

# We Have The Data, Now What Do We Do With It?

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# Learning Objectives

- 1). Treatment Courts have an obligation to ensure equal opportunity for everyone to participate and succeed regardless of race, gender, or ethnicity.
- 2). Corrective action= Treatment Courts must examine program operations and take necessary action to identify and correct program disparities.
- 3). Response= Treatment Court teams have an obligation to develop responses to cultural differences with their population.

# Standard II: Equity and Inclusion

## ADULT DRUG COURT BEST PRACTICE STANDARDS

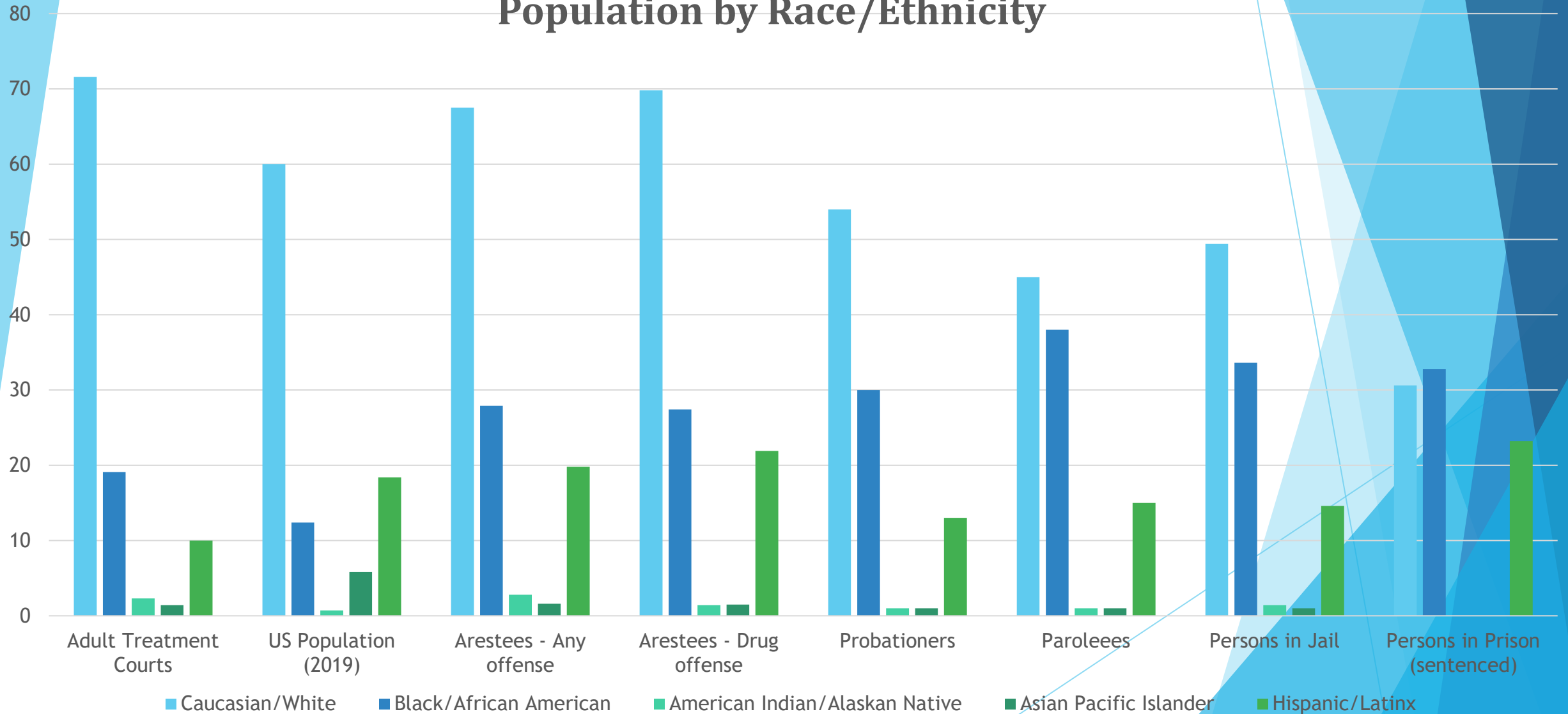
VOLUME I



NATIONAL ASSOCIATION OF DRUG COURT PROFESSIONALS  
ALEXANDRIA, VIRGINIA

# 2020 Data from Painting the Current Picture Survey

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



## Standard II: Equity and Inclusion Cont'd

### Key areas of emphasis

- Equivalent Access
- Equivalent Retention
- Equivalent Treatment
- Equivalent Incentives & Sanctions
- Equivalent Disposition
- Team Training



# Equivalent access



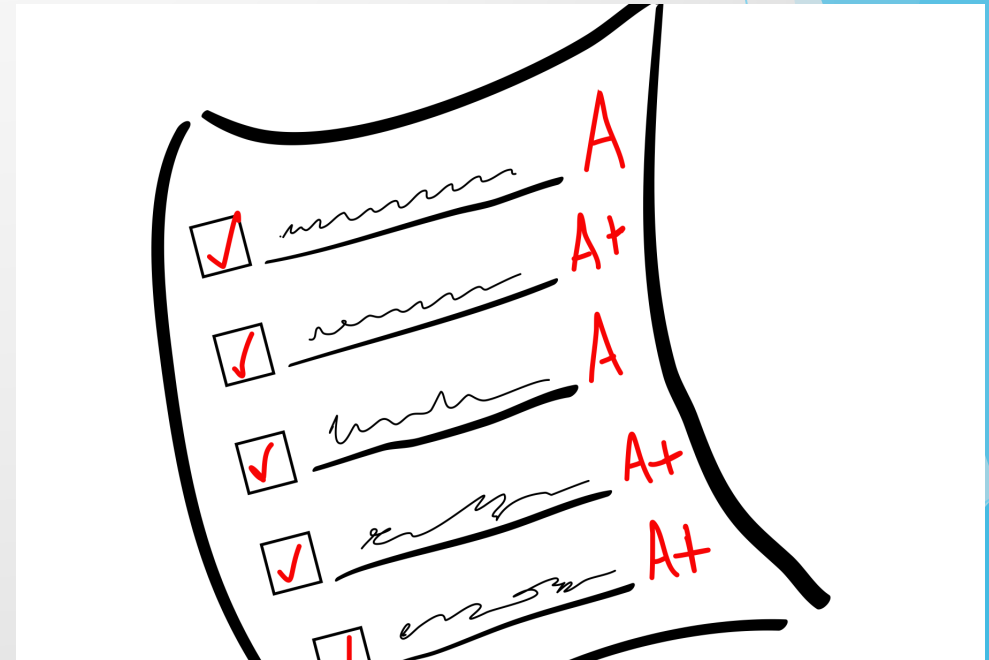
# Equivalent Access Cont'd

- ▶ As Treatment Court professionals we **MUST** check our thoughts, beliefs, and biases at the door. We **MUST** welcome All !!!!



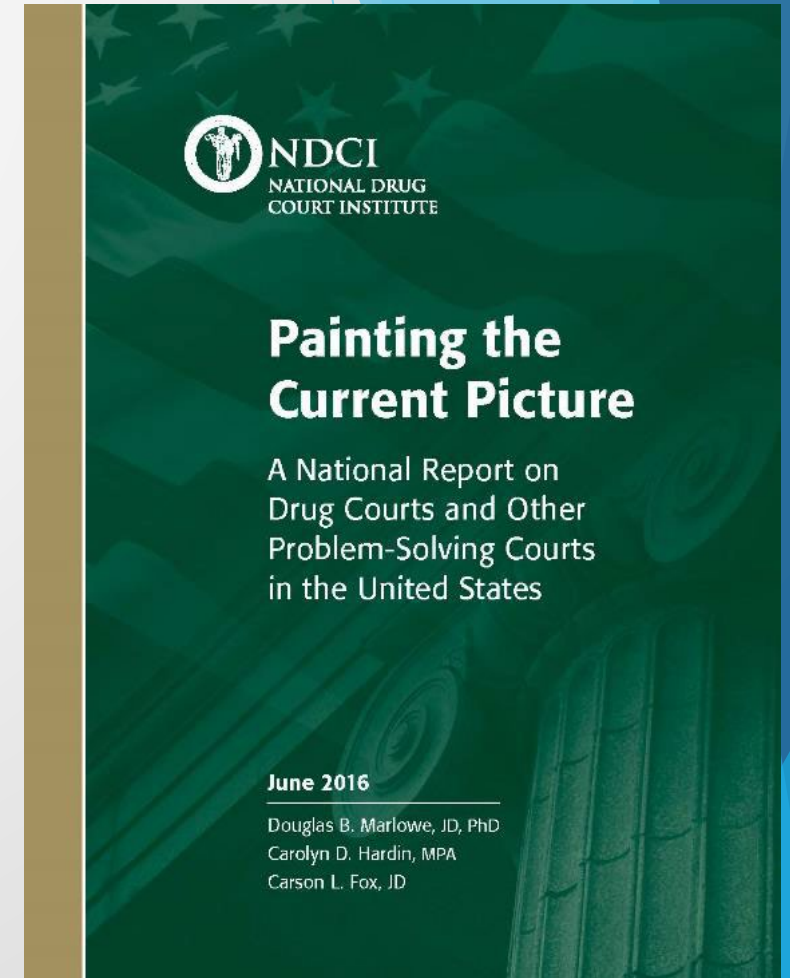
# Grades

- ▶ How did we do? Page 46 of Painting the Current Picture provides an overview of how the Treatment Court field answered the challenge on the topic of Equity & Inclusion.





- ▶ 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.



# We HAVE AN ISSUE???

African-American and Hispanic participants commenced from some NOT all treatment courts at substantially lower rates than other participants.

Takeaway- What factors led to these lower commencement rates?

EVERYONE DESERVES AN OPPORTUNITY TO WEAR THIS CAP!!!!



# Point of Emphasis

As Treatment Court Professionals we **MUST** consider the needs of every participant who enters our program. Once in the program services **MUST** be provided that address the needs of the individual.

What did Painting the Current picture identify?

- 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.

# Why does this matter?

Be aware of what is happening in your criminal justice system. Know who is getting arrested vs. who is entering into your program. Race and ethnicity matter. Take the necessary step to correct and eliminate disproportionalities in your program.

50% of drug arrestees are African-American, and 35% of treatment court participants are African-American.



Eligibility

Eligibility



# Caution



# Intent vs. impact

Our intentions may not have been wrong but the impact had a negative effect.

Program requirements are not as simple as 1, 2, 3, Consider how the following program requirements can impact how gets into your program.

- Program Fees
- Housing
- Transportation
- Sober days prior to program entry

# Program Access

- Treatment court program must review their eligibility criteria. By doing so this will decrease the chance of restricting program accessibility. Public safety and program integrity **MUST** never be compromised.
- Assessment tools must be validated with groups who have historically experienced discrimination within your potential treatment court pool.



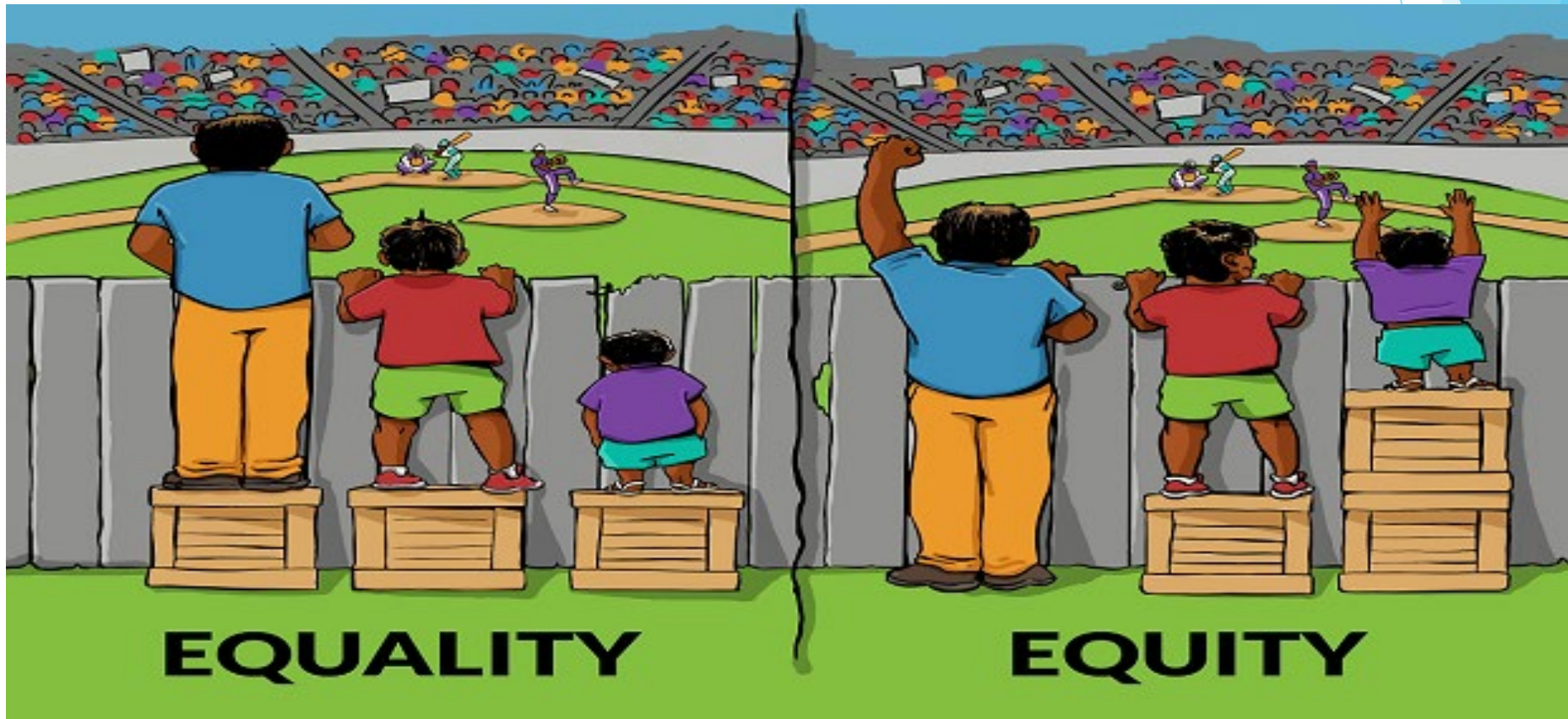
# Exclusionary Criteria

Research shows that many treatment courts exclude violent offenders. This has impacted people of color because studies show they have been charged more often for violent offenses.

Treatment Courts teams are highly encouraged to examine their eligibility criteria. This will determine if eligibility criteria is justified.



# Equity Matters



Equality= Sameness. Providing the same thing for everyone. This only works when people start from the same set of circumstances.

Equity= Justice. Fairness and providing people with resources and opportunities.

# Who do we focus on??

Our focus needs to be on groups that have experienced discrimination.

- Women
- LGBTQ
- Native People
- Incarcerated population
- Substance Use Disorder
- Immigrants





*I'm Color Blind.*

**I Don't See  
Color or Race.**

**Ra's Life Lessons**



- Treatment Court professionals must avoid being color blind.
- No Longer acceptable language- We treat all program participants the same.
- How do we discourage color blindness amongst team members?
- Next steps, corrective actions?

# Biases

Two forms of biases.

1). Implicit- automatic, unintentional. We are not aware of how our own implicit bias can impact our actions and decisions. Takeaway- who gets in the program vs. who does not get in the program?

2). Explicit- aware of attitudes and prejudices towards certain groups. Example- overt comments towards a specific group.

# **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 encompasses religion, food, what we wear, how we wear it, our language, marriage, and is different all over the world. Culture is the characteristics, and knowledge of a particular group of people encompassing language, religion, cuisine, social habits, music and arts. (Live Science.com: *What is Culture?* McKelvie and Pappas, 2022)



# How DO we Incorporate Culture?

Steps Treatment Courts can take to incorporate culture into the program.

- 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

# Impact

- Cultural impact on Treatment Courts- A multidisciplinary team whose goal is to provide culturally competent services, while demonstrating an understanding of the client's perspective.
- A client's perspective is comprised of beliefs, ideas, customs, and institutions that play a role in the client's commitment to Treatment Court.

# The CLIENT'S CULTURE & BELIEF SYSTEM

Culture shapes beliefs. The factors below are all shaped by a client's belief system.

- Dress
- Spirituality
- Care-taking
- Child rearing



# You heard ABOUT me but do you know me??





By getting to know someone this will allow for a better understanding of why they do what they do. By getting to know someone you will be able to provide services that match the persons needs. By getting to know someone you will understand that one size does not fit all!!!





# Impactful Resources

- 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).<sup>1</sup> 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.

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

## Impactful Resources Cont'd

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



## How to Decrease Disparities within Your Treatment Court

- 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.





# How to decrease disparities within your treatment Court

- 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.



# HOW TO DECREASE DISPARITIES WITHIN YOUR TREATMENT Court

- 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 STEPS TO Reduce Disparities



# Action Steps to Decrease Disparities

- Treatment Court staff should develop relationships with communities that represent their programs population.
- Stay and remain connected with community resources. Treatment Court team refer participants to services in their communities. TREATMENT SERVICES ARE VITAL!!!!
- Program Policies & Procedures should effectively serve participants.
- **ACCOUNTABILITY**
- Effectively utilize publicly funded sources.

# Key Steps



# # 1

## Demographics

Demographic Data- This is data that includes age, race, sex, and ethnicity.

➤ When to collect?

Demographic data is collected at three points.

1. Referral
2. Admission
3. Exit



# # 2

## Referral

- What information is the referral comprised of
  - 1. Referral Date
  - 2. Source of the referral
  - 3. Reason for the referral

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

# #3

## Compare

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 Cheeseman, National Center for State Courts



## #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.

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

# #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.

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

## #5 Recruitment

Treatment Courts should utilize their program data to determine if minorities are underrepresented in the program. If minorities are underrepresented. How do Treatment Courts increase minority participation?

Education of community, stakeholders, and team members.

Develop community relationships with those populations that are underrepresented in your program.

