



## RESOLUTION OF THE BOARD OF DIRECTORS

### ON THE EQUIVALENT TREATMENT OF RACIAL AND ETHNIC MINORITY PARTICIPANTS IN DRUG COURTS

**WHEREAS**, more than 2.3 million adults are now behind bars in the U.S., representing one out of every 100 adult Americans<sup>1</sup>; **and**

**WHEREAS**, the burden of incarceration is borne disproportionately by racial and ethnic minority citizens, with one out of every 15 African-American men and one out of every 36 Hispanic men presently incarcerated in this country<sup>2</sup>; **and**

**WHEREAS**, Drug Courts have been credited with helping to alleviate unfair disparities in the incarceration of racial and ethnic minority citizens for drug-related offenses;<sup>3</sup> **and**

**WHEREAS**, Drug Courts perform their duties without manifestation, by word or conduct, of bias or prejudice based upon race, gender, national origin, ethnicity, disability, age, sexual orientation, language or socioeconomic status; **and**

**WHEREAS**, Drug Courts are, first and foremost, *courts*, charged with safeguarding and advancing the constitutional rights of all citizens to due process and equal protection under the law; **and**

**WHEREAS**, more than one-fifth of Drug Courts cannot report reliable information on the representation of racial and ethnic minority citizens in their programs<sup>4</sup>; **and**

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<sup>1</sup> PEW CENTER ON THE STATES, ONE IN 100: BEHIND BARS IN AMERICA 2008 (2008).

<sup>2</sup> *Id.* at 6.

<sup>3</sup> MARC MAUER, THE CHANGING RACIAL DYNAMICS OF THE WAR ON DRUGS 14 (Sent. Proj., 2009), available at [www.sentencingproject.org](http://www.sentencingproject.org).

**WHEREAS**, evidence suggests that racial and ethnic minority participants may be experiencing relatively lower success rates than non-minorities in some Drug Courts<sup>5</sup>; **and**

**WHEREAS**, the adoption of evidence-based, culturally proficient interventions in Drug Courts has been shown to significantly improve outcomes for minority participants<sup>6</sup>:

**NOW, THEREFORE, BE IT RESOLVED THAT:**

**1. All Drug Courts have an affirmative obligation to examine, in an ongoing manner, whether there are potential racial or ethnic disparities in their programs.**

At a minimum, the examination of potential racial and ethnic disparities should include the collection of reliable and valid data on:

- the percentage of racial and ethnic minority participants who are enrolled in the Drug Court;
- the degree to which these percentages reasonably reflect the respective arrestee population for Drug Court-eligible offenses in the jurisdiction;
- the factors that might account for any discrepancies in the representation of minorities;
- the percentage of racial and ethnic minority participants who successfully graduate from the Drug Court; and
- the factors that might account for any discrepancies in graduation rates.

**2. All Drug Courts have an affirmative obligation to take reasonable actions to prevent or correct any racial or ethnic disparities that may be found to exist by:**

- adopting evidence-based assessment tools, treatments and other interventions that have been proven through scientific research to produce equivalent or superior effects for racial and ethnic minority individuals; and

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<sup>4</sup> C. WEST HUDDLESTON ET AL., PAINTING THE CURRENT PICTURE: A NATIONAL REPORT CARD ON DRUG COURTS AND OTHER PROBLEM-SOLVING COURT PROGRAMS IN THE UNITED STATES (Vol. III) (Nat'l Drug Ct. Inst., forthcoming 2010) (on file at NDCI).

<sup>5</sup> See Michael W. Finigan, *Understanding Racial Disparities in Drug Courts*, 6 DRUG CT. REV. 135 (2009).

<sup>6</sup> See, e.g., Gennaro F. Vito & Richard A. Tewksbury, *The Impact of Treatment: The Jefferson County (Kentucky) Drug Court Program*, 62 FED. PROBATION 46, 49 (1998); see generally Andrew Osborne, *Cultural Competency in Drug Court Treatment*, in QUALITY IMPROVEMENT FOR DRUG COURTS: EVIDENCE-BASED PRACTICES 43 (C. Hardin & J. N. Kushner eds., Nat'l Drug Ct. Inst. 2008), available at [www.ALLRISE.org](http://www.ALLRISE.org).

- ensuring that all personnel involved in the Drug Court have received up-to-date training on how to identify and administer evidence-based, culturally sensitive and culturally competent interventions and assessment tools.

Approved by the Cultural Proficiency Committee of the NADCP Board on 05/31/10

Approved by the External Policy Committee of the NADCP Board on 05/31/10

Approved by Unanimous Vote by the NADCP Board of Directors on 06/01/10