

The African American Experience in Drug Court From 2012 to 2022: A Decade of Research To Eliminate Racial Disparities in Outcomes

John R. Gallagher, PhD, LCSW, LCAC

Associate Professor

Morgan State University, School of Social Work

Presentation Objectives

- ① Objective 1: Synthesize the history of racial inequality in criminal justice and the role of drug courts in eliminating disparities in outcomes.
- ② Objective 2: Compare and contrast African Americans' experiences in drug court from 2012 to 2022 to identify the factors that may contribute to racial disparities in graduation rates.
- ③ Objective 3: Comprehend how a decade of qualitative research can be used to develop best practice standards in serving African Americans in drug court and other treatment courts.

(1) We must address implicit bias among the treatment court team.

- ⊙ They take everyone else's problems serious but they laugh when I go up there (on sanctions). I get defensive when they laugh; it's hard to say what you want to say, I'd rather say nothing. We have a Black judge, but at the same time, when we go up there, when Black people go up to see the judge, they seem to laugh. It's like funny when the person is in front of the judge. I feel like we don't get that respect. The case manager doesn't stick up for us. It's like we're being judged on not as well as we're doing, but as bad as we're doing.

(1) We must address implicit bias among the treatment court team.

- ⊙ We must have candid, honest, and non-judgmental conversations about implicit bias.
- ⊙ Simply using the term *implicit bias* without identification of the biases is unacceptable.
- ⊙ Identifying and processing the biases promotes self-awareness and this “*takes the power away*” from them in our decision-making.
- ⊙ “*Being color blind*” is a myth, and it may mean that we do not want to talk about race. We can try to convince our explicit mind that we are color blind, but the implicit mind is, absolutely, aware of race.
- ⊙ Jeremey’s Story – “He has an attitude.”
- ⊙ Terrence's Story – “His dress is inappropriate for court.”



(2) We must discontinue to use of addict, alcoholic, and other labels.

- ⊙ I have no respect for the counselors because they judge us and label us *addicts*. One of the counselors even told me that he would not move me to the next phase of treatment until I admit I am an *addict* and in denial or something like that. I see the word *addict* as a derogatory term, and I will not subject myself to their judgments and labels.

(3) We must reduce collaboration between counselors and the drug court team.

- ⊙ I relapsed once while in drug court, but the judge didn't know about it because they didn't pick it up on the drop [urine drug screen], but it wasn't something I wanted to do, so I discussed it in group. Our counselors always talk about being honest, and honesty is the key to recovery and nonsense like that. So I went to group, was honest about my relapse, and then the counselor called my case manager, snitched on me, and I went to jail. Honesty is not part of my recovery, and I can speak for all of us: all we do is lie to the counselors and tell them what they want to hear because no one wants to go to jail.

(3) We must reduce collaboration between counselors and the drug court team.

⊙ I feel that I won't graduate drug court because I am not receiving good treatment. I have a really serious addiction to heroin. I think about it all the time and constantly obsess about using, but I don't want to get high in my heart, but my mind does. If I do relapse, I have no one to talk with it about, not even the therapists, because if I tell them, they will tell drug court and I will go on sanctions. It's a real shame because we need a safe place to talk about the challenges we are experiencing, and a safe place to treat our addictions, but this court doesn't have that.

(4) We must stop mandating AA, NA, and other 12-Step meetings and support African Americans in utilizing natural, not mandated, supports as part of their recovery.

⊙ In my culture, you don't talk about your personal problems in public. At these AA and NA meetings these people are talking about how they were abused as a child and how they tried to kill themselves. I can't relate. I have problems but I don't share them there, I share them with my family.

(4) We must stop mandating AA, NA, and other 12-Step meetings and support African Americans in utilizing natural, not mandated, supports as part of their recovery.

- ⊙ This court makes us go to AA [Alcoholics Anonymous] meetings each week, which takes up a large chunk of time, and to be honest, I don't find them helpful. I see how they are helpful, just not for me. Attending my church each week, praying, and spending time with my family is my recovery support system, but the drug court says I can't use my church in place of a meeting. AA is not the way I was raised. In my culture, we rely on family for support, not other people who are court ordered to these meetings and don't even want to be there. If you want to help more people graduate, the court needs to allow us to pick our support systems, as compared to them picking it for us.

(4) We must stop mandating AA, NA, and other 12-Step meetings and support African Americans in utilizing natural, not mandated, supports as part of their recovery.

- ⊙ When I was getting high, I didn't care about how I looked. I was a mess, sometimes didn't shower for a few days and never did my hair and nails. Once I got clean, I started taking care of myself better. Every week I get my hair and nails done and when I leave there I feel great! My beautician is like my counselor; she hears all my problems and gives me advice. She is a major part of my recovery, and she knows I am in drug court and all the challenges I face. The court makes us go to NA meetings each week, but I find getting my hair and nails done is much more helpful. NA meetings can't make me feel beautiful, and when I feel beautiful, I am less likely to relapse and more likely to complete drug court.

(4) We must stop mandating AA, NA, and other 12-Step meetings and support African Americans in utilizing natural, not mandated, supports as part of their recovery.

- ⊙ I am now doing behaviors that help me stop smoking. In the past, I would run the streets selling drugs and smoking weed and getting into all types of trouble. When I got to drug court and realized that I had to stop smoking weed, I decided to join a basketball league. I have played basketball since a kid and was good in high school. Each week, I have at least one game and practice and that helps me stay sober. I know it's not part of the drug court program, but playing basketball is what helps me do well in this court.

(5) We must increase representation of African Americans in drug court.

- ⊙ As a black man, I want to do good and be a good man. It's hard being a black man in today's society. I am the only black dude at work and in my area. It's tough; I would like to make friends with other black kids in drug court but I don't see too many of them.
- ⊙ There are not many African Americans in the program. You need a bigger pool of African Americans because black people help other black people, sometimes we can relate better than other people who aren't black.

(5) We must increase representation of African Americans in drug court.

- ⊙ When I walk into court, all I see is white people and a few Hispanics. I like to see other black people. Black people like to see other black people. I sometimes talk with the black guys who are always on sanctions and I told them stop making excuses, do the [freaking] program. We like being and hearing from other black people; have me be a mentor for the other black kids. I know their culture, I know where they are from, I've been there. Have a one-on-one. I understand, I know their language, I've been there, I understand what they're saying.

Best Practices to Eliminate Racial Disparities in Drug Court Outcomes

- ⊙ Program evaluation that assesses for racial disparities in access to drug court, graduation rates, and criminal recidivism rates.
 - RED Program Assessment Tool: <https://redtool.org/>
 - Equity & Inclusion Assessment Tool:
<https://www.ndci.org/resource/training/equity/#assessment>
- ⊙ Creating a professional environment to process implicit biases.
- ⊙ Discontinue the projection of labeling terms, such as addict and alcoholic, on to African American participants.
- ⊙ Revisit how information is exchanged between counselors and the drug court team.

Best Practices to Eliminate Racial Disparities in Drug Court Outcomes

- ⊙ Only refer to counselors/treatment providers who can prove that they are delivering evidence-based, individualized, and culturally-informed treatment.
- ⊙ Stop mandating attendance at AA, NA, and other 12-step meetings. Rather, support African Americans in utilizing their natural support systems.
- ⊙ Identify the factors that may contribute to the underrepresentation of African Americans in some drug courts, such as subjective eligibility criteria (suspected gang involvement, motivation to change, etc.).

Thank you!

John R. Gallagher, PhD, LCSW, LCAC

Associate Professor

Morgan State University, School of Social Work

john.gallagher@morgan.edu

References

* This presentation was developed based on the following research

- ◉ **Gallagher, J. R., Menon, P., Francis, Z., Collinson, M., & Odili, P. (2023).** Color in the court: Using the Racial and Ethnic Disparities (RED) Program Assessment Tool to promote equitable and inclusive treatment court practice. *Alcoholism Treatment Quarterly, 41(2)*, 149-161.
- ◉ **Gallagher, J. R., Wahler, E. A., & Nordberg, A. (2022).** Predictors of graduation and criminal recidivism: Findings from a drug court that primarily serves African Americans. *Journal of Ethnic & Cultural Diversity in Social Work, 31(1)*, 40-50.
- ◉ **Gallagher, J. R., Wahler, E. A., & Lefebvre, E. (2020).** Further evidence of racial disparities in drug court outcomes: Enhancing service-delivery to reduce criminal recidivism rates for non-White participants. *Journal of Social Service Research, 46(3)*, 406-415.
- ◉ **Gallagher, J. R., Nordberg, A., Deranek, M. S., & Minasian, R. M. (2019).** Drug court through the lenses of African American women: Improving graduation rates with gender-responsive interventions. *Women & Criminal Justice, 29(6)*, 323-337.
- ◉ **Gallagher, J. R., Nordberg, A., Dibley, A. R. (2019).** Improving graduation rates for African Americans in drug court: Importance of human relationships and barriers to gaining and sustaining employment. *Journal of Ethnicity in Substance Abuse, 18(3)*, 387-401.

References

* This presentation was developed based on the following research

- ◉ **Gallagher, J. R., & Nordberg, A. (2018).** African American participants' suggestions for eliminating racial disparities in graduation rates: Implications for drug court practice. *Journal for Advancing Justice, Volume 1*, 89-107.
- ◉ **Gallagher, J. R., & Wahler, E. A. (2018).** Racial disparities in drug court graduation rates: The role of recovery support groups and environments. *Journal of Social Work Practice in the Addictions, 18(2)*, 113-127.
- ◉ **Gallagher, J. R., & Nordberg, A. (2016).** Comparing and contrasting white and African American participants' lived experiences in drug court. *Journal of Ethnicity in Criminal Justice, 14(2)*, 100-119.
- ◉ **Gallagher, J. R., Ivory, E., Carlton, J., & Woodward Miller, J. (2014).** The impact of an Indiana (United States) drug court on criminal recidivism. *Advances in Social Work, 15*, 507-521.
- ◉ **Gallagher, J. R. (2013).** African American participants' views on racial disparities in drug court outcomes. *Journal of Social Work Practice in the Addictions, 13*, 143-162.
- ◉ **Gallagher, J. R. (2013).** Drug court graduation rates: Implications for policy advocacy and future research. *Alcoholism Treatment Quarterly, 31*, 241-253.