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Equity and Inclusion

Developed by:
National Drug Court Institute

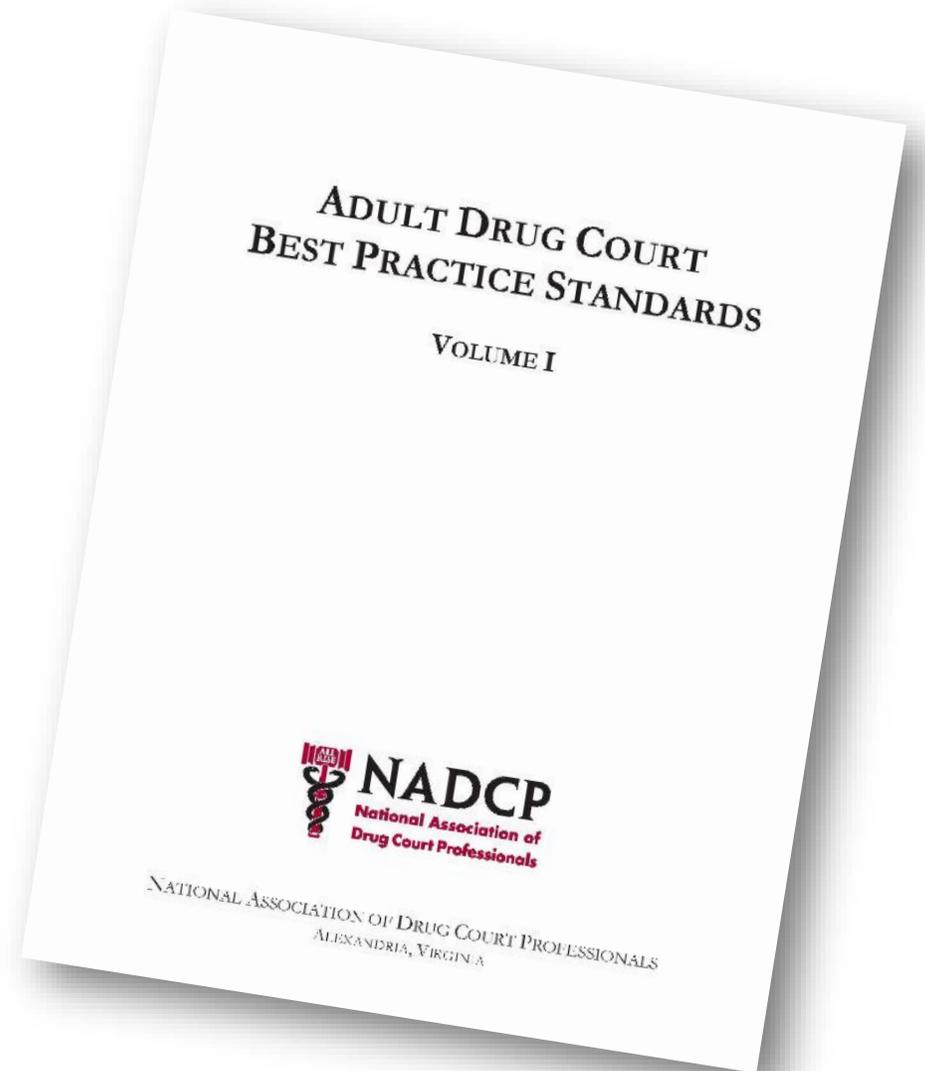
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Standard II: Equity and Inclusion

- ✓ Ensure equal opportunity for everyone to participate and succeed regardless of race, ethnicity, or gender.
- ✓ Take affirmative steps to detect and correct disproportionate census, inequitable services, and disparate outcomes involving those who have historically faced discrimination.
- ✓ Teams are responsive to the cultural differences within their population.



Equivalent Access

WE WELCOME

ALL **SIZES**

ALL **COLORS**

ALL **GENDERS**

ALL **BELIEFS**

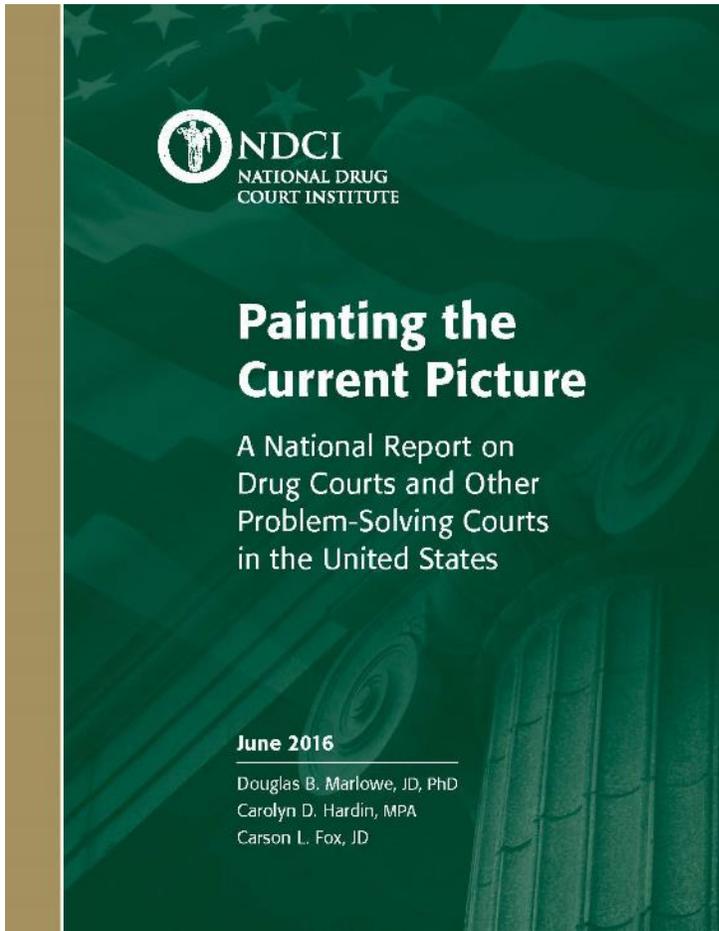
ALL **RELIGIONS**

ALL **TYPES**

ALL **PEOPLE**

EVERYONE





National Report Card:

How did we do?

A Review of the
Scientific Literature

Page 46



PAINTING THE CURRENT PICTURE



African-Americans are underrepresented in drug courts by approximately 15 to 20 percentage points and Hispanic or Latino individuals were underrepresented by 10 to 15 percentage points compared with the arrestee, probation, and incarcerated populations.

Painting the Current Picture

Based on available data from roughly one-half of U.S. states and territories, African-American and Hispanic participants commenced from some treatment courts at rates substantially below those of other treatment court participants.



PAINTING THE CURRENT PICTURE



- ✓ Women represented approximately one-third (32%) of participants in respondent treatment courts in 2014 and appear to have received at least proportionate access to treatment courts.
- ✓ Based on available data from roughly one-half of U.S. states and territories, female participants commenced from some treatment courts at rates substantially below those of male treatment court participants.

GENDER SPECIFIC ISSUES



- ✓ Trauma, domestic violence, childcare, guilt
- ✓ Self-medicating for abuse and trauma
- ✓ 12-step programs designed for men
- ✓ Research shows that gender-specific programs lead to better treatment court outcomes

What is it about race and ethnicity that matters in treatment court?

Disproportionality – There is a difference in the total volume of activity for minority individuals compared to Caucasian, non-Hispanic individuals or the majority population.

- ✓ Example: Who is arrested vs. who gets into treatment court
- ✓ 50% of drug arrestees are African-American, and 35% of treatment court participants are African-American.





Eligibility Criteria

Be Careful: Intent vs. Impact

Requirements for program entry:

- ✓ Transportation
- ✓ Program fees
- ✓ Sober
- ✓ Housing



EQUIVALENT ACCESS



1. Review criteria to ensure that they do not restrict access, unless doing so threatens public safety or program effectiveness.
2. Assessment tools must be validated with groups who have historically experienced discrimination within your potential treatment court pool.

A RESEARCH BRIEF ON EXCLUSIONARY CRITERIA

- ✓ Summarizes research on how exclusionary criteria impact recidivism, treatment court outcomes, and racial disparities.
- ✓ Encourages program staff to revisit these criteria to decide if they are justified.



Research Brief

Exclusionary Criteria and Their Impacts on the Likelihood to Reoffend, Racial Bias, and Outcomes in Treatment Court

Violent offense (current or past)

One of the most common criteria for exclusion from treatment court is a history of violence. Violent behavior is often one of the items listed on assessments of risk for reoffending. Such behavior endangers public safety and is costly. Perceptions of risk of violent victimization influence the public and those who answer to them, namely elected officials. Understandably, minimizing the risk of violence is a goal of the justice system. Thus, listing a history of violence as an exclusionary criterion is understandable. However, the research on violence and its association with recidivism suggests that its treatment as an automatic exclusion should be reconsidered.

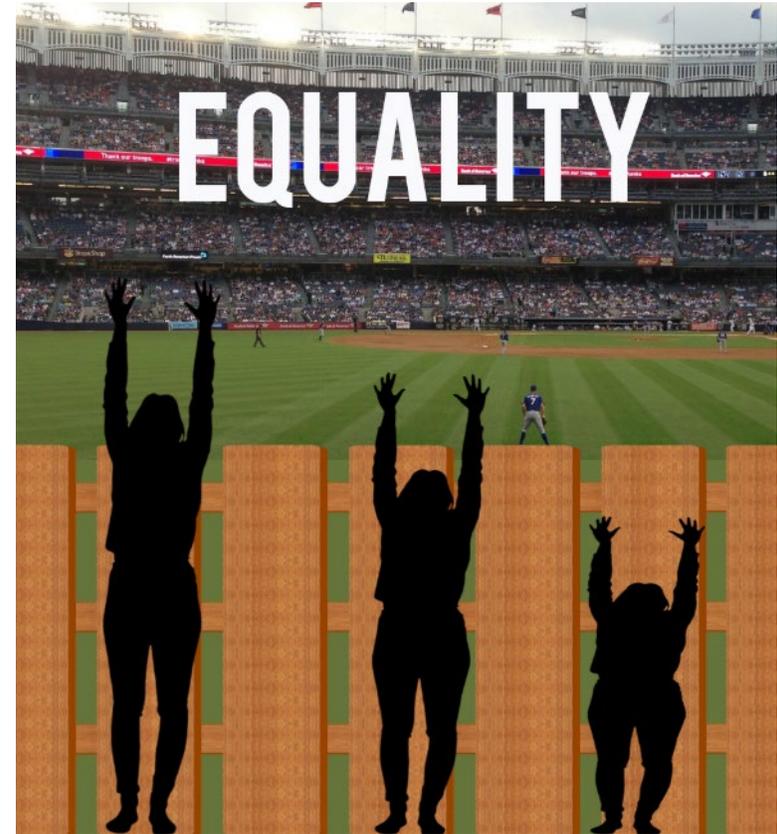
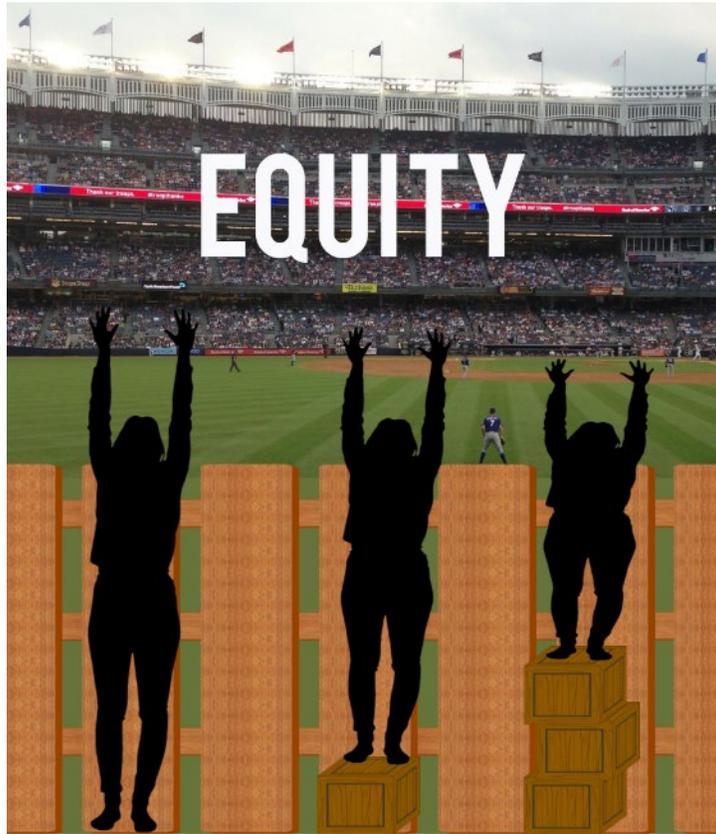
Property and drug offenses have the highest association with recidivism (Langan & Levin, 2002). The severity of the violence involved in an index offense is not associated with general, violent, or sexual offense recidivism (Hanson, 2009). Drug involvement (possession with intent to use) among individuals with a history of violence increases the likelihood of reincarceration. A close association exists between drug possession (but not distribution), violence, and reincarceration (Stabler et al., 2013). The likely explanation is that drug users commit acts of violence (robbery) to get the funds to buy drugs.

Certain types of drugs, namely alcohol and cocaine, are strongly associated with violent behavior. In particular, individuals who tend to suppress anger while sober are prone to violent tendencies when inhibitions are removed by substance use (Burnette et al., 2008; Chermack et al., 2008).

The association between violent history and treatment court outcomes is unclear. Criminal history, not current or previous violent charges, is associated with recidivism (Saum & Miller, 2008).

Comparisons of treatment court participants with and without a prior history of violence demonstrated that the two groups have equivalent reductions in recidivism (Carey, Mackin, & Finigan, 2012). Treatment courts that include those with a history of violence can achieve significant cost savings for their community by reducing recidivism among individuals involved in violent crimes, which are more costly than nonviolent crimes. Comparing courts, rather than individuals, indicates that programs accepting violent

WHY EQUITY?



HISTORICAL DISCRIMINATION



Why the focus on racial and ethnic minorities?

- ✓ Native People
- ✓ Descendants of Enslaved Person
- ✓ Women
- ✓ LGBTQ
- ✓ Immigrants, Refugees and Asylum Seekers
- ✓ Incarcerated
- ✓ Substance Use Disorders/ Drug Users

AVOID: BEING COLOR-BLIND IS NOT HELPFUL

- ✓ “We treat everyone the same in our treatment court.”
- ✓ Research indicates that practicing an ideology of color-blindness is ineffective, provides interracial tension, and promotes inequality. (Neville, Awad, Brooks, Flores, & Bluemel, 2013)
- ✓ What to do instead?
- ✓ Discourage color-blind attitudes among staff. Include community partners and participants with the team to engage in hard discussions about race.

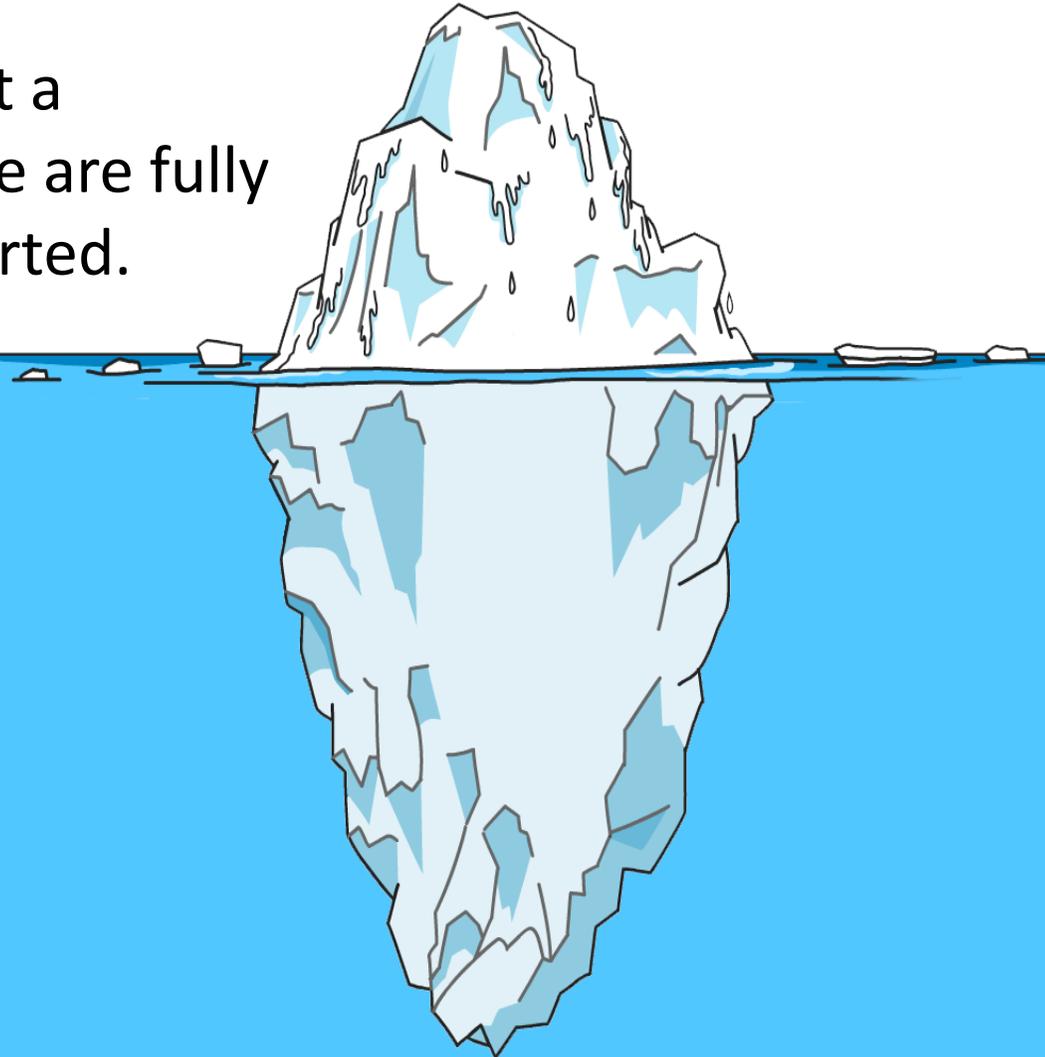
EXPLICIT AND IMPLICIT BIAS

Explicit Bias

Attitudes and beliefs that we have about a person or group on a conscious level. We are fully aware of these, so they can be self-reported.

Implicit Bias

Unconscious attitudes that lie below the surface but may influence our behaviors.



HOMWORK – TAKE THE TEST



Implicit Association Test at Harvard

<https://implicit.harvard.edu/implicit>

Tests developed to identify hidden bias in terms of race, gender, age, sexual orientation

Culture

Culture is the things that people historically have learned to do, believe, value and enjoy. It is the ideals, beliefs, tools, customs and institutions into which each member of society is born.

(Counseling the Culturally Different: Theory & Practice, Goldman, 1989)



INCORPORATING CULTURE

- ✓ Restore identity – sense of loss, non-belonging
- ✓ Community driven process – Native designed and delivered
- ✓ Is a channel to promote a healthy life-style
- ✓ Compliments treatment services (holistic approach)
- ✓ Assist in preventing relapse
- ✓ Strengthens community – individual contribution to the whole community
- ✓ Historical practices

CULTURE IMPACT ON TREATMENT COURTS

Ideals

Beliefs

Tools

Customs

Institutions

The Cultures of:

- ✓ Substance use disorder and addiction
- ✓ Drug treatment
- ✓ Mental health treatment
- ✓ Treatment court



The Client's Culture Shapes his/her Belief System About:

- ✓ Child Rearing
- ✓ Sexual Roles
- ✓ Care-taking
- ✓ Spirituality
- ✓ Dress

KNOW YOUR CLIENT



What information do you need about me to better understand why I do what I do and better match interventions to my needs based on my culture, values, attitudes and behaviors?

A SURVEY INSTRUMENT COVERING 'SUITABILITY FOR TREATMENT COURT'

- ✓ Subjective beliefs about who is suitable for treatment court may influence decisions about access.
- ✓ This survey can help staff identify subjective beliefs.
- ✓ The results can be used to develop training programs for decision makers to counter beliefs with facts.



Suitability for Treatment Court Survey

Understanding How Decision Makers Assess Criteria for Suitability for Treatment Court

Purpose: Identify potential training needs of professional staff who are involved in the decision to refer and admit individuals to treatment court.

Scoring: The easy-to-follow method to compile results is to calculate the percentage of responses associated with each level of suitability and identify which response is the most frequent for an item. Alternatively, you can score "unsuitable" = 1, "somewhat unsuitable" = 2, "somewhat suitable" = 3, and "very suitable" = 4. (Use the same approach for the effectiveness scale.) Calculate an average score for each item. Comparing the difference in averages between items in a general category, such as number of prior misdemeanors, will provide an indication of where cutoffs are appropriate.

Interpretation of results: For a discussion of research on how the items in the survey relate to treatment court, recidivism, and racial disparities, see the [Research Brief on exclusionary criteria](#).

Source: This survey instrument is based on one reported in Brown & Gassman (2013).¹ The original instrument was obtained from the first author, who gave permission for it to be reproduced. It has been modified to simplify the scale scores, and some changes were made to the items covered.

¹ Brown, R., & Gassman, M. 2013. Assistant district attorney decision making when referring to drug treatment court. *American Journal on Addictions*, 22, 381-387.

JOURNAL OF ADVANCING JUSTICE

- ✓ Research outlines practices that work
- ✓ Consider adding these to your program to improve outcomes



JOURNAL
for Advancing Justice

AJ Advancing
Justice

PRACTICES THAT DECREASE DISPARITIES?

- ✔ Offer family counseling services
- ✔ Ensure representatives from participants' communities of origin are part of the treatment court team or advisory committee
- ✔ Avoid terminating participants for new drug possession offenses.
- ✔ Deliver culturally congruent treatment services.





Practices that decrease disparities?

- ✓ Focus on participant's pressing treatment goals.
- ✓ Utilize culturally proficient treatment such as the promising Habilitation Empowerment Accountability Therapy (HEAT).
- ✓ Recognize that trauma-informed treatment may initially increase rates of self-reported trauma exposure and trauma symptoms.

Practices that decrease disparities?

- ✓ Defense attorney attends staffing is a 50% reduction and a 63% if they attend court hearings.
- ✓ Providing vocational services
- ✓ Using cognitive behavioral therapy (CBT)
- ✓ Focusing treatment on drugs of choice in the affected community



ACTIONS TO REDUCE DISPARITIES



- ✓ Staff should have personal involvement in communities of color and program development of linkages and resources in minority communities.
(Yu, Clark, Chandra, Dias, & Ting-Fun, 2009)
- ✓ Ensure that clients are referred to programs in their communities (distance to treatment makes a difference).
- ✓ Design program policies and procedures to assess and serve minority clients effectively.

ACTIONS TO REDUCE DISPARITIES



- ✓ Hold treatment providers accountable for provision or coordination of comprehensive care (mental health, HIV prevention, and primary care services).
- ✓ Ensure that clients are enrolled in Medicaid or other publicly funded sources of payment so they can access and stay in treatment as needed. (Source: Dobbin & Kalev, 2016)



STEPS TO TAKE

STEP 1: COLLECT DEMOGRAPHIC DATA



Demographic Data

- ✓ Age
- ✓ Sex
- ✓ Race
- ✓ Ethnicity

Collect at Three Processing Points

- ✓ Referral
- ✓ Admission
- ✓ Exit

STATIC BASE



“Referral cohort”: Everyone referred to treatment court during a specified time period (usually quarterly or biannually)

STEP 2: CREATE REFERRAL INFORMATION

- ✓ Date of referral
- ✓ Source of referral
- ✓ Reason for referral

STEP 3: COMPARE THE REFERRAL COHORT

It is insightful to compare referral cohort demographics to the demographics of arrestees for treatment court—eligible offenses or, at a minimum, the demographics of the jurisdiction’s adult offender population—to look for disproportionality in the referral process.

Provided by Dr. Fred Cheesman, National Center for State Courts

STEP 4: TRACK



- ✓ Track each referral cohort to the point of admission and then compare demographics at admission (admitted vs. not admitted) with those of the referral cohort to look for signs of disparities.
- ✓ Track reasons for rejection in the case of referrals not granted admission to treatment court.

STEP 5: TRACK AND COMPARE



A portion of the referral cohort admitted to the treatment court should be tracked to the point of exit.

- ✓ Need the following: date and type of exit (successful, termination, voluntary withdrawal, etc.).
- ✓ Important to identify absconders.
- ✓ Compare demographics of the referral cohort admitted with those exiting, by type of exit.

STEP 6: RECRUITMENT



- ✓ If minorities are underrepresented in your treatment court (verified with statistical evidence), how can you increase their participation?
- ✓ Educate key stakeholders.
- ✓ Interview current participants from the target group and people in jail.

St. Louis Drug Court



KEY TO YOUR **FREEDOM**

Free from ...

Felony Charge • Prison • Life of Crime
Street Violence • Losing Your Kids
Lack of Education • Unemployment
Drug Dealers • Death by Overdose

Tell your lawyer ...

Ask the Judge
to Screen for Drug Court

*Drug Court is the **Key to Your Freedom***

www.stlcircuitcourt.com
314-992-0858 for recorded information

**ANY
QUESTIONS?**

