



Color in the Court: Assessing & Addressing Racial and Ethnic Disparities in Treatment Courts

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Session Goals

- Understand best practices related to ensuring equal access and treatment for all court participants.
- Review recent trends in access, graduation, and participant outcomes in Ohio treatment courts by race and ethnicity.
- Strategize policy and practices for courts to implement to ensure diverse participants succeed.

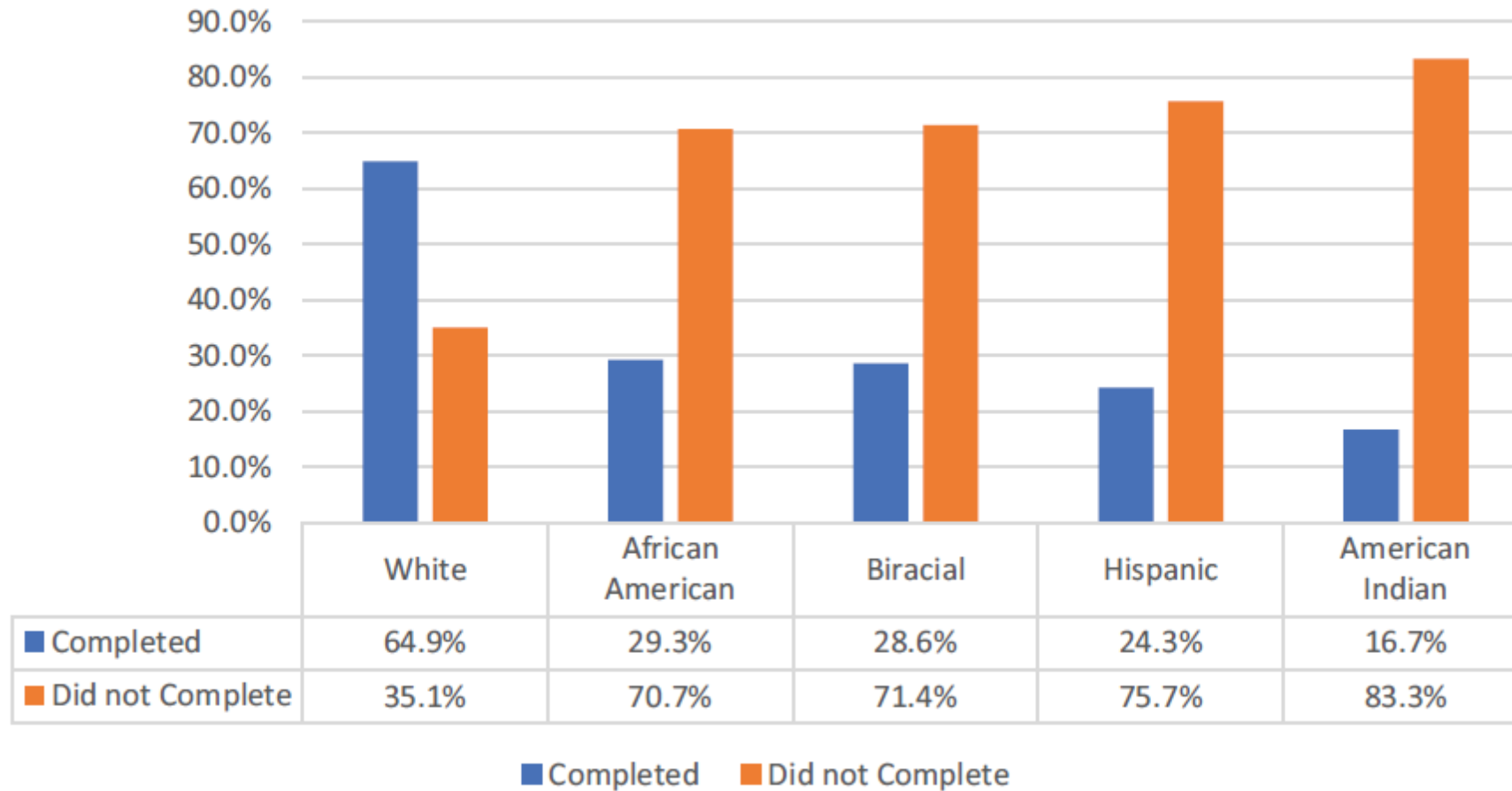
Evidence of RED in Treatment Courts

- Drug courts appear to effectively reduce criminal recidivism; however, evidence suggests suggest that racial disparities exist in, access, experience, and outcomes
- Treatment courts appear to primarily recruit white participants, 2023’s Painting the Current Picture suggests most treatment court participants are White and Male
- A NADCP 2010 resolution places “**an affirmative obligation** on Drug Courts to **continually monitor** whether minority participants have **equal access** to the programs, **receive equivalent services** in the programs, and **successfully complete the programs** at rates equivalent to non-minorities.”

		Total Active
All Participants		140,402
Total Participants:		
Gender		136,497
	Female	33.3% (45,526)
	Male	66.7% (90,971)
	Non-binary	0.04% (52)
Total Participants:		
Race		119,039
	American Indian/Alaskan Native	2.4% (2,826)
	Asian/Pacific Islander	1.5% (1,741)
	Black/African American	19.3% (23,010)
	White/Caucasian	71.4% (84,950)
	Other	5.5% (6,512)

Evidence of RED in Treatment Court Outcomes

Completion Rates



The REDI Project

- The Racial and Ethnic Disparities team at American University (funded by BJA), utilizes the RED Assessment tool to work with courts and states to capture information about treatment courts' **operations and procedures**, and demographic data (in compliance with standard 2) specifically examining areas where **racial and ethnic disparities** may exist.
- The tool provides evidence-based recommendations to address policies and practices which may increase the risk of disparate access, treatment and outcomes.
- The RED project team provide TTA to individual courts, and states, to specifically address RED in their programs

<https://redtool.org>

Three Key RED Outcomes (Gallagher, 2019)



Access to Treatment Court

- (1) Subjective eligibility criteria, such as criminal history (particularly prior felony convictions) or even more subjective criteria, such as suspected gang involvement, ability to pay program fees, or perceived level of motivation; (2) “word of mouth”; and (3) implicit bias are factors that may inadvertently exclude some racial and ethnic minorities from treatment court.

Completion Rates

- (1) The underrepresentation of racial and ethnic minorities in some treatment courts; (2) dissatisfaction with the quality of substance use and mental health disorder treatment; and (3) being mandated to attend Alcoholics Anonymous (AA), Narcotics Anonymous (NA), or other 12-Step meetings were associated with lower completion rates for some racial and ethnic minorities.

Criminal Recidivism Outcomes

- (1) A lack of sustainable, career-oriented employment; (2) less education than white counterparts; and (3) environmental and neighborhood risk factors seem to be associated with higher criminal recidivism rates for some racial and ethnic minorities.

Key Findings from Ohio - 2021



- The 30 courts represented in this report include:
 - 16 Adult Drug Treatment Courts
 - 6 Family Dependency Treatment Courts
 - 5 Veterans' Treatment Courts (VTCs)
 - 3 other courts (including hybrid DUI/Adult Drug Treatment Courts and a Human Trafficking Court)
- The Supreme Court of Ohio reports Ohio has a total **224** treatment courts, including **101** Adult Drug Treatment courts, **26** VTCs, and **34** Family Treatment Courts, meaning this convenience sample includes data from approximately **15%** of each program type.
- Average length of operation was **12.3** years, suggesting that most courts are relatively well established.
- All programs predominantly serve white participants; **81%** of past year participants and **78%** of current participants are white. In contrast, **52%** of Ohio's incarcerated population are white, and **43%** are black. This white dominance is also reflected in staff demographics, as all teams are predominately staffed with white individuals.

Key Findings from Ohio - 2021



Section 1: Court Information

- Of the 27 courts who have a staff policy and procedures manual, **75%** of them include discussion of racial equity in their manual.
- **0%** of courts have a website (or section of their website) dedicated to racial equity.

Section 2: Intake

- **100%** of courts have their eligibility requirements in writing (but only **60%** share those requirements with all referral sources).

Key Findings from Ohio - 2021



Section 3: Assessments

- **97%** of courts use a substance use disorder assessment, and 93% of those courts use the data from the assessment to determine type and intensity of services.
- **59%** of courts do not know if their risk assessment is validated for their target population.

Section 4: Demographics

- **80%** of courts reported knowing the race of their current participants
- **50%** of courts provided a breakdown of graduation rates by race (at least Black and White)
- **All but one court** reported a lower graduation rate for Minoritized participants compared to White participants
- The demographic and graduation data reported to AU by the courts does not match the Ohio Supreme Court reports for the same time period

Key Findings from Ohio - 2021



Section 5: Team Members

- **87%** of courts have at least one non-white staff member, but few in positions of leadership.
- **100%** of courts agree with the statement “Our team is committed to addressing racial and ethnic disparities”.
- Only **47%** of courts agree with the statement “Our team is racially and ethnically diverse”.

Section 6: Training

- **66%** of courts provided cultural competency training, but only **10%** (3 courts) made any changes based upon the training they received.
- Only **18%** of courts made any changes based upon training they received in the past year.
- Only **6%** of courts require all staff to attend racial and ethnic disparities trainings.

Key Findings from Ohio - 2021



Section 7: Drug of Choice and Treatment/Support Services

- **60%** of courts are confident they can provide relevant treatment services for their Hispanic participants and **77%** believe they can provide complete services for Black / African American participants.
- **80%** of courts charge fees for probation, which disproportionately disadvantage nonwhite participants.

Section 8: Evaluation and Monitoring

- **81%** of courts have never evaluated their outcomes to determine if racial and ethnic disparities exist.



Solution:

Intake and Marketing Your Program

- How you talk about program
 - Strengths based
 - Highlighting Shared values with potential participants (ie. Job, housing, family etc.)
 - Do people know your program is committed to racial equity
 - Mission statement, website, participant handbook etc.
- Where possible, avoid categorical exclusions
 - Data show that those with current and / or historical violent charges do just as well in treatment courts
 - Due to structural issues BIPOC clients are more likely to have longer / more “serious” criminal histories

Solution:

Using Assessments & Understanding Your Clients

- Assessments
 - Is your assessment validated?
 - What does this mean / what to ask
 - Understanding weaknesses / gaps in your assessments
 - Using Assessments to inform programing
- Mental Health Risks
 - Understanding trauma (and responding to it)
 - Responding to client needs in addition to SUD / Criminal Risk Factors
- Checking for improvements above and beyond just negative tests and no new arrests
 - Have assessment scores decreased / are needs being responded to?

Solution: Your Team and Their Needs

- Representation is not everything – but it does help
 - Hiring practices – where do you advertise positions?
 - Listening to BIPOC staff members
- Racial Equity Training
 - Paying attention to national best practices AND local needs
 - Ensuring all staff attend (ideally the same training)
 - Critically evaluate your program in light of the training received
- Cultural Competency Training
 - NOT JUST FOR THERAPISTS
 - Language, religion, family, community etc.

Solution: Treatment and Services

- Family Therapy & HEAT Programs have been shown to significantly decrease disparities in graduation rates
 - Responding to trauma
 - Acknowledging impact of race on trauma
- Ensuring Treatment is evidence based and meets clients needs
- Ensuring treatment is accessible
 - Affordable / covered by court / covered by Medicaid
 - Culturally competent
- Additional services such as employment support, education, housing, childcare etc.

Solution:

Collecting Data and Telling Your Court's Story

- Courts should track the following data
 - Referrals, rejections participants accepted etc. by race and ethnicity
 - In program activities (incentives, sanctions, treatment etc.) by race and ethnicity
 - Graduation Rates (and time in phases, time in program, reason for exit etc.)
 - Follow up (6-12 months), Crime free, Drug Free, employment, housing, etc.
 - Participant feedback surveys
- Have a regular schedule to share, review and act upon data
 - Every 3-6 months
- Use Data to tell your court's story
 - What are you doing well?



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