Assessing Diversity, Disparity, and Best Practices

Results of a 2017 Review of Over 150 Adult Drug Courts and DUI Courts

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Background

What do we know about disparities in criminal justice and in drug courts?
What do we know about disparities in criminal justice?

❖ Members of racial minority groups are more likely to be stopped by police for questioning, and more likely to be arrested, convicted, and receive harsher sentences.

❖ Black men are six times more likely to be incarcerated than white males, and two and a half times more likely than Hispanic males.

(The Sentencing Project, 2008)
What about disparities in drug courts?

❖ Do the same racial disparities exist in drug courts that exist in the larger criminal justice system?

❖ Are drug courts in a position to reduce or eliminate these disparities in the larger system as they strive to ensure equity in access, treatment, and outcomes?
Where is the potential for disparity at each step in the drug court process?

❖ *Access* to drug courts may vary for different racial groups via a program’s eligibility or exclusion criteria.

❖ *Assessment* and *treatment* may impact disparities via the presence, or lack, of culturally specific and competent assessment tools and treatment services.
Where is the potential for disparity at each step in the drug court process?

❖ *Behavior Modification techniques* in a drug court program (e.g., court appearances and sanctions and rewards) may be impacted by implicit bias, cultural competence and sensitivity

❖ *Outcomes* of drug court programs—different racial and ethnic groups may have varying graduation rates
What do we know about disparities in drug courts from existing studies?

There are mixed results for the existence of racial disparities in the research on drug courts so far

❖ Some studies show no disparity between the general criminal justice/probation population and the drug court population (Mauer, 2009; Wright, 2006)

❖ Others show an under-representations of black individuals in drug court programs (Huddleston & Marlowe, 2008; Marlowe 2016)
What do we know about disparities in drug courts from existing studies?

- Some studies show a decrease in recidivism and a decrease in black individuals in prison due to drug court participation (*Mauer, 2009*)

- Others show an the black individuals graduate at a lower rate than whites in drug court programs in MO (28% vs 55%) (*Dannerbeck-Janku, 2006*)
Main conclusions from the mixed research so far:

1) African Americans are under-represented in adult drug courts

2) African American and Latino participants are less likely than white participants to successfully complete some drug courts

3) This disparity in graduation rate is not necessarily due to race but rather to other factors that are correlated with race
NPC’s 2017 Study

Reviewed data from just under 150 drug courts with a focus on three key questions:

1. Are there disparities in who gets in to treatment courts?

2. Are there disparities in who graduates from treatment courts?

3. Are there practices related to decreased disparity?
Data Sources

• NPC has performed (or is performing) process and outcome evaluations in over 200 programs in the U.S.
• For this study, we were able to combine individual level participant data on 142 of them
Total Sample – 142 treatment courts

❖ Type

– 105 **Adult** drug courts (74%)
– 30 **DWI** courts (21%)
– 7 **other** courts – 6 Reentry, 1 hybrid (5%)

❖ Participant sample sizes:

– 5 programs had less than 20 (which effectively eliminated them from most analyses)
– remainder ranged from 20 to 2,045

❖ CA, CO, FL, IN, MD, MI, MN, MO, OR, Guam

– 49% West
– 42% Midwest
– 8% South
– 1 in NE and 1 US territory
Data Sources

• NPC has performed (or is performing) process and outcome evaluations in over 200 programs in the U.S.

• For this study, we were able to combine individual level participant data on 142 of them

• Program specific data (e.g., demographics) came primarily from treatment court databases, or was hand gathered from paper files

• Criminal history data came from county and statewide CJ databases in each state.
Data Elements

- **Treatment court data**
  - Graduation Status
  - Demographics
    - Race/ethnicity
    - Gender
    - Age
    - Education
    - Drug of Choice
    - Prior number of arrests (two years prior to entry)
  - Best Practice results (from process evaluations)

- **County probation data**
  - Demographics (Percent only)
    - Race/Ethnicity
    - Gender
Total sample – 21,008 total participants

• Race/Ethnicity
  – White (64%)
  – Black (22%)
  – Hispanic (10%)
  – Other (4%)

• Gender
  – Male (67%)
  – Female (33%)

• 51% employed (part or full)
• 59% High School education
Results
Results

1. Are there disparities in who gets in to treatment courts?

2. Are there disparities in who graduates from treatment courts?

3. Are there practices related to decreased disparity?
Disparity Index – entry into drug courts

Step 1

% Black Drug Court Participants – % Black County Probation Population = Disparity in Drug Court Entry

% Male Drug Court Participants – % Male County Probation Population = Disparity in Drug Court Entry

Step 2

Weighted Average Across All Drug Courts
Disparity Index – entry into drug courts

- Negative Scores indicate Black participants are underrepresented in Treatment Courts.
- Negative Scores indicate male participants are underrepresented in Treatment Courts.
- Zero indicates no difference between county probation population and Treatment Court participants.
- Positive Scores indicate Black participants are overrepresented in Treatment Courts.
- Positive Scores indicate male participants are overrepresented in Treatment Courts.
1. Are there disparities in who gets in to treatment courts?

2. Are there disparities in who graduates from treatment courts?

3. Are there practices related to decreased disparity?
Disparities in graduation rates for African Americans went both ways
Disparities in graduation rates for Hispanics went both ways

Higher graduation rates for White participants

Higher graduation rates for Hispanic participants

Percent Difference

Number of Courts

> 30%  20% - 30%  10% - 20%  0% - 10%  0% - 10%  10% - 20%  20% - 30%  > 30%
Graduation rates varied by region

- Black: 37.1%
- White: 62.3%
- Hispanic: 70.3%
- Black: 44.0%
- White: 56.2%
- Hispanic: 52.4%
- Black: 34.4%
- White: 49.8%
- Hispanic: 47.0%
Analytical model – Hierarchical Linear Model

\[ \eta = \beta_0 + \beta_1 \text{BLACK} + \beta_2 \text{HISPANIC} + \beta_3 \text{OTHERRACE} + \beta_4 \text{AGE} + \beta_5 \text{EMPLOYMENT} + \beta_6 \text{EDUCATION} + \beta_7 \text{MALE} + \beta_8 \text{PRIORARRESTS} \]

Where

\( \eta \) is the log odds of graduating vs. not graduating
Log odds and odds ratio predicting treatment court graduation

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Factors predicting graduation

Participants that are...

– White (compared to Black)
– Older
– Have at least a high school education
– Are employed
– Fewer Prior Arrests

...have greater predicted odds of graduating
White, educated, and employed participants at 30 years of age have a predicted graduation rate of 79%.

Black, educated, and employed participants at 30 years of age have a predicted graduation rate of 69%.
White, uneducated, and unemployed participants at 30 years of age have a predicted graduation rate of 55%.

Black, uneducated, and unemployed participants at 30 years of age have a predicted graduation rate of 42%.
1. Are there disparities in who gets in to treatment courts?

2. Are there disparities in who graduates from treatment courts?

3. Are there practices related to decreased disparity?
Disparity Index – graduation differences

Step 1

\[
\text{% Black Graduation} - \text{% White Graduation} = \text{Disparity in Graduation Rates}
\]

\[
\text{% Male Graduation} - \text{% Female Graduation} = \text{Disparity in Graduation Rates}
\]
Disparity Index – graduation differences

Positive Scores indicate Black participants graduate at higher rates than White participants.

Negative Scores indicate Black participants graduate at lower rates than White participants.

Positive Scores indicate male participants graduate at higher rates than female participants.

Negative Scores indicate male participants graduate at lower rates than female participants.

Zero indicates no difference in graduation rates.
Are there practices related to decreased disparity?

Maybe

(Possibly)

Cannot infer causation

• These are areas for future research

• Like the best practices in general, all we can say is that the “best” programs are doing these practices so you might want to emulate what those courts are doing
Courts that offered family/domestic relations counseling 5 times less disparity*

COURT DOES NOT OFFER FAMILY/DOMESTIC RELATIONS COUNSELING
N=16

COURT OFFERS FAMILY/DOMESTIC RELATIONS COUNSELING
N=110

*Analysis includes black and white participants only
Disparity Size for Treatment Court
Best Practices (Yes vs No) - LESS DISPARITY

✓ Courts where a defense attorney attends staffings showed half the disparity (5% vs 10%)

✓ Probation attends staffing (5% vs 12%)

✓ Coordinator attends staffing (5% vs 17%)

✓ Defense attorney attends court sessions (4% vs 12%)

✓ Treatment attends court sessions (6% vs 12%)
Disparity Size for Treatment Court Best Practices (Yes vs No) - LESS DISPARITY

✓ Active program caseload is less than 125 (2% vs 7%)
✓ Residential treatment available (6% vs 19%)
✓ Court requires greater than 90 days abstinent/clean (4% vs 14%)
✓ A new arrest for drugs does NOT result in termination (0.4% vs 9%)
✓ Court evaluates program data and modifies practices based on results (5% vs 11%)
Disparity Size for Treatment Court
Best Practices (Yes vs No) - MORE DISPARITY

✓ Requiring participants to have a job or be in school (10% vs 1%)

✓ Having guidelines on the frequency of individual treatment sessions (9% vs 3%)

* Reminder: Interpret all these with caution

* These findings for worse disparities may have to do with not having individualized case plans with culturally appropriate treatment or other services
Potential themes for lower disparity

- *Teams Sink or Swim Together*

- *Wraparound and Habilitation Services Are Key*

- *Self-Review and Continuous Program Improvement*
Questions or Comments?
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Thank you for attending!