




Standard 2:
**Equal Treatment of People who
 have Experienced Discrimination or
 Reduced Social Opportunities**
 See section 4 of binder

Learning Objectives

As a result of this session you should be able to:

- Commit to providing equal opportunity for participants
- Identify and analyze issues of inequality within your court
- Commit to providing culturally competent services for all participants
- Develop your plan to address equality in your court

Historically Disadvantaged Groups Defined

“Citizens who have historically experienced sustained discrimination, or reduced social opportunity because of their race, ethnicity, gender, sexual orientation, sexual identity, physical or mental disability, religion, or socioeconomic status receive the same opportunities as other citizens to participate and succeed in the Drug Court.”

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Who are we talking about?

- Women
- African Americans
- Native Americans
- Hispanic/Latinos
- Asian Americans
- LGBT Community
- Others

You Need to Know

- Who is in your program?
- How are participants doing in your program?
- Who COULD be in your program?
- Who is NOT getting into your program?
- What is your cultural sensitivity toward the people in your program?

****Self check: Implicit Bias Test****

<https://implicit.harvard.edu/implicit/>

Drug Courts – Fundamental Principles, Legal & Ethical Obligations

- Due Process
- Equal Protection
- Provide Equal Access to their Services
- Equivalent Treatment for all People

The Standard

- Equivalent Access
- Equivalent Retention
- Equivalent Treatment
- Equivalent Incentives and Sanctions
- Equivalent Dispositions
- Team Training

Equivalent Access

- Eligibility criteria
 - Nondiscriminatory in intent and impact
 - Unintended effects
 - Restrictive eligibility criteria could contribute to lower # of minorities in Drug Courts
- Use of validated risk assessment tools for historically disadvantaged groups

Question: Underrepresentation

National research indicates that minority groups, specifically African American and Hispanic individuals, are underrepresented in Drug Courts by what percentage?

- A. No difference
- B. 3 – 7 %
- C. 25 – 40 %
- D. Overrepresented

*National Association of Drug Court Professionals, Volume I
Painting the Picture (Huddleston & Marlowe), National Drug Court Institute*

Eligibility Criteria

What factors may be exclusionary?

- Prostitution
- English only
- Plea of guilty
- Criminal history (certain offenses, violence)
- Housing stability
- Geography/Transportation

Equivalent Retention

- “The Drug Court regularly monitors whether members of historically disadvantaged groups complete the program at equivalent rates to other participants”

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Question: Graduation Rates

National research also indicates that a significantly smaller percentage of African American and Hispanic participants graduate from Drug Court, compared to non-Hispanic Caucasians.

Differences were as high as:

- A. No difference
- B. 3 – 7 %
- C. 25 – 40 %
- D. Higher graduation rates

See article by Marlowe “Achieving Racial and Ethnic Fairness in Drug Courts” for references

What to do

- If completion rates are lower, Drug Court investigates the reasons for the disparity
- Develops a remedial action plan
- Evaluates the success of the remedial actions

Equivalent Retentions: What to Assess

- Demographic Data
- Employment Status
- Education Status
- Drug of Choice
- Criminal History
- Criminal Thinking (TCU Criminal Thinking Scales)
- First 30 Days
- Mental Health
- Types of Incentives and Sanctions Given

Equivalent Treatment

- “Members of historically disadvantaged groups receive the same level of care and quality of treatment as other participants with comparable clinical needs” NADCP, 2013.

Question: What do we know about treatment inequities?

- Racial and ethnic minorities often receive lower quality treatment in the criminal justice system
- Hispanic participants are significantly less likely to be placed in residential treatment than Caucasians.
- African Americans are less likely to receive medication-assisted treatment
- All of the above

Please TURN OFF YOUR CLICKERS when done.

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Equivalent Treatment

- Equal level of treatment
 - Is everyone signed up for insurance?
- Evidence-based treatment/counseling
 - Culturally Tailored Treatment
- Responsivity
- Gender-specific
 - We KNOW that women do better in gender specific treatment

Intervention Resource

- The Substance Abuse and Mental Health Services Administration (SAMHSA)
 - The National Registry of Evidence-Based Programs and Practices (NREPP).
 - Examples of interventions that have been evaluated among substantial numbers of racial and ethnic minority participants.
 - NREPP, Find an Intervention:
<http://www.nrepp.samhsa.gov/AdvancedSearch.aspx>

Equivalent Incentives and Sanctions

- Equal imposition of incentives and sanctions
- Monitor the delivery of incentives and sanctions

Equivalent Dispositions

- “Members of historically disadvantaged groups receive the same legal dispositions as other participants for completing or failing to complete the Drug Court program”

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Equivalent Dispositions

- Be aware of sentencings post expulsion
- Racial or ethnic minority participants might be sentenced more harshly for failing to complete Treatment Court
- Important since minorities may be more likely to be terminated from Treatment Courts
- Studies are mixed, but Courts need to remain vigilant about equivalent dispositions

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Team Training

- “Each member of the Drug Court team attends up-to-date training events on recognizing implicit cultural biases and correcting disparate impacts for members of historically disadvantaged groups”

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Team Training

- Significant predictor of positive outcomes for racial and ethnic minority participants in substance abuse treatment is culturally sensitive attitudes on the part of the treatment staff
- Participants are retained significantly longer in treatment when managerial staff value diversity and respect their clients’ cultural backgrounds

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Essential Actions Steps

- Determine if disparities exist
- Assess objectivity of eligibility criteria and screening process
- Determine if using valid, evidence-based treatment tools and clinical interventions
- Develop action plan to address discrepancy
- Evaluate the success of that plan
- Cultural proficiency team training

National Association of Drug Court Professionals, 2015 Historically Disadvantaged Groups Presentation by Terrence Walton

References

- Adult Drug Court Best Practice Standards, Volume I, 2013.
- NADCP – Historically Disadvantaged Groups Presentation by Anne Dannerbeck Janku, Fred Cheesman, John Gallagher, & Erick Guerrero, 2014.
- NADCP – Historically Disadvantaged Groups Presentation by Terrance Walton, 2015.
- The National Registry of Evidence-Based Programs and Practices (NREPP)
<http://www.nrepp.samhsa.gov/AdvancedSearch.aspx>