepting the Situation

One of the main coping strategies most participants did was to learn to accept their current situation. It was already been given that most of them already spent many years in jail. Hence, the present scenario they are in are actually an opportunity to end up their incarceration. By acknowledging their mistakes in the past, they were able to see their need to change themselves. Even though they initially had doubts to sign the agreement they were still able to see the advantages of their stay in the rehab. For an instance, participants recognized how the treatment and rehabilitation center helped them change their lives. “I became more excited about my daily living”; “Rehabilitation helped me a lot to change myself”; and “I learn here even in small and little things.”

Drawing Strength from Family Support

For most participants, the support from their family has a significant impact on their ability to fully recover from drug addiction. They regard their family as a source of motivation to move their lives forward. They view their family’s efforts to support them as a sign of unconditional love. Whenever they are visited by their family, they experience a renewed resolve to remain steadfast in their treatment program, even though it is difficult to be away from them. However, some have expressed sadness due to this separation. Others acknowledge how their loved ones inspire them to overcome the challenges they face. Statements such as “My resolve has strengthened,” “My family gives me strength,” “My family is crucial to my change,”; “They give me hope to continue changing my life,”; “My family’s support always motivates me,” and “I gain inspiration from my family” reflect the importance of family support in their recovery process.

Pursuing a Better Future

The participants expressed optimism and gratitude for the opportunity to change their lives. Being hopeful helped them commit fully to the rehabilitation process and make concrete plans for their futures. One participant vowed to take his life more seriously in order to restore his reputation, determined to prove himself and overcome his past mistakes. Another participant was confidently looking forward to the good opportunities he believed would be waiting for him upon his release from the rehab center. Statements like “I see a positive future ahead,” “I know I’ll find good things when I get out,” and “I want to be truly reformed when I leave” reflected their unwavering determination to apply the lessons they had learned and emerge as better, more responsible versions of themselves. This positive outlook and sense of purpose instilled in them during rehabilitation gave them the motivation and drive to successfully reintegrate into society and lead productive, fulfilling lives moving forward.

Discussion

This study explored the experiences of residents engaged in plea bargaining agreements at the DOH-Treatment

and Rehabilitation Center in Bataan, Philippines. The Duterte administration’s war on drugs has significantly impacted the incarceration rates of individuals detained for drug-related offenses, leading to challenges such as substandard detention conditions and prolonged trial proceedings. Findings revealed that participants felt emotionally conflicted before entering into plea bargaining agreements, fearing that their cases could worsen due to extended incarceration. Despite expecting immediate freedom upon signing the agreement, the resolution required them to continue serving their sentences within the rehabilitation center.

During the interviews, the participants expressed significant uncertainties about the plea-bargaining agreement, viewing it as a punitive measure that would prolong their imprisonment. The incarcerated individuals likened their situation to a state of homelessness, leading to a profound sense of social disaffiliation and learned helplessness, which aligns with the characteristic features of psychological trauma. Despite their initial doubts and beliefs in their own innocence, the participants felt compelled to accept the plea bargains due to external factors, such as the flaws and shortcomings within the justice system. This underscores the challenging circumstances they faced and the difficult decisions they had to make in navigating the legal landscape. This experiential information adheres to the study of Hechanova *et al.* (2022) wherein barriers and enablers are crucial for the rehabilitation and reintegration of drug offenders in the Philippines.

Upon admission to the treatment center, participants experienced a sense of heaviness, indicating their initial unpreparedness for the path ahead. According to LaMorte (2019), individuals in the pre-contemplation stage often underestimate the potential benefits of behavior change. However, motivated by the fear of harm or imprisonment, the participants embraced the rehabilitation process as seen in previous studies (Yusay & Canon, 2019). As they progressed through the program, engagement in various activities provided them with valuable insights, and the “Unwritten Philosophy” of the therapeutic community encouraged their compliance and acceptance of the treatment.

During the initial stage of their treatment, most of the participants struggled to accept the fact that they would be placed in a rehabilitation center. However, through the repetitive daily schedule of activities in the program, they gradually adapted and realized that accepting their situation was the only way to help themselves and overcome their drug addiction. Additionally, the support and camaraderie of their small community within the rehabilitation center enabled them to adapt to the people and processes of the rehabilitation program. As they witnessed their fellow residents progressing and improving themselves, the participants gained a renewed sense of hope and motivation to continue their own journey of recovery.

The study suggests that the successful road to recovery from drug addiction involves a complex interplay of

social, structural, and internal processes, all driven by the residents' desire for self-improvement. By focusing on their ultimate goal of recovering from drug addiction, the residents came to recognize the importance of their active role as participants in the program. As Maercker and Zoellner (2004) argue, both positive and negative emotions are necessary for personal growth, and accepting challenging life situations, though difficult, can be a transformative experience that leads to meaningful change. In addition, study by Grim and Grim (2019) emphasize that having belief and faith are key elements of hope, which can alleviate pain and have significant effects on an individual's physical and psychological well-being during the recovery process in addiction treatment programs.

Initially, the residents experienced feelings of doubt and uncertainty due to their unmet expectations. Preoccupied with thoughts of immediately returning home and regaining their freedom, most expected to be able to resume their normal lives immediately after accepting the plea bargain. However, following a drug dependency assessment conducted by a DOH-accredited physician, they learned that they would need to undergo a comprehensive treatment and rehabilitation program for at least six months before fully serving out their sentence. This revelation was a significant adjustment, as the residents had to recalibrate their perspectives and priorities. As highlighted by Birkhäuer *et al.* (2017), beneficial health behaviors, less problematic symptoms and higher quality of life are expected by having higher trust in a care system, which eventually reshape an individual's outlook on problems and their value hierarchy. Nevertheless, after accepting their circumstances and the requirements of the rehabilitation program, the residents were able to find constructive ways to cope with their current situation and focus on their path to recovery.

The process of recovery for individuals struggling with drug addiction involves improving their physical and mental health, as well as reclaiming control over their lives (Patterson, 2015). These participants recognized that they needed psychological support to address the underlying causes of their addiction, but had to be willing to actively seek out and engage with such support (Hess & Tracey, 2013). When they felt hopeless and miserable about their addiction, they courageously chose to trust others and motivate themselves to bravely face the challenges ahead. A crucial step in entering a treatment program is enhancing the intrinsic motivation to willingly and persistently engage in the necessary rehabilitative behaviors as also evident from the study of Webb and Sheeran (2013). These individuals are hopeful that by seeking comprehensive treatment, they will be able to recover from the devastating physical, psychological, and social effects of drug abuse and addiction, and ultimately reclaim their lives.

In the Filipino context, a collectivist culture emphasizes the important role of friends and family. For this reason, the participants view their family support as a driving

force that boosts their motivation toward lifelong recovery from drug addiction. However, friends and family can be a "double-edged sword" in the drug-taking culture of Filipinos, serving as both risk factors and protective factors. According to Estacio (2018), peers and family members are the primary reasons why young Filipinos initiate drug use. If relationships, particularly with family members, remain unresolved or unrepaired for an extended period, drug dependents are more likely to relapse upon discharge, even if they have undergone residential treatment. Thus, repairing relationships is a crucial factor for the treatment and recovery of the residents. Similarly, Landry (2020) found that conducting behavioral relationship therapy during and after the program has significant potential to improve the relationships, maintain sobriety, and lead to positive outcomes. This underscores the importance of incorporating family and community-based interventions in drug rehabilitation programs for Filipino patients. By addressing the social and relational aspects of addiction, these programs can better support long-term recovery and reintegration into the community.

Most drug dependents come from challenging family backgrounds that are stressful, traumatic, and disturbed (Chassin *et al.*, 2019). Lack of parental support and control, along with childhood distress, are crucial reasons why adolescents turn to drugs. Hence, the family plays a central role in the treatment of substance abuse (Kaufmann, 1994; McCrady *et al.*, 1996). Gaining their family's trust is one of the important motivations for residents to continue their recovery. Family work has become a strong and continuing theme in many treatment approaches.

Residents in drug rehabilitation programs are encouraged to end toxic relationships, as these can lead to drug abuse. Conversely, they are also encouraged to seek help from supportive people, such as family members, other rehab residents, and support staff. This allows the participants to cope with their current situation by seeking assistance from their co-residents and the support staff, including case managers, physicians, and other related partners who have direct contact in their daily activities. As a result, the participants consider these support systems as their "family." Sufficient exposure to the attachment principle in Therapeutic Community environments, along with involvement and inclusion through engendering a sense of belonging and feeling valued, can create a sense of trust in others, encouraging communication and providing opportunities for containment evidently (Capone *et al.*, 2017).

Furthermore, the participants are striving to maintain not only their relationships with their families, but also their good spiritual practices. According to Abu-Raiya and Pargament (2015), people often turn to religion during difficult times. The use of positive religious coping methods is correlated with better mental health, lower distress levels, less depression and anxiety, less helplessness, less perceived stress, and less severe post-

traumatic symptoms. Some participants were able to identify that God led them to the rehab program, which enabled them to change themselves and keep their families intact. Behavioral improvement means more than just abstinence; it also involves maintaining sobriety. Both families and individuals are taught to cope with psychological, emotional, and physical pain through continuous participation in the residential program, in order to learn strategies for maintaining their sobriety until discharge.

Our study highlights the crucial role of interpersonal relations, particularly family support, in encouraging drug dependents to seek and succeed in recovery. Family involvement, including visitation during rehabilitation, is shown to improve family ties and lower chances of reoffending (Mears, 2010). This familial support provides psychological reinforcement that aids in adjusting to life post-release (Casey-Avecedo & Bakken, 2002). The treatment program itself fosters a sense of community and belonging, further motivating residents to pursue their recovery goals (Room, 2005; Bernardo, 2010).

Being a resident at a treatment and rehabilitation center focuses on the holistic need for personal change. Through their daily activities, the residents gain positive insight into their recovery journey, despite facing various challenges. A key lesson they learn is to accept their current situation, moving past their past mistakes and focusing on cultivating an optimistic mindset and setting goals centered on themselves and their families. This motivates them to embark on a lifelong recovery process that extends beyond just abstinence, but also developing resilience and becoming role models (Harris *et al.*, 2011). The residents' positive perception and hope play a crucial role in sustaining their sobriety and shaping their vision for the future, which their families can significantly contribute to the attainment of individual goal (Livingston & Boyd, 2010).

After realizing their need to change their drug-seeking behavior, the residents began to view the rehab program as a catalyst for transformation. The study findings indicate that all participants gained positive insights from the program. As Armenakis *et al.* (1992) explained, individuals use interpretive frameworks, or schemata, to assign meaning to their observations and experiences. Developing detailed plans for a more optimistic, healthy, and fulfilling future helps sustain their hope and motivate them through the challenges of recovery. These structured plans guide them along the path to recovery, enabling them to recognize that their visions and goals are attainable through gradual progress and persistent effort. Such personal achievements, no matter how small, further cultivate hope, as success often becomes a source of encouragement and renewed determination throughout the recovery process. With a renewed sense of purpose and self-belief, the residents are empowered to reclaim their lives and work towards a brighter, drug-free future.

CONCLUSION

The experiences of participants who suffered imprisonment due to drug-related cases brought them despair and a lack of motivation to recover from their drug dependence, due to the slow movement of the justice system in the country. However, the promulgation of the Plea-Bargaining Agreement by the Supreme Court has led them to attain positive outcomes. The results of the study show that the tribulations they endured led them towards positive results, as after their treatment in the rehabilitation center, they will be able to attain liberty and, at the same time, make better progress in their lives. This includes improving their relationships with their loved ones and fully recovering from drug addiction. The plea-bargaining agreement also helped them achieve significant changes in their attitude and behavior by making them perceive the importance of their rehabilitation process, and recognize the significance of their recovery as the main avenue to become productive members of their families and good citizens of the community. The respondents employed internal and external coping strategies to manage their uncertainties, specifically prior to signing the plea-bargaining agreement and during the beginning of their treatment program.

The study primarily focused on the lived experiences of selected plea-bargaining agreement residents who were rehabilitated at the DOH-Treatment and Rehabilitation Center in Bataan. Further and more in-depth studies could be conducted to explore additional challenges faced by residents under plea-bargaining agreements at treatment and rehabilitation centers. It is recommended to create timely and innovative extension programs for drug dependents in these centers, developed through careful consideration of their unique needs and challenges. The involvement of universities could include volunteer opportunities, guest lectures, or community-based projects that foster integration and reduce stigma. A holistic approach addressing not only academic needs but also personal and social aspects of recovery, such as incorporating counseling services, mentorship programs, and peer support, could enhance the overall well-being of drug treatment and rehabilitation residents.

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