

Racial and Ethnic Disparities in Treatment Courts Guide for Initial Considerations

INTRODUCTION

Professionals working in treatment courts must familiarize themselves with the Adult Drug Court Best Practice Standards. These volumes serve as the underpinning for the operational best practices for treatment courts. This guide will focus on **Standard II, Equity and Inclusion, honing in on race and ethnicity**. Regardless of participants' social identities, they should have the same opportunities to participate and succeed in treatment courts (National Association of Drug Court Professionals, 2018). Research has documented treatment courts' ability to reduce criminal recidivism among participants (Belenko, Dematteo, & Patapis, 2007; Mitchell, Wilson, Eggers, & MacKenzie, 2012; Shaffer, 2011). However, as treatment courts have been evaluated, racial and ethnic disparities (RED) for minority participants have been identified in some programs, and these disparities have existed for over 20 years (Brewster, 2001). RED have been found in program admission rates and access to the program due to subjective eligibility criteria (Orr et al., 2009), program completion (Dannerbeck et al., 2006; Sheeran & Heideman, 2021), and criminal recidivism rates (Saum & Hiller, 2008; Rosssman et al., 2011).

GOALS

1. to **Introduce** treatment court professionals to the topic of racial and ethnic disparities (RED),
2. **Provide** an overview of the RED Program Assessment Tool, and
3. **Offer** key considerations that courts should be mindful of as they implement new programs or make changes to existing programs.

RED PROGRAM ASSESSMENT TOOL

The RED Program Assessment Tool was designed to assist treatment courts in **addressing racial and ethnic disparities**. The RED Tool is an automated web-based platform that has a series of closed and open-ended questions to capture information about treatment courts' operations and procedures, with an emphasis on **examining areas where racial and ethnic disparities may exist**.

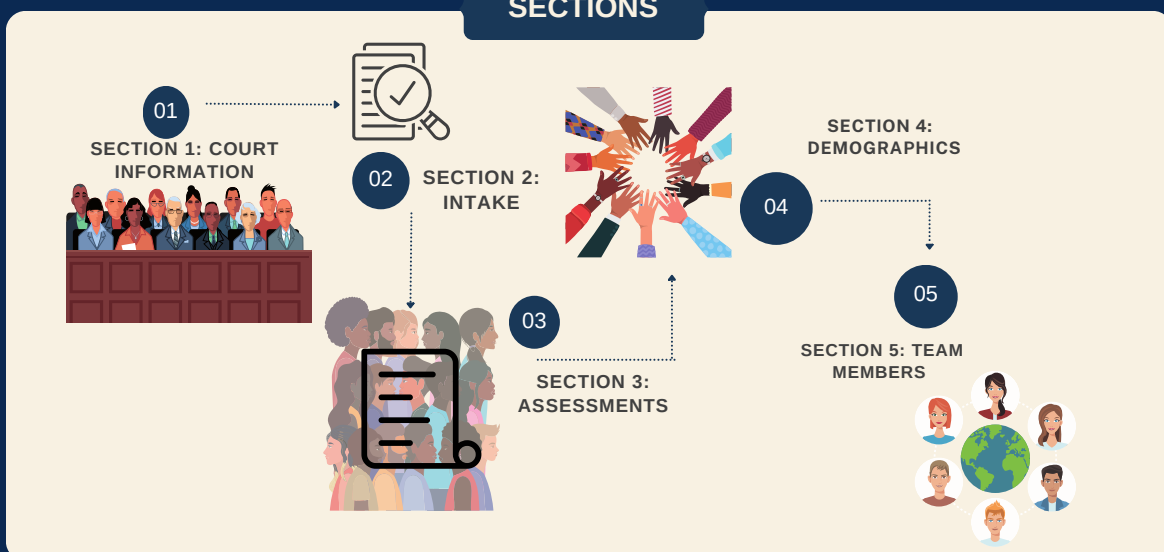
CONT.

The RED Tool has the ability to:

1. **Raise awareness** about RED in treatment courts,
2. **Assist** users in identifying RED in their system and processes, and
3. **Offer** recommendations on alleviating racial and ethnic inequities in programs.

The RED Tool has **eight sections**, detailed below, that outline topics and considerations under each section. These considerations, when planned and implemented, will provide an avenue for treatment courts to alleviate racial and ethnic disparities within their programming.

SECTIONS



SECTIONS CONT

SECTION 6: TRAINING

06



SECTION 7 : DRUGS/TREATMENT/ SUPPORT SERVICES

07



08



SECTION 8: EVALUATION & MONITORING

SECTION 1: COURT INFORMATION

The Court Information section covers the background of the court (e.g., geographical location), policies, procedures, and interactions with non-English-speaking participants.

Considerations

Written Materials: Written materials, including mission statements, vision statements, staff manuals, websites, or participant handbooks, should promote racial and ethnic equity within the court. The creation and implementation of policies that address racial and ethnic equity are essential to creating an organizational culture that strives for equity. Any public-facing document can also serve as part of a marketing strategy to broadcast the benefits of program participation.

Non-English-Speaking Participants: Having translation services and court documents in participants' native languages allows for more racial and ethnic inclusivity in courts.

SECTION 2: INTAKE

The intake section addresses the referral process and the court's eligibility requirements.

Consideration of Eligibility Requirements and Referral Agencies: Courts must have written eligibility requirements and share them with referral agencies. Subjective criteria, like a recommendation from a staff member, should be avoided. Instead, use procedures like an assessment from a treatment provider to determine program entry. Additionally, pay attention to factors that may disproportionately exclude racial and ethnic minorities from participating in your program, such as participant fees or access to transportation.

SECTION 3: ASSESSMENTS

The Assessments section includes questions on **risk and needs, substance use disorder, and mental health assessments**.

Considerations for Each Assessment that your Court uses: Make sure that it has been validated for your population. Assessments should be utilized to (1) determine eligibility, (2) determine services, and (3) determine the intensity and amount of services. Using assessments allows for more objective decision-making. Staff should also be trained to administer and interpret the results of assessments.

SECTION 4: DEMOGRAPHICS

The Demographics section addresses the racial and ethnic makeup of program participants.

Considerations

Participation Data: Collection of participant data is expected for courts. Particularly, courts should collect demographic data, including the racial and ethnic identity of participants.

Completion Rates: Courts should track completion rates broken down by race and ethnicity. Tracking completion rates allows for courts to identify if there are racial and ethnic disparities.

SECTION 5: TEAM MEMBERS

The Team Members section covers the racial and ethnic makeup of the team. In addition, there are several topics such as team members' understanding of factors that contribute to racial and ethnic disparities and their understanding of cultural needs among participants.

Considerations

Diverse Staff: Implement inclusive practices to hire and retain a diverse team.

Team Members' Competencies: It is vital for team members to have a good understanding of the cultural needs of court participants and knowledge of factors that contribute to racial and ethnic disparities in outcomes.

SECTION 6: TRAINING

The Training section focuses on the court's experience with racial and ethnic disparity and cultural competency training.

Considerations for Trainings: Regular training sessions on reducing racial and ethnic disparities and cultural competency should be available to all professionals associated with the court. After completing trainings, courts should consider making changes where appropriate.

SECTION 7: DRUGS/TREATMENT/SUPPORT SERVICES

The Drugs/Treatment/Support Services section focuses on the participants' drug of choice(s), treatment available, incentives, sanctions, and supportive services.

Considerations

Drug of Choice(s): Courts should track drug of choice(s) for participants broken down by race and ethnicity. This will allow the court to ensure that there are appropriate treatment services for all participants.

Treatment Services: Evidence-based treatment services should be offered to participants. Clinicians must also be trained to use culturally informed practices.

Incentives and Sanctions: Give participants a written document that lists incentives and sanctions and the corresponding behaviors. Regardless of race and ethnicity, incentives and sanctions must be applied equitably.

Supportive Services: Consider offering participants an array of services, including anger management, employment readiness, education services, HIV/AIDS education and testing, housing support, mental health counseling, parenting classes, and vocational services.

SECTION 8: EVALUATION & MONITORING

The Evaluation and Monitoring section addresses the type(s) of evaluations that may have been conducted in the past. Also, there are several questions on tracking participants' program completion outcomes.

Considerations for Evaluation and Monitoring: Conduct regular evaluations and monitoring. Consider examining graduation/termination data and outcomes post-program broken down by race/ethnicity.

CONCLUSION

Clearly, treatment courts are effective if implemented based on the Adult Drug Court Best Practice Standards. However, as we have outlined, racial and ethnic disparities exist in some treatment courts. The RED Tool is a method for professionals to proactively **identify disparities and then implement recommendations to make improvements to their programs.**

As you begin to work on a journey to make your treatment court more inclusive, please feel free to reach out to us at redtool@american.edu for any additional questions or support.

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