



NDCI
NATIONAL DRUG
COURT INSTITUTE

Equity and Inclusion

Developed by:
National Drug Court Institute

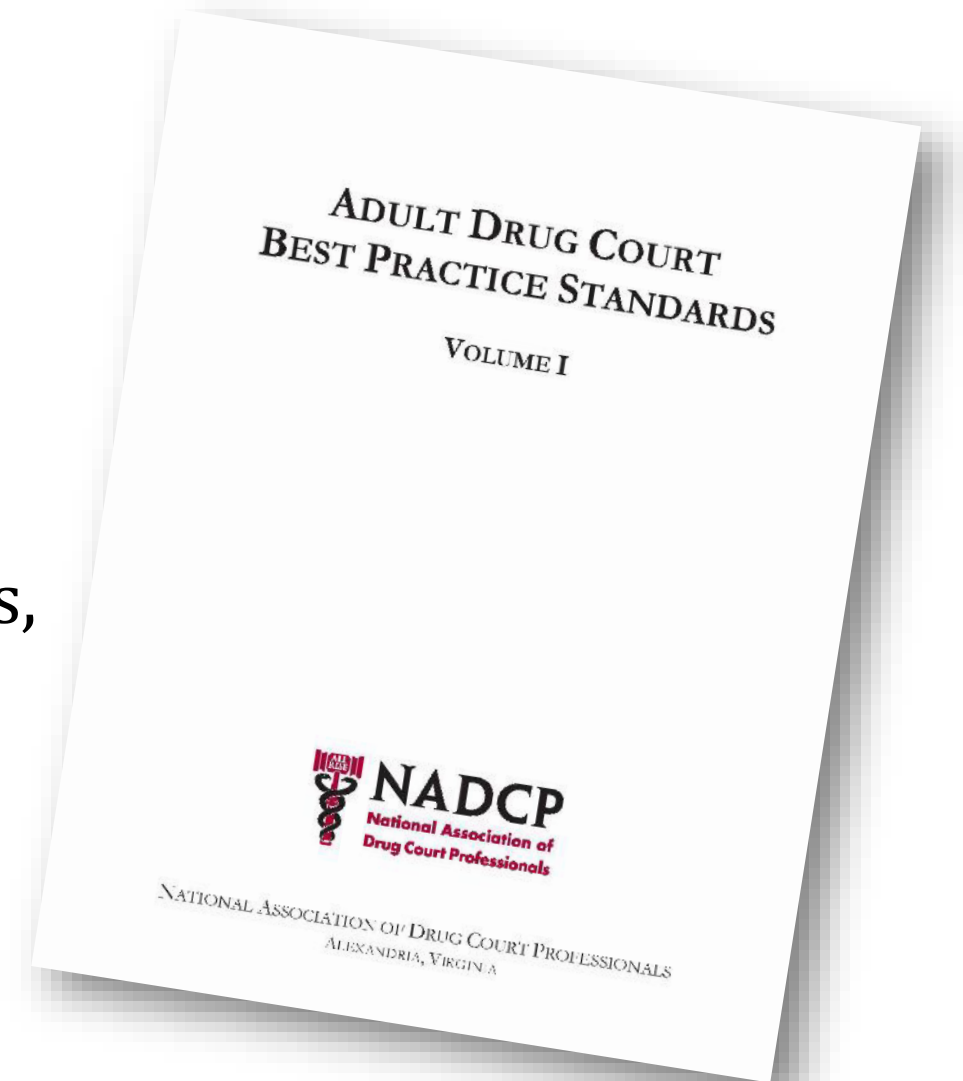
©NDCI, January 2023

The following presentation may not be copied in whole or in part without the written permission of the author of the National Drug Court Institute. Written permission will generally be given upon request.



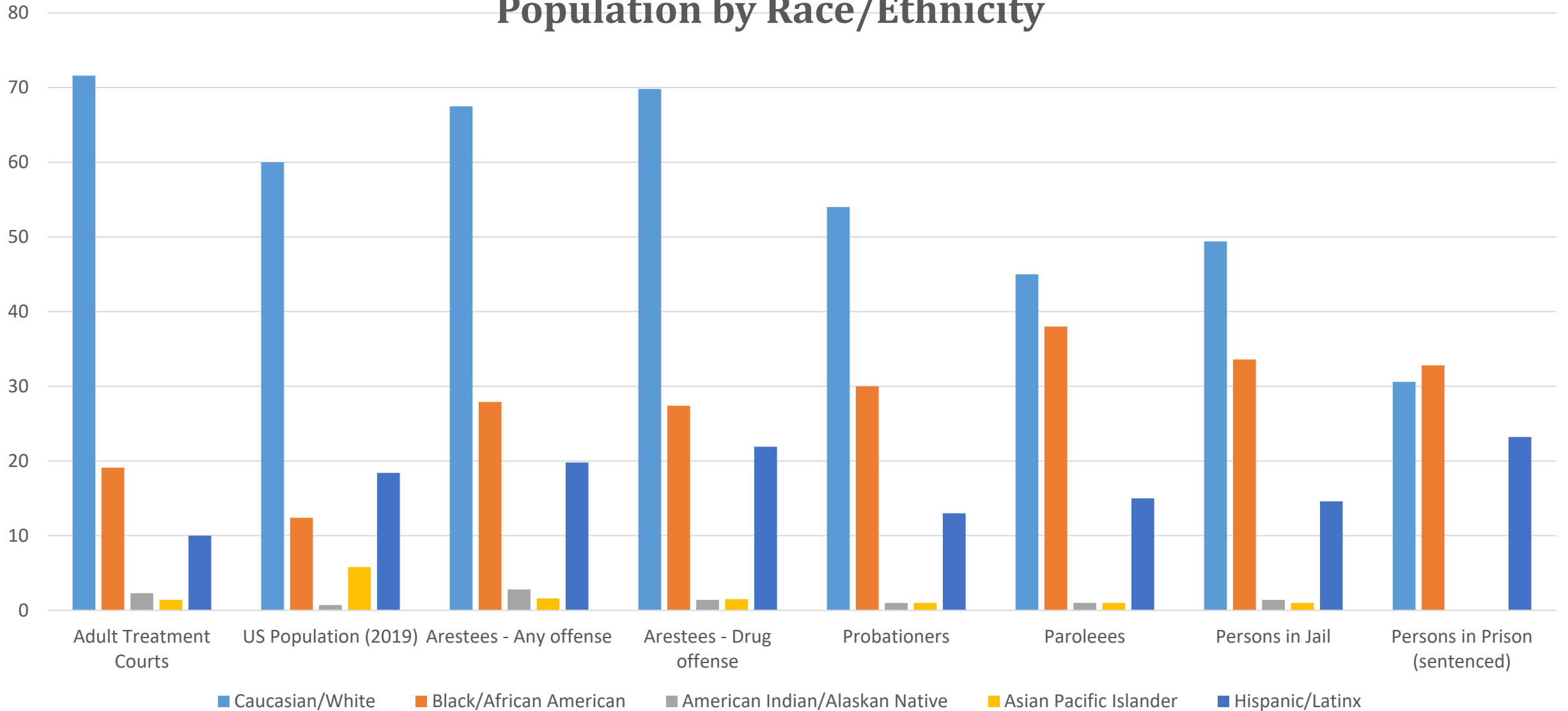
Standard II: Equity and Inclusion

- ✓ Ensure equal opportunity for everyone to participate and succeed regardless of age, sex, race, ethnicity, gender identity, sexual orientation, community of origin, or other cultural attributes.
- ✓ 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.



2020 Data from Painting the Current Picture Survey

Comparison of ADC Participants with Other Criminal Justice Population by Race/Ethnicity



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.



HISTORICAL DISCRIMINATION

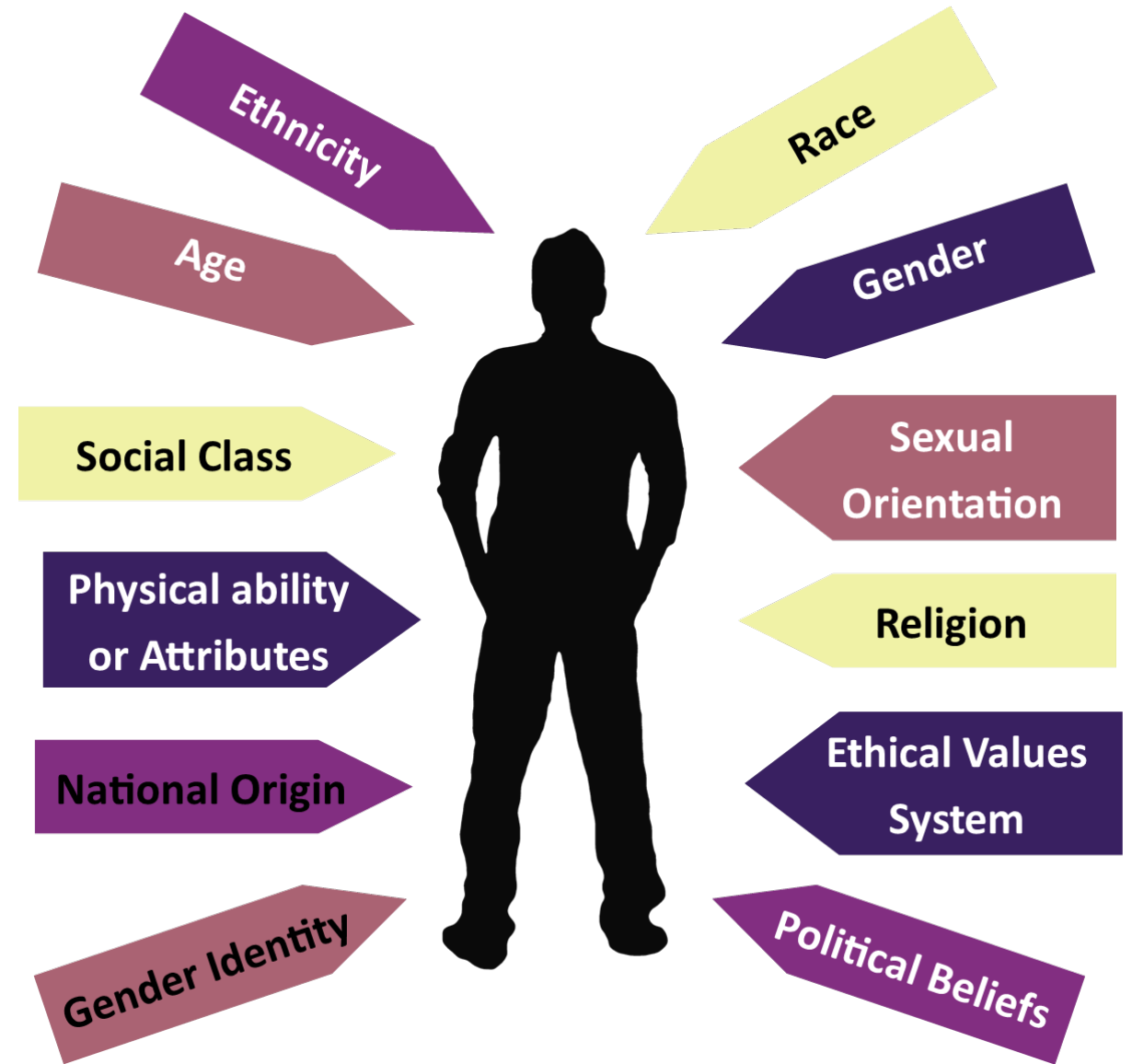


Why the focus on racial and ethnic minorities?

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

Diversity is a Fact

- Diversity is the range of human differences
- Inclusion is an act and takes practice
- Equity is the goal





Eligibility Criteria

Be Careful: Intent vs. Impact

Requirements for program entry:

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



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.

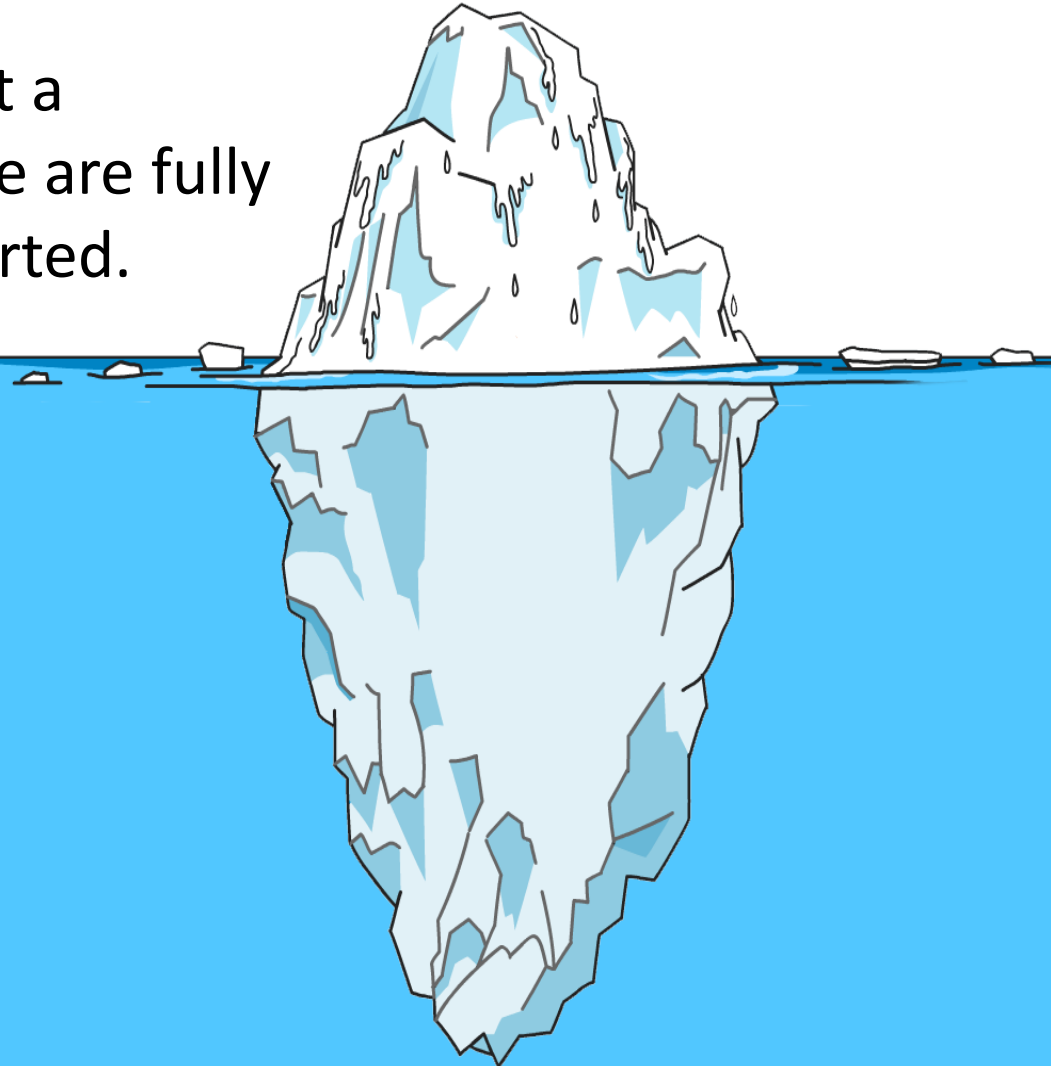
EXPLICIT AND IMPLICIT BIAS

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

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

Use the Equity Inclusion Assessment Tool (EIAT)

www.ndci.org

The screenshot shows the initial state of the EIAT spreadsheet. The columns are organized into sections: Client Information (A-B), Client Birthdate and Age at Referral (C-E), Client Sex and Gender (F-H), and Race and Ethnicity (I-M). The data entry tabs at the bottom include Data Entry, Age Groups, Gender, Race, Primary, Race and Primary, and Admin and Grant Rates.

The screenshot shows the EIAT spreadsheet with data entered for 32 clients. The 'Successful Discharge Date' column contains dates such as 5/10/2017, 5/12/2017, 5/26/2017, and 6/30/2017. The 'Age' column has values 1 through 3. The 'Values for Drop Down Lists' column contains categories like 'Sex at Birth', 'Present Gender Identity', 'Race', 'Ethnicity', 'Admitted to Drug Court?', and 'Reason for Non-Admission'. The data entry tabs at the bottom are the same as in the first screenshot.

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: CULTURAL OUTREACH



- ✓ 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

EQUITY & INCLUSION TOOLKIT



Equity & Inclusion

EQUIVALENT ACCESS ASSESSMENT *and* TOOLKIT

Adult Drug Court
Best Practice Standard II

<https://www.ndci.org/resource/training/equity/>



NADCP

National Association of
Drug Court Professionals

QUESTIONS?

