



# Equity and Inclusion in Treatment Courts

Anne Dannerbeck Janku, Ph.D.

Consultant, National Drug Court Institute

Texas Statewide Conference April 2020

# Disclaimer

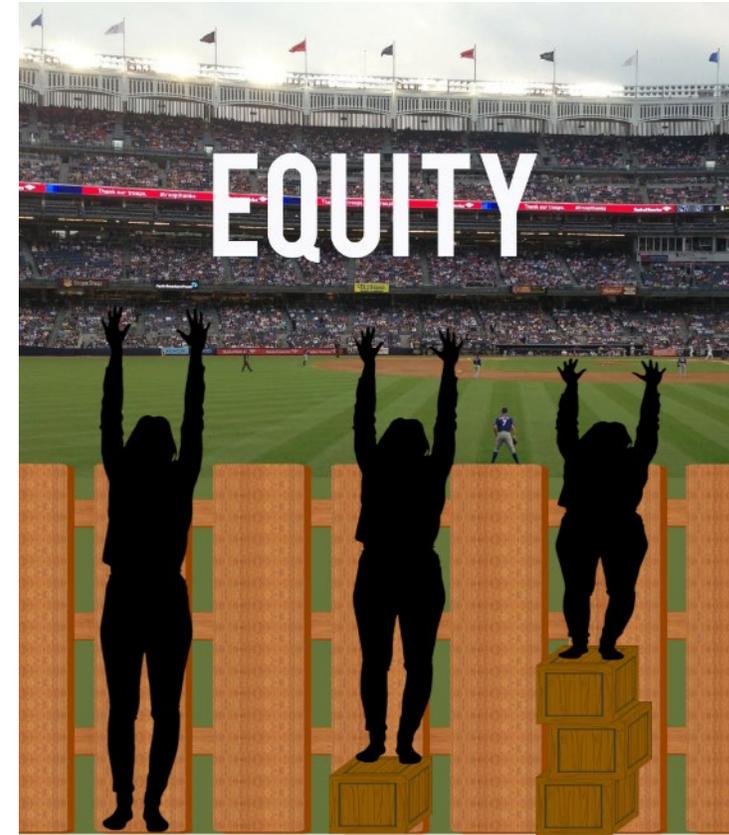
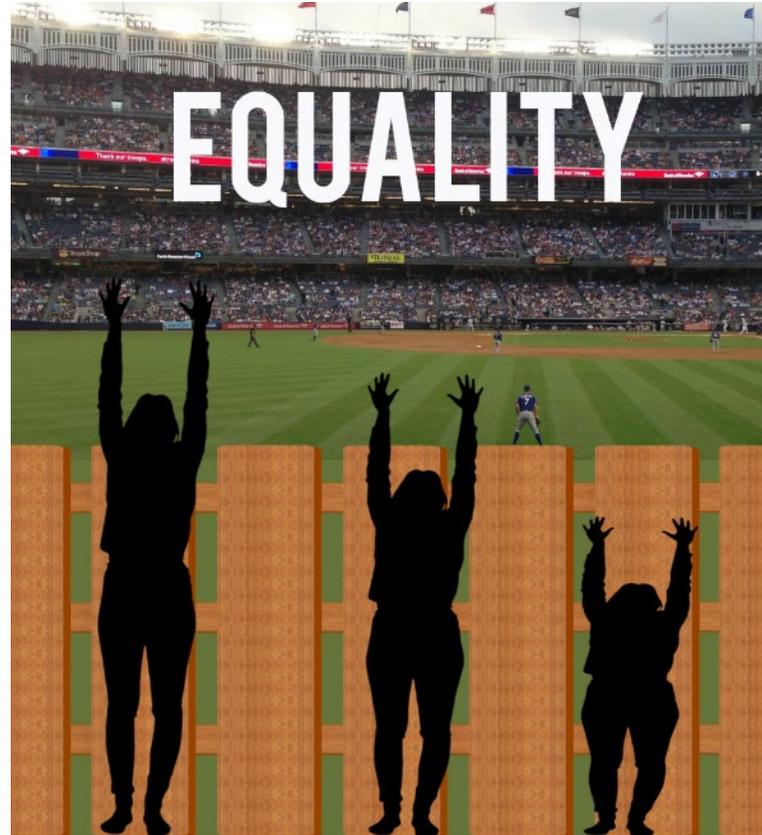
- This project was supported by Grant No. 2016-DC-BX-K007 awarded by the Bureau of Justice Assistance. The Bureau of Justice Assistance is a component of the Department of Justice's Office of Justice Programs, which also includes the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, The Office for Victims of Crime, and the SMART Office.
- Points of view or opinions in this document are those of the author and do not necessarily represent the official position or policies of the U.S. Department of Justice.



## In This Webinar We Will:

- Examine the relevance of equity and of inclusion in our treatment court programs
- Learn about common issues and possible action items related to:
  - Equivalent access
  - Equivalent treatment
  - As well as equivalent retention, sanctions and incentives, and team training

# Why Equity? Creating an Equivalent Opportunity





# Know Your Client

What information do you need about me to better understand why I do what I do and better match interventions to my needs based on my culture, values, attitudes and behaviors?

# Culture as a window to understanding our underserved groups

- **Culture** is defined by a community or society.
- **Culture** structures the way people view the world.
- **Culture** involves the particular set of *beliefs, norms, and values* concerning the nature of relationships, the way people live their lives, and the way people organize their environments.



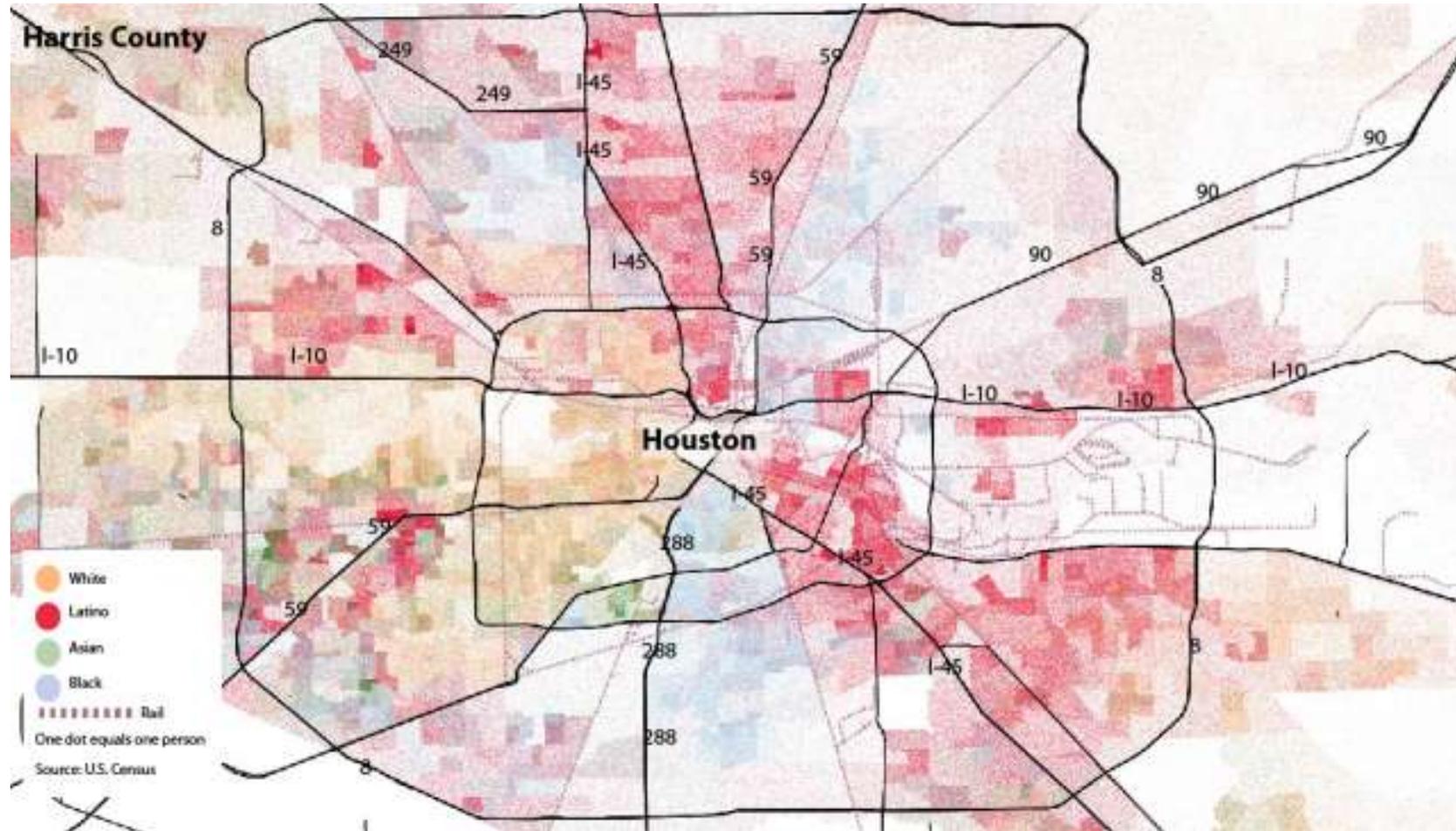
# Why the focus on inclusion of racial and ethnic minorities?



- Historical traumas
- Discrimination has an additive effect above other social determinants of health status that often leads to the elevation of chronic stress hormones which have a corrosive effect at the cellular level (Swain, Johnson, & Ports, 2016).
- Parents who experience chronic stress can pass on changes in gene expression at the cellular level. The effects on the children are the same as if they had directly experienced the stress.

# Where do your participants live? Houston, Harris County, Texas

## Residential Segregation



Orange dot= white person; red dot= Latino person; green dot=Asian; blue dot= African American  
Source: [2009-2013 American Community Survey 5-Year Estimates](#) (John D. Harden/Houston Chronicle)

# Culture of the Streets



- Individuals may relate to the culture of the streets.
- *You have people who grew up, their mama not there, daddy locked up, no uncles or anybody to guide them so they feel like the streets is right here and the streets is their home and they are protected when they around the people in the streets because those people feed them, help them, do things for them, rob for them. The streets is their home, that's why they fall right in, join a gang. Certified youth*
- *Didn't want to be told what to do, when to do it and how to do it. I'm a man and I have been living on the street and I've been doing what I been doing to get by. So how dare somebody come and try to tell me how to live my life. Focus group*



# Cultural Identity



Is it of value to maintain cultural identity?

Is it of  
value to  
maintain  
relation-  
ships with  
other  
groups?

Yes

No

Yes

**Integration**

**Assimilation**

No

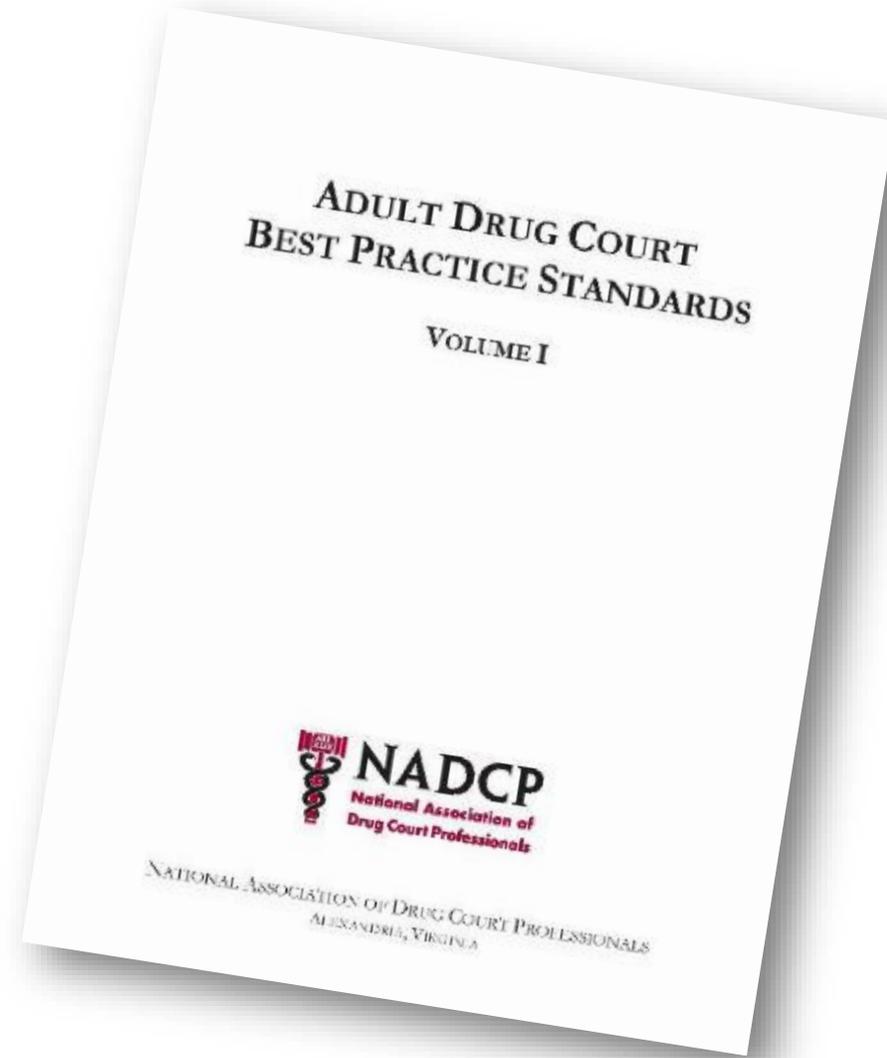
**Separation**

**Marginalization**

# Drug Treatment Court resources:

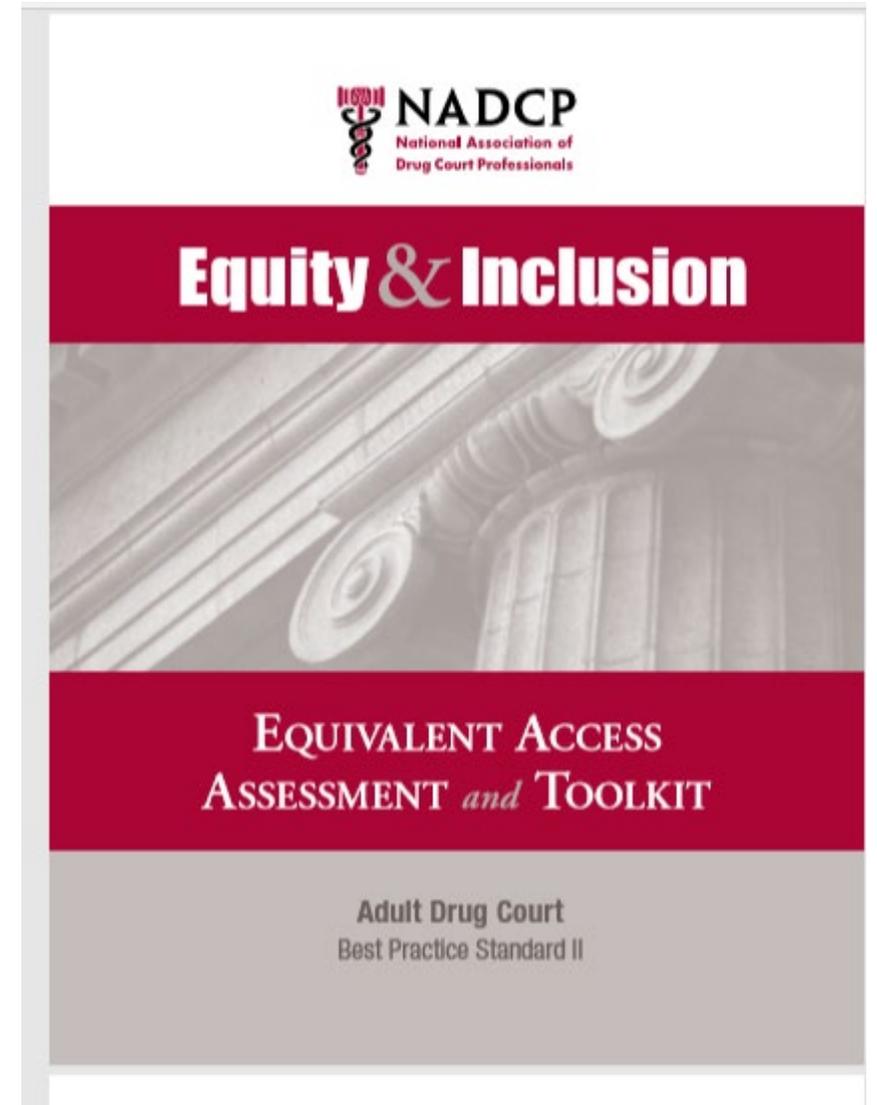
## Standard II: Equity and Inclusion

- ✓ Ensure equal opportunity for everyone to participate and succeed regardless of race, ethnicity, or gender.
- ✓ Take affirmative steps to detect and correct disproportionate census, inequitable services, and disparate outcomes involving those who have historically faced discrimination.
- ✓ Ensure that teams are responsive to the cultural differences within their population.

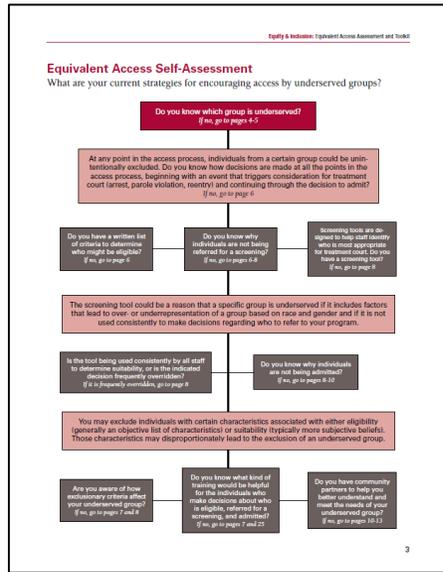


# Equity & Inclusion Equivalent Access Assessment and Toolkit

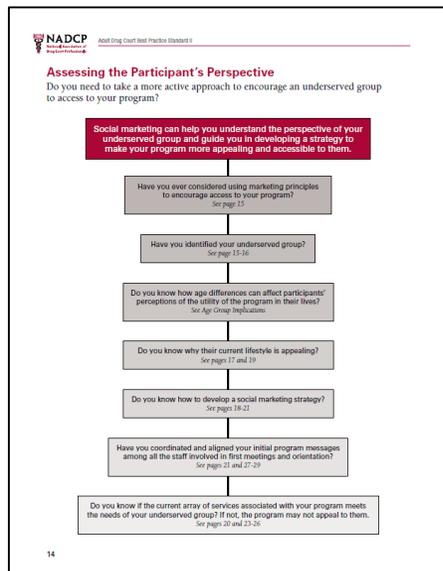
- <https://www.ndci.org/wp-content/uploads/2019/02/Equity-and-Inclusion-Toolkit.pdf>



# The E&I Toolkit



- Pages 3 and 14 contain self-assessments related to access, decision making, and a participant’s perspective.



- Each box on the self-assessment diagram takes you to a section of the toolkit that covers specific topics and provides details to answer the question posed in the box.

# Equivalent Access

Ensuring that eligible individuals have a chance to participate in your program.



# Who is being underserved?

	African American women	Caucasian women	Latina (women)	Etc.
Number drug cases filed or disposed	100	100		
Number of admissions to treatment court	10	25		
Admission chance	10%	25%		

Charges filed or disposed / admissions= chance an individual will be admitted to program

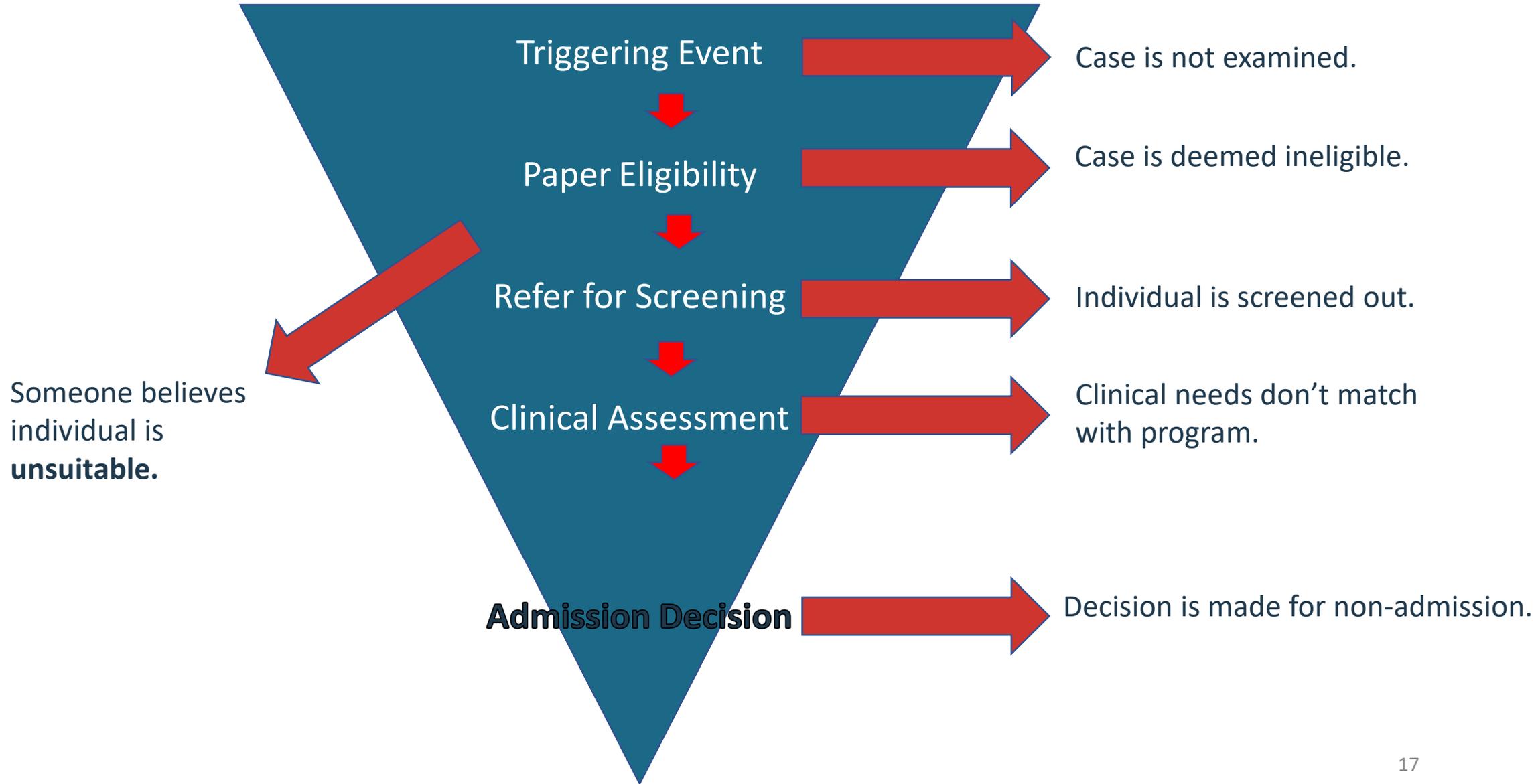
Example: 100 drug cases filed for AfAm women / 10 admissions = 10% chance an Af Am woman with drug Charge will be admitted to the program. [see page 5 of Toolkit]

## Performance Indicator

# Understand reasons for non-admittance

Reason for Non-Admittance	Black Females	Black Males	White Females	White Males, etc
PA Decision				
Medical				
Mental Health				
Admit to Other Treat Pgm				
Not Eligible				
Judicial Override				
Defendant Opt-Out				
Dismissed				
<b>TOTAL</b>				

# Examine your 'decision to admit' process



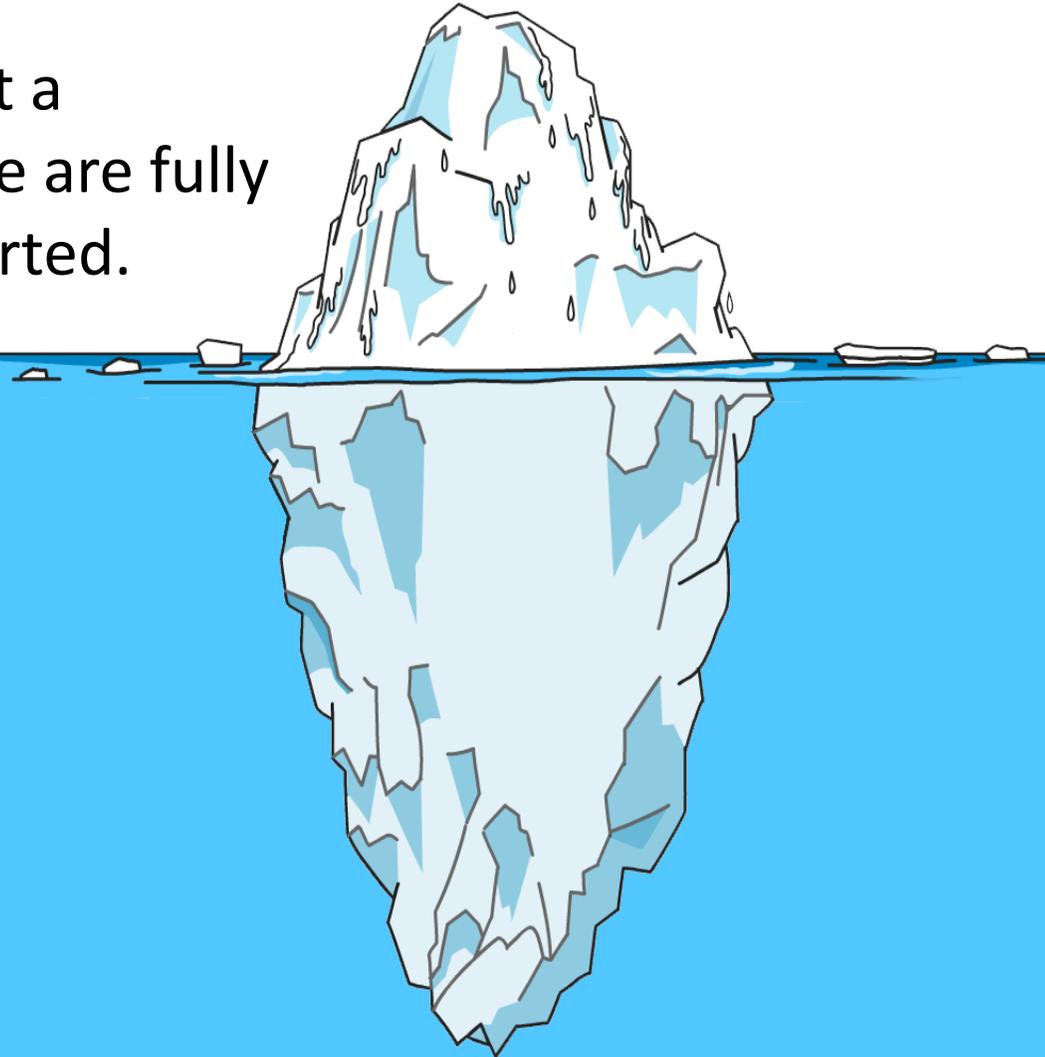
Issue: admission decisions based on staff assessment of 'suitability'

## **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.



# E&I TOOLKIT, P. 39: A SURVEY INSTRUMENT COVERING 'SUITABILITY FOR TREATMENT COURT'

- 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.



**Equity & Inclusion**  
**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>13</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.

<sup>13</sup> Brown, R., & Gassman, M. 2013. Assistant district attorney decision making when referring to drug treatment court. *American Journal on Addictions*, 22, 381-387.

39

# Issue: potential participants from underserved group are not eligible

## **Requirements for program entry:**

- Transportation
- Program fees
- Sober
- Housing



## Equity & Inclusion

### Research Brief

#### Exclusionary Criteria and Their Impacts on the Likelihood to Reoffend, Racial Bias, and Outcomes in Treatment Court

##### Violent offense (current or past)

One of the most common criteria for exclusion from treatment court is a history of violence. Violent behavior is often one of the items listed on assessments of risk for reoffending. Such behavior endangers public safety and is costly. Perceptions of risk of violent victimization influence the public and those who answer to them, namely elected officials. Understandably, minimizing the risk of violence is a goal of the justice system. Thus, listing a history of violence as an exclusionary criterion is understandable. However, the research on violence and its association with recidivism suggests that its treatment as an automatic exclusion should be reconsidered.

Property and drug offenses have the highest association with recidivism (Langan & Levin, 2002). The severity of the violence involved in an index offense is not associated with general, violent, or sexual offense recidivism (Hanson, 2009). Drug involvement (possession with intent to use) among individuals with a history of violence increases the likelihood of reincarceration. A close association exists between drug possession (but not distribution), violence, and reincarceration (Stahler et al., 2013). The likely explanation is that drug users commit acts of violence (robbery) to get the funds to buy drugs.

Certain types of drugs, namely alcohol and cocaine, are strongly associated with violent behavior. In particular, individuals who tend to suppress anger while sober are prone to violent tendencies when inebriated. These tendencies are removed by substance use (Burnette et al., 2008; Chermack et al., 2008).

The association between violent history and treatment court outcomes is unclear. Criminal history, not current or previous violent charges, is associated with recidivism (Saum & Hiller, 2008).

Comparisons of treatment court participants with and without a prior history of violence demonstrate that the two groups have equivalent reductions in recidivism (Carey, Mackin, & Finigan, 2012). Treatment courts that include those with a history of violence can achieve significant cost savings for their community by reducing recidivism among individuals involved in violent crimes, which are more costly than nonviolent crimes. Comparing courts, rather than individuals, indicates that programs accepting violent

# E&I TOOLKIT, P.31: RESEARCH BRIEF ON EXCLUSIONARY CRITERIA

- Summarizes research on how exclusionary criteria impact recidivism, treatment court outcomes, and racial disparities.
- Encourages program staff to revisit these criteria to decide if they are justified.

# Issue: potential participants opt out

- Use **social marketing** principles and techniques to understand the perspective of potential participants and to enhance their access and retention in your program:

**Product** enhancements,

A **price** which reflects benefits > costs,

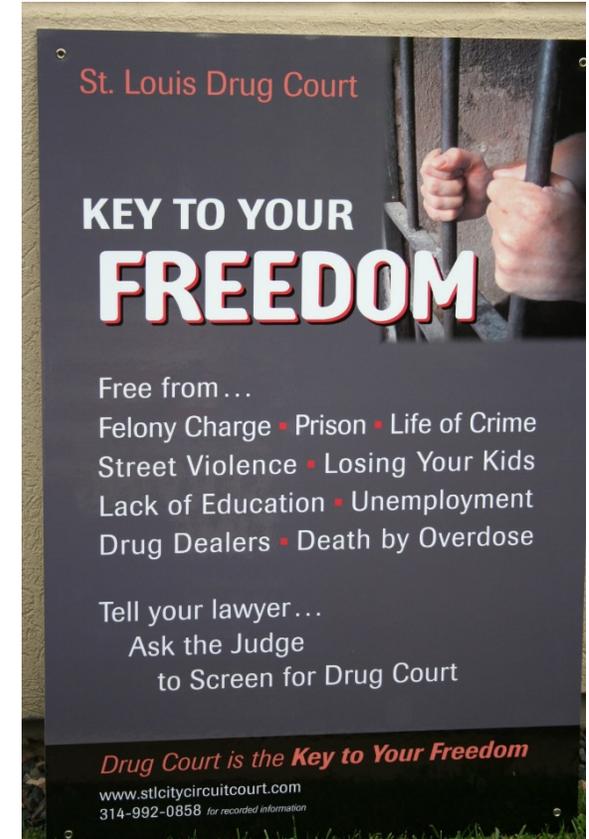
**Promotional** messages, and

A **place** or environment which supports the behavioral changes.

# Participant Perspective on accessing the program

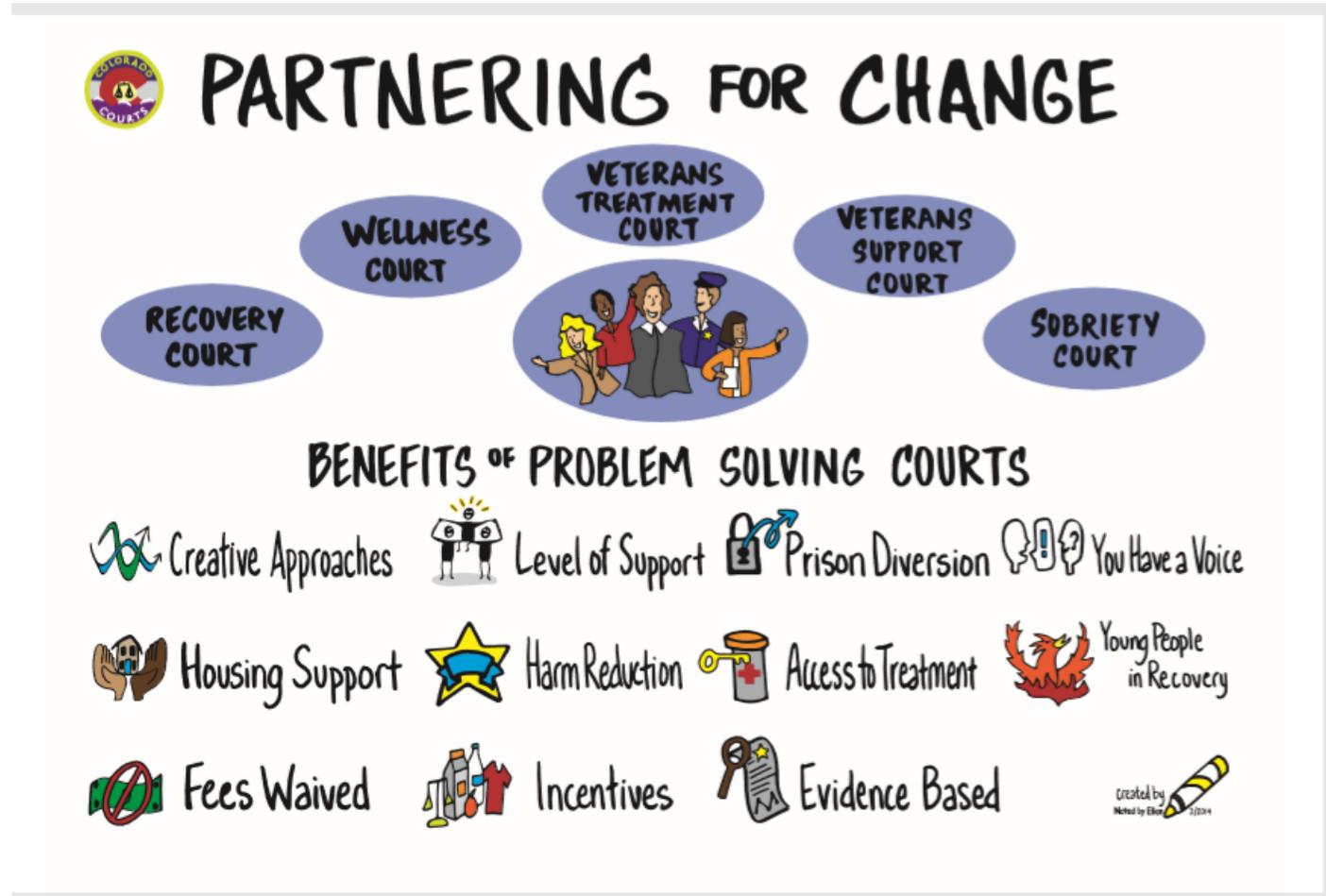
“All we hear about at the beginning are ‘rules, rules, rules’, but no mention of benefits.” -*Focus group participant*

- State benefits from a participant perspective.
  - Infographic
  - Brochure
  - Poster
  - Video
  - PowerPoint at orientation
  - Orientation delivery person



# Using Social Marketing to Enhance your Program

## Colorado 18<sup>th</sup> Judicial District





# Equivalent Treatment

**Recognize that equivalent does not mean treating people the same.**

# Equivalent

- Equal in effect
- May differ in appearance but has the same value to the recipient

The trauma of racism and discrimination and the role of drugs and drug trafficking in coping with such discrimination may need to be addressed in treatment.

# EQUIVALENT TREATMENT

- Individuals respond more positively to interventions that respect and respond to their specific values, traditions, and needs, eg. culture (Bettancourt, et al, 2003).
- Language
  - Depression
  - The Blues
  - Heavy Spirit
- Coping mechanisms
  - alternative healing
  - belief systems- Is an ailment to be endured or treated?
  - exercise
  - Music *Let go of your troubles and dance.(BM)*



# Issue: Drugs may not be the 'problem'

*Not just focus on drug treatment because that is not an addict's whole downfall. Drugs is not the problem. Addicts have more than one problem. All you focus on is drug problem, then you aren't going to get down to the serious problems.*

*Education might be a much bigger problem than drugs.*

*Job problem might also be bigger. I don't want to play the race card but being African American it really does make a big difference, especially when you are a felon.*

- Possible Action Items:
  - Use motivational interviewing to arrive at a common understanding of the problem/s to be addressed
  - Create a pathway from 'getting a job requirement' to developing a career

Issue: Underserved participants need to better connect to their own culture and community.

*African American men need to get back on top of being family oriented.* Focus group

- Possible Action Items:
- Culturally proficient treatment:
  - Habilitation, Empowerment and Accountability Therapy
  - created by Guy Wheeler and Darryl Turpin
  - Manualized cognitive behavioral therapy designed for those who identify with the culture of black males between the ages of 17 and 29
  - Focuses on spirituality, community, family and self.
  - Geared to reduce recidivism, reduce drug use, address trauma, ambivalence and resistance
- Peer support specialists
- Other support groups

# Possible action items to enhance equity and inclusion

What benefits some may benefit all.



# Possible Action Items-Equivalent Access

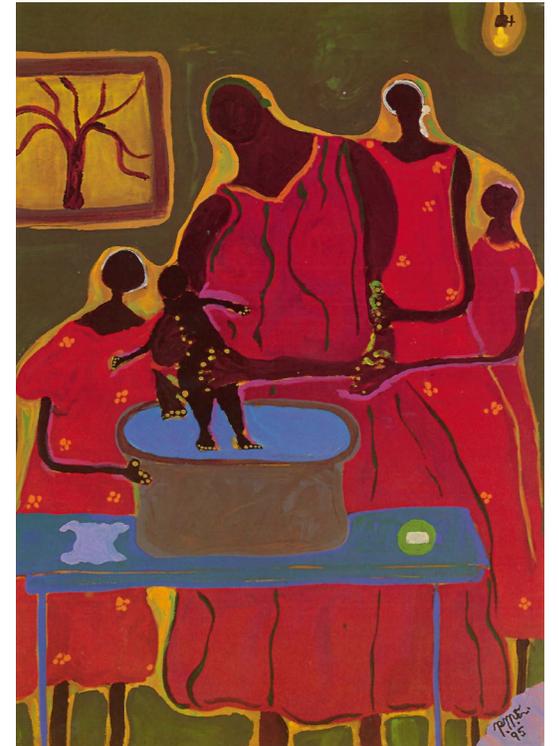
- ✓ Compare eligible cases filed/disposed and admissions by race, gender, age groups at state and local level
- ✓ Track reasons for non-admission
- ✓ Implement a marketing plan for your program to publicize its existence and to frame the messages at orientation
- **Form a community partnership to advise you on how to better serve underrepresented groups**



Patricia Erickson, Costa Rica

# Possible Action Steps-Equivalent Treatment

- ✓ Acknowledge the role of historical trauma and discrimination
- **Pay attention to how your program cultivates self-efficacy**
- ✓ Use motivational interviewing to arrive at a common understanding of the problem/s to be addressed



*Artist, Patricia Erickson  
Costa Rica*

# Possible Action Steps-Equivalent Retention

- ✓ Be aware of your participants' neighborhoods, the opportunities and challenges associated with those neighborhoods
- **Apply smart phone technology to keep participants engaged**
- ✓ Create a pathway from 'getting a job requirement' to developing a career
- ✓ Offer a culturally tailored intervention to individuals who identify with a particular culture



# Possible Action Steps-Equivalent Incentives and Sanctions

- **Interview participants regarding the impact of sanctions and incentives.**
- In particular ask them about:
  - about aspects of procedural justice (trust, having a voice, fairness, respect)
  - regarding whether jail sanctions are perceived as a punishment or form of help
  - about changes in their perceived health status (stress levels, illness management, etc.)

# Possible Action Steps- Team Training

- Have staff discussion around topics like:
  - equivalent does not mean treating everyone the same,
  - being color-blind is not effective,
  - how does neighborhood matter
- Create a comprehensive training approach that includes
  - Implicit bias training
  - Cultural congruence training
  - Data sharing
  - Practicing skills such as how to have difficult dialogues about race and discrimination



# Questions???

Contact: [dannerbecka@gmail.com](mailto:dannerbecka@gmail.com)