



Understanding and Responding to Disparities in Access to Ohio's Treatment Courts

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Session Goals

- Review the research on the scale, and problems associated with disparities in access to treatment courts.
- Understand policies and practices that can unintentionally create barriers to non-white participants.
- Discuss practical solutions and steps courts can take to increase recruitment of diverse participants.
- Strategize ways to implement solutions in local court contexts.



Importance of addressing 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	
Female	33.3% (45,526)
Male	66.7% (90,971)
Non-binary	0.04% (52)
Total Participants:	
Race	
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)

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

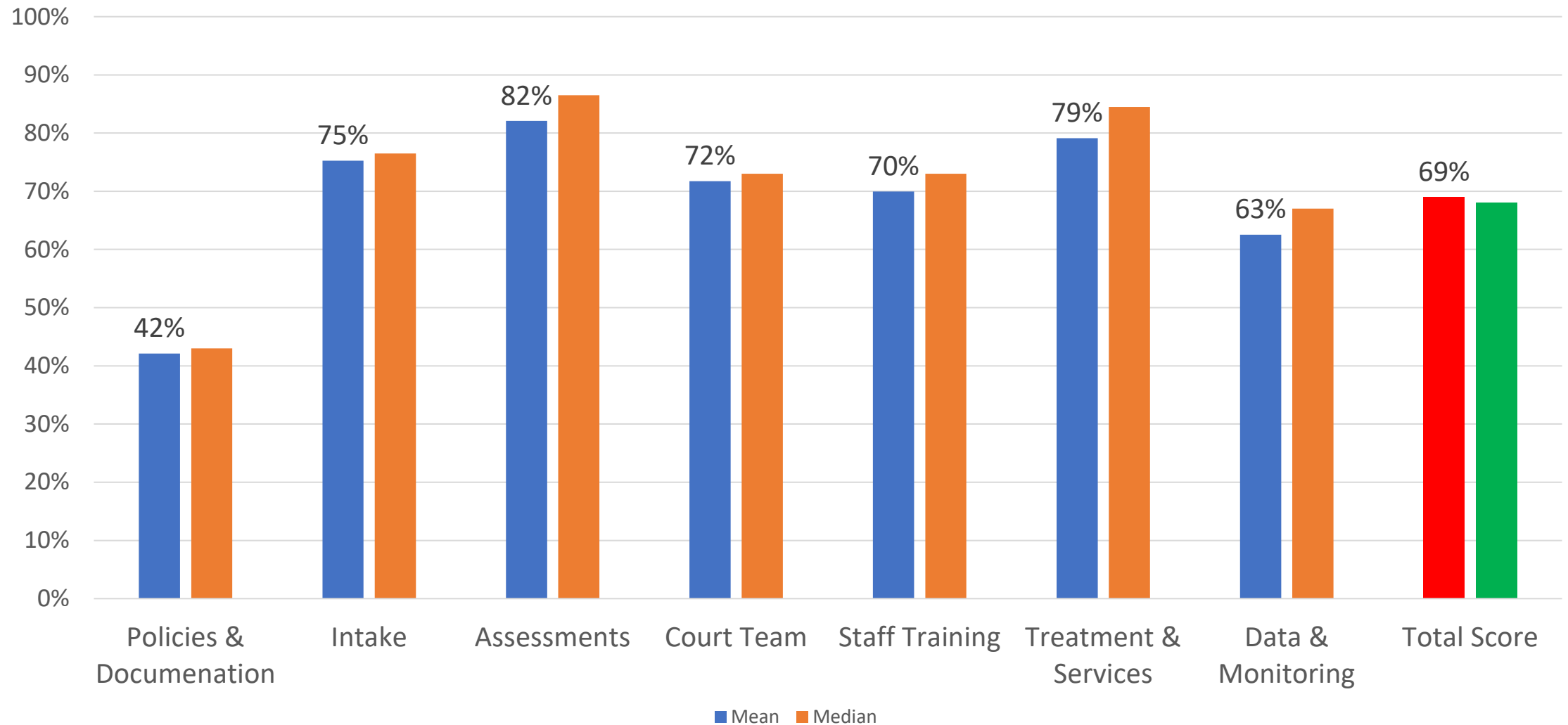
- (1) A lack of sustainable, career-oriented employment; (2) less education than white counterparts; and (3) environmental and neighborhood risk factors seem to be associated with higher criminal recidivism rates for some racial and ethnic minorities.

Ohio Treatment Courts RED Project

- The Racial and Ethnic Disparities team at American University (funded by The Ohio Supreme Court), utilizes the RED Assessment tool to work with Ohio courts 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 RED project team provide TTA to individual courts, and statewide training, to specifically address RED in Ohio's programs.
- **All the data in this session is derived from the RED Assessment data from Ohio courts – collected between 2022 and 2024.**

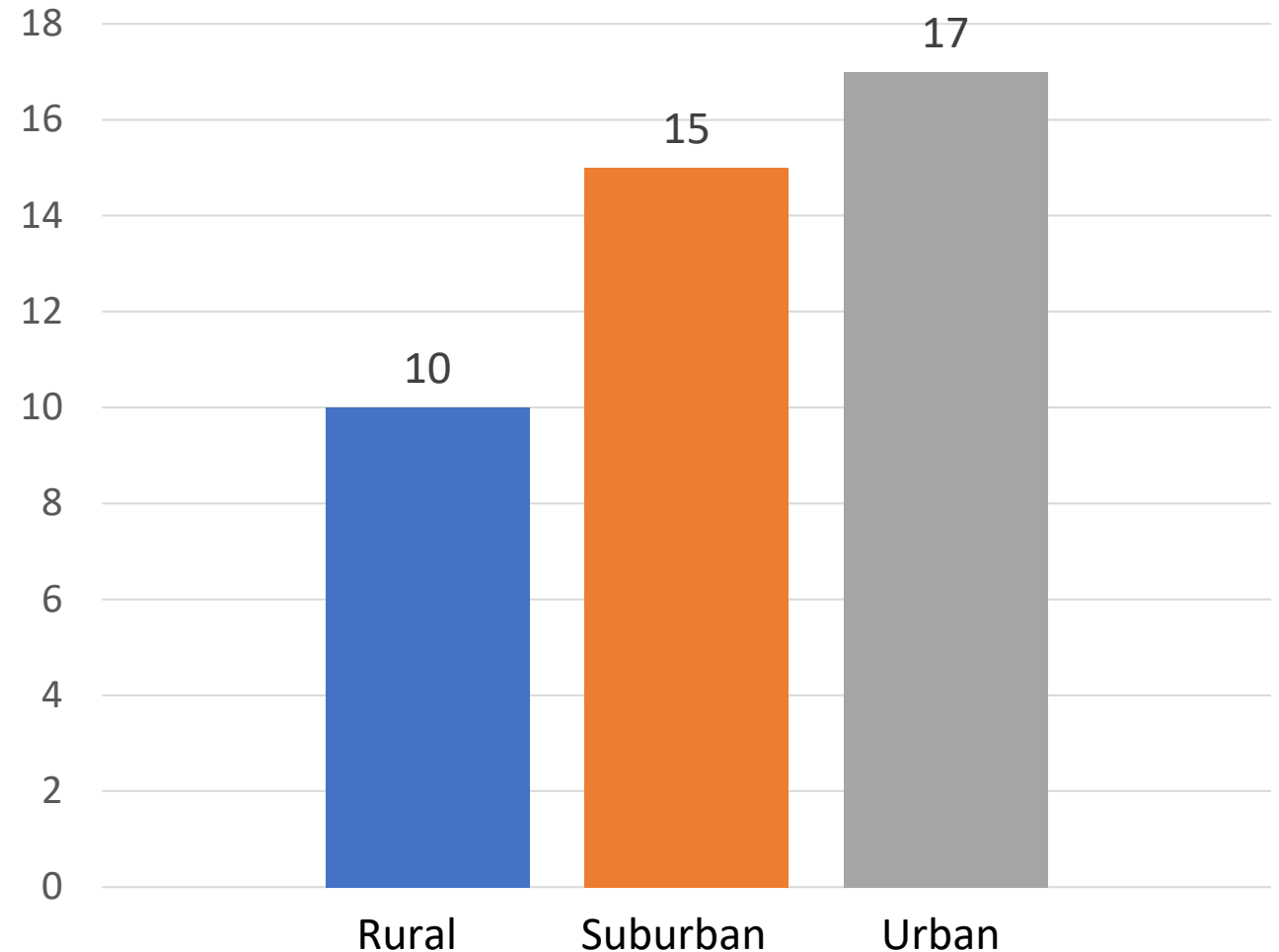


Overall RED Assessment Scores

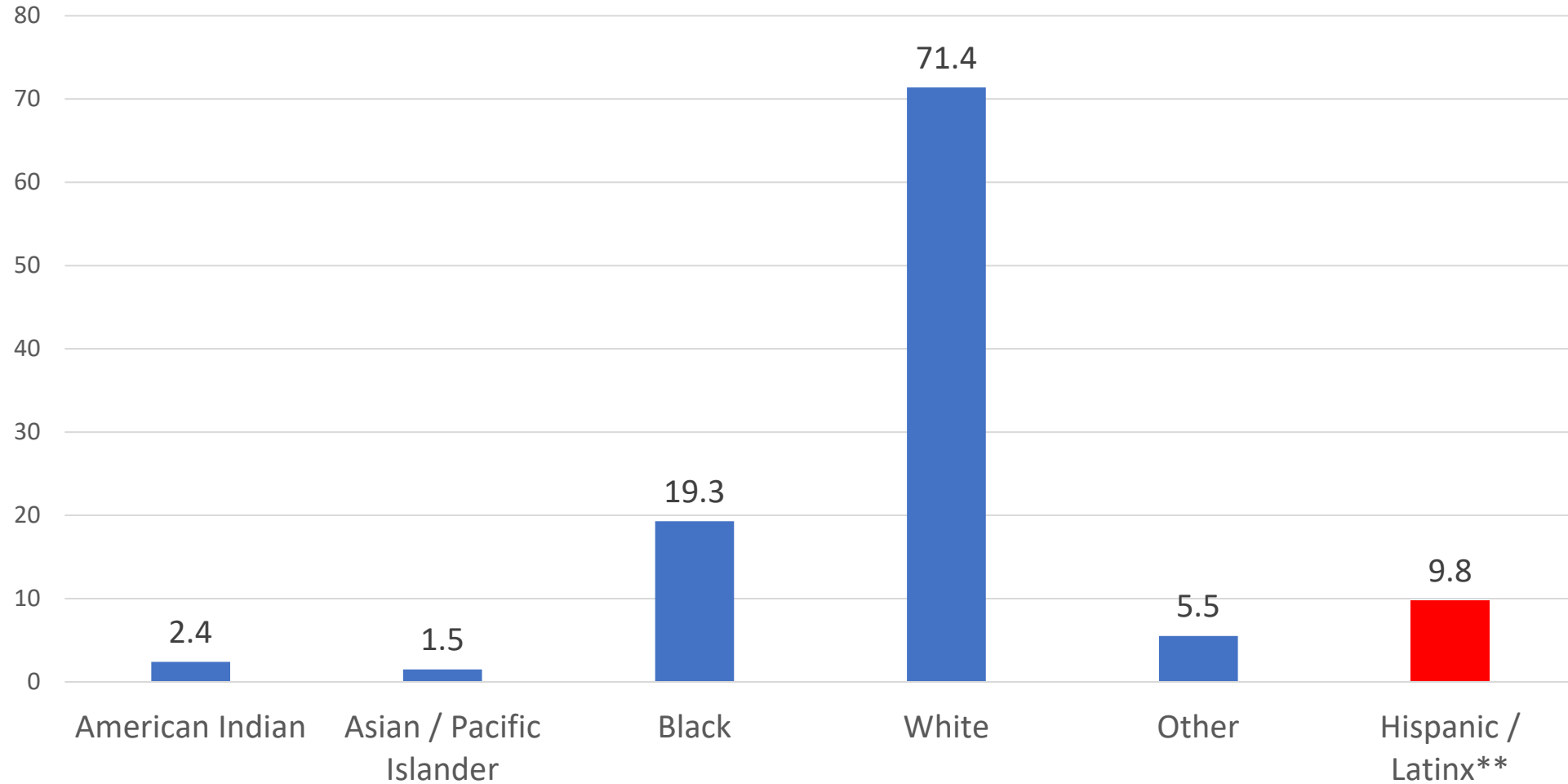


Court Characteristics

- The 24 courts represented in this discussion include:
 - 13 Adult Drug Treatment Courts
 - 4 Reentry Courts
 - 3 Veterans' Treatment Courts (VTCs)
 - 4 other courts (including DUI Courts, Family Treatment Courts, and Mental Health Courts)
- Average length of operation was ~**13** years, suggesting that most courts are relatively well established.



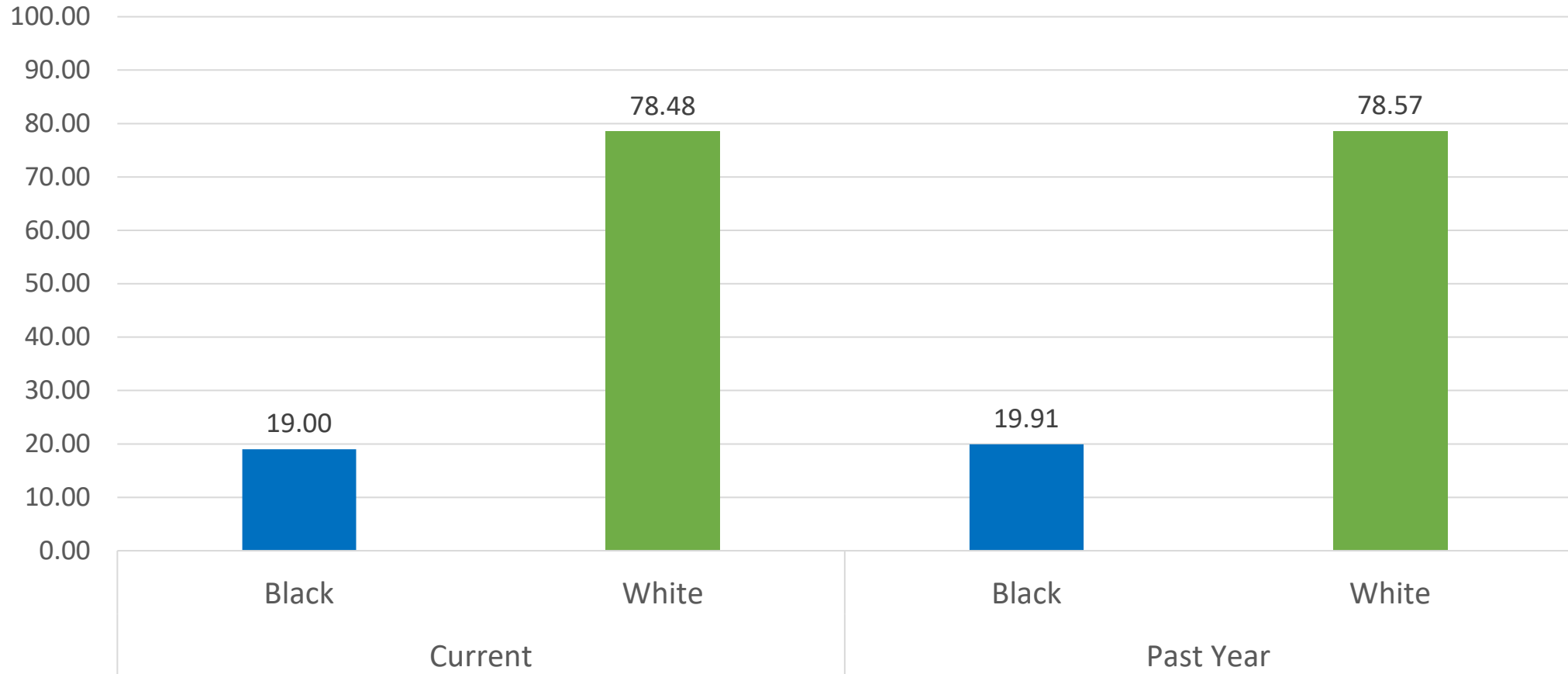
Racial Makeup of Treatment Courts in the USA





Racial Makeup of Treatment Courts in Ohio

Average Court Population by (selected) Race



Key Findings from Ohio: 2022 - 2024



Policies & Documentation

- 80% Equity addressed in staff policy and procedure manual
- 80% Equity addressed in participant handbook
- 25% Equity addressed in mission statement
- 12% Equity addressed on court website

- 50% had a policy requiring staff to complete cultural competency training
- 25% had a policy requiring the court to regularly examine court data to check for disparities

Policies & Marketing Your Program

- Policies
 - Help to “future proof” your program
 - Ensure that all the team members are on the same page with clear expectations
 - Especially for those who don’t “work for” the court
 - You as a team control them – you can change them!
- 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.

Key Findings from Ohio: 2022 - 2024



Team Members

- **70%** of courts have at least one non-white staff member, but few in positions of leadership.
 - Courts with more diverse participants do show more diversity amongst the team
- **100%** of courts agree with the statement “Our team is committed to addressing racial and ethnic disparities”.
- **55%** of the courts agree with the statement “Our team reflects the racial and ethnic diversity of our participants
- Only **40%** of courts agree with the statement “Our team is racially and ethnically diverse”.

Solution: Your Team and Their Needs

- Representation is not everything – but it does help
- Does the team represent class, gender, age, income experiences of the participants
- Hiring practices
 - Where do you advertise positions?
 - What networks are you tapping to recruit people?
 - Language in position descriptions
- Listening to BIPOC staff members about their needs
- Are staff able to bring their “whole selves” into the court?

Key Findings from Ohio: 2022 - 2024

Intake

- **100%** of the courts had their eligibility requirements in writing
- **75%** of the courts share those requirements with their referral sources

- Roughly a third consider ability to pay fees in their eligibility decision
- Roughly a third consider access to transportation in their eligibility decision

Intake & Eligibility

- Where possible, avoid categorical exclusions
 - Research shows that those with current and / or historical violent charges do well in treatment courts
 - Research shows that those who sell drugs (**to supplement their own use**), do well in treatment courts
- Avoid subjective decision making
 - “the judge thinks she’s be a good fit”
 - “we had his brother three years ago, not a good family, not a good fit” etc.
- High Risk & High Need should be your **primary** intake criteria

Intake & Eligibility

- Fees and Costs
 - Even if you know you waive some fees / structure them in a payment plan, this can present an access barrier (and participants may not know that at the start)
 - Requiring participants to have jobs can drive graduation disparities (more next session!)
 - 30% of courts require some payments for treatment / counselling – can be a barrier to entry, compliance, and graduation
 - If you do use fees, up front clear expectations are a must, (including payment plans, ability to “earn off” payments)
- If you can't offer transportation support, structuring the program to avoid daily trips can ease the burden

Key Findings from Ohio: 2022 - 2024

Assessments

- **90%** of the courts used a risk assessment to determine eligibility & services
- **85%** of the courts used an SUD assessment to determine eligibility & services
- **80%** of the courts used a mental health assessment (or screener) to determine services and intensity
- **~50%** of the courts believed their assessments were validated for their target population



Using Assessments to Understand Your Clients

- Assessments
 - Is your assessment validated?
 - What does this mean / what to ask
 - Using Assessments to inform programming
- 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?

A vertical photograph on the left side of the page shows a view of the Austin skyline, including the iconic white arch bridge over a river, with green hills in the background under a blue sky with light clouds.

*Fostering
HOPE
to help
you RISE
above
your
addiction
and shine
like a
STAR.*

I'm Grant, the Eligibility and Recovery Specialist with Portage County Adult Probation/Specialized Dockets. My job is to help you navigate early recovery, be there when you are struggling with addiction as well as recovery and be someone that understands what you are going through. I've walked in your shoes and have lived experience with addiction and mental health issues.

I am in long term recovery with more than fifteen years recovered from drug addiction, alcoholism, and mental health disorders. I have been where you are right now, and I know exactly what it's like to be on "that side of the legal system."

I can help with the following:

- **Navigating the court system**
- **Finding sober support meetings**
- **Obtaining your GED**
- **Getting groceries and personal hygiene items**
- **Finding employment**
- **Obtaining a valid driver license**
- **Helping with MAT providers**
- **Obtaining a birth certificate and/or social security card**
- **Transportation needs**
- **Setting up referrals with community providers**



Specialized Drug Court Docket Jail Pre-Screen Form

Defendant Name: _____ Case # _____

Defendant Phone Number: _____ Case # _____

Sex: Male Female Other Case # _____

County of Residence: _____ Case # _____

In Jail: NO YES Next Hearing Date: _____

Offense: _____ F5 F4 F3 F2 F1

Offense: _____ F5 F4 F3 F2 F1

Offense: _____ F5 F4 F3 F2 F1

Offense: _____ F5 F4 F3 F2 F1

Race: White Black American Indian Asian Other

Currently under probation supervision in Portage County? NO Felony Municipal

If yes, PO: _____ Case # _____ Date Placed On: _____

Charges: _____

Jail Information

Alerts: NO YES _____

Active Holder: NO YES _____

Pending Cases: NO YES _____

Non-Qualifying Instant Offense Considerations:

Violent: NO YES

Weapon Used: NO YES

Fatality: NO YES

Active Felony Warrant: NO YES _____

Comments:

Submitted By: *GS*

Date: _____



Portage County Specialized Docket
HOPE DRUG COURT
FELONY DIVISION

- **Program Tracks: Intervention in Lieu of Conviction or Post-Conviction**
 - **Minimum 14-month program.**
 - **Must have a moderate to severe substance use disorder**
 - **4 program phases to complete**
 - **Participation is voluntary**
 - **Persons with a mental health diagnosis are also considered**
 - **Rewards, Sanctions and Therapeutic Interventions are individually assessed**
- **Program requirements:**
 - **Weekly reporting to PO in phase 1. Reporting lessens with phase progression**
 - **Weekly status hearings with Judge Doherty in phase 1**
 - **Reporting lessens with phase progression**
 - **Case management**
 - **2 random screens per week**
 - **Substance abuse treatment (groups and individual)**
 - **3-4 sober support meetings per week**
 - **Supervised probation**
 - **MAT (Medication Assisted Treatment) is available**



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