

# Systemic Discrimination and its Effects in Drug Treatment Courts

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# In this session we will:

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Examine how systemic discrimination has created disparities in the economic, health and justice systems

Identify how those disparities impact individuals in Drug Treatment Courts (DTC)

Consider what we can do to address the disparities and their impacts on DTC participants and staff

# History-Where it all began

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*Slavery. Did there ever exist a more annoying way to try to make a modern-day black man feel like his troubles were insignificant, that he should be satisfied with the sorry hand society dealt him? Cha-Cha, a character in Angela Flourney's The Turner House, p 82*

*Amazing how in the beginning of time we were the first people to have a great civilization and we were some of the most important people on this planet. Then 1000s of years of erasing our history and hundreds years of us being chained up and brought down. And now we are here. We see more of us than of them [in prison]. Focus group participant*

# Post traumatic slavery syndrome



State Capital  
Columbia, SC, May 2015  
Confederate Memorial Day



# Impact of Ongoing Legacy of Slavery

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Stress (poverty, discrimination) and coping

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.

# Issue: not recognizing role of historical trauma in lives of DTC participants

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- Educate staff about what brought African Americans to community and what they have historically experienced in the community.
- Expand trauma treatment to include historical trauma.
- Facilitate a culturally relevant support group.
- Provide peer supports.
- Encourage staff to practice self care.

# Discrimination and Health Disparities

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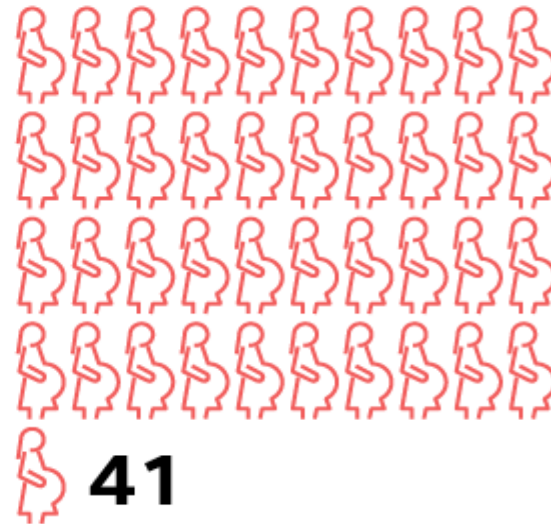
# Pregnancy-Related Deaths per 100,000 live births

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White women



Black women



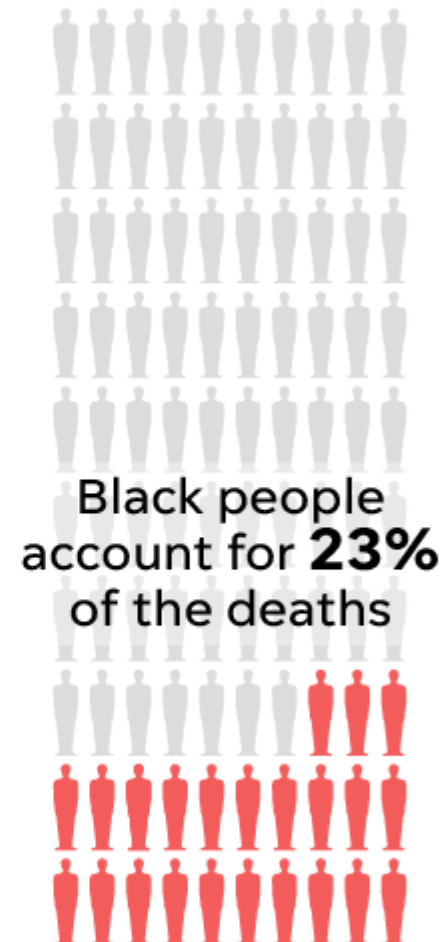
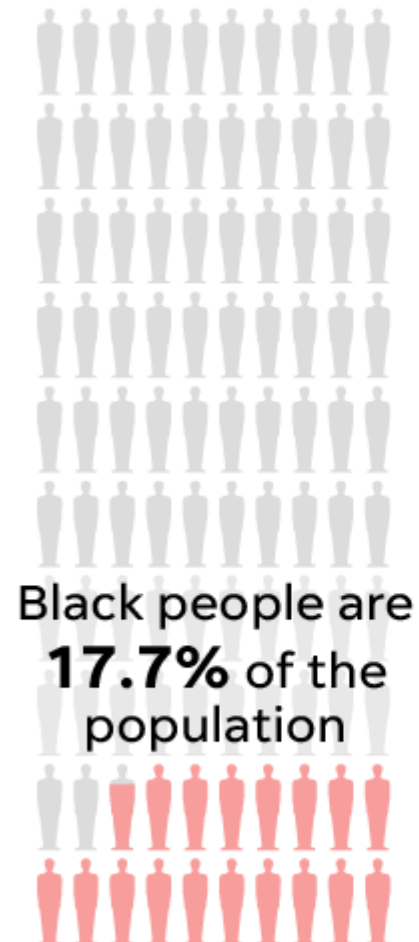
<https://www.usatoday.com/in-depth/news/2020/06/18/12-charts-racial-disparities-persist-across-wealth-health-and-beyond/3201129001/>



# COVID-19 Death rates

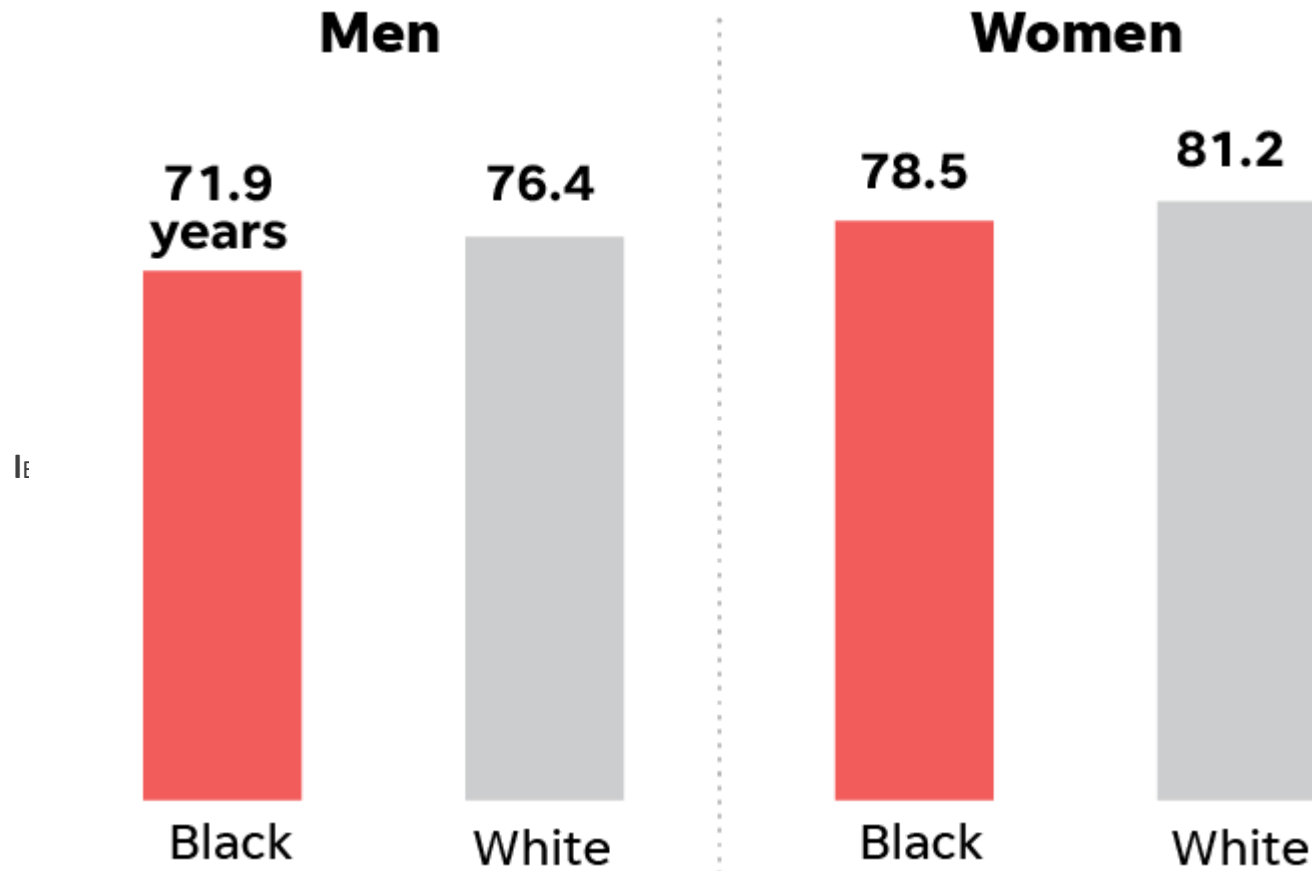
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# Lifespan

<https://www.usatoday.com/in-depth/news/2020/06/18/12-charts-racial-disparities-persist-across-wealth-health-and-beyond/3201129001/>



# Health Disparities

## Some factors to consider

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African Americans have a lower incidence of **reported** mental health problems than similarly situated whites (Kressler, et al. 1994) but more physical health problems over the life course.

They are less likely to have their **pain** acknowledged and treated than are similarly situated Caucasians. False stereotypes may be factors driving this trend. (Meghani, Byun, & Gallagher, 2012).

They underutilize treatment because of potential **stigma** (Menke & Flynn 2008), **distrust of providers** (Freimuth, Quinn, & Thomas 2001) and **lack of financial resources** (Hines-Martin, et al. 2003).

Lower levels of education and income in the community may impact participants' self-efficacy and their perceptions of the benefits of staying in treatment (Saloner & Cook 2013).

# COPING: SMOKING PATTERNS

Smoking at age 50 accounts for 20% to 48% of the black-white gap in male life expectancy.

Black men are more likely to be ever smokers.

Black men have lower cessation rates.

Smoking serves as a self-medicating mechanism and form of relaxation among low income individuals facing high levels of stress. (Ho & Elo 2013)

Blacks tend to smoke fewer cigarettes but are more likely to smoke menthol cigarettes (which numb throat and allow for deeper inhalations) and those with higher tar yields experience higher indices of smoke exposure and may be at risk for greater physical dependence. (Sellers 1998)



# COPING: THE ALCOHOL PARADOX

African Americans are more likely to abstain from drinking than are whites yet they are more likely to be problem drinkers. (Keyes, et al. 2015).

Problem drinking among African Americans is linked to discrimination. (Borrell et al. 2013)

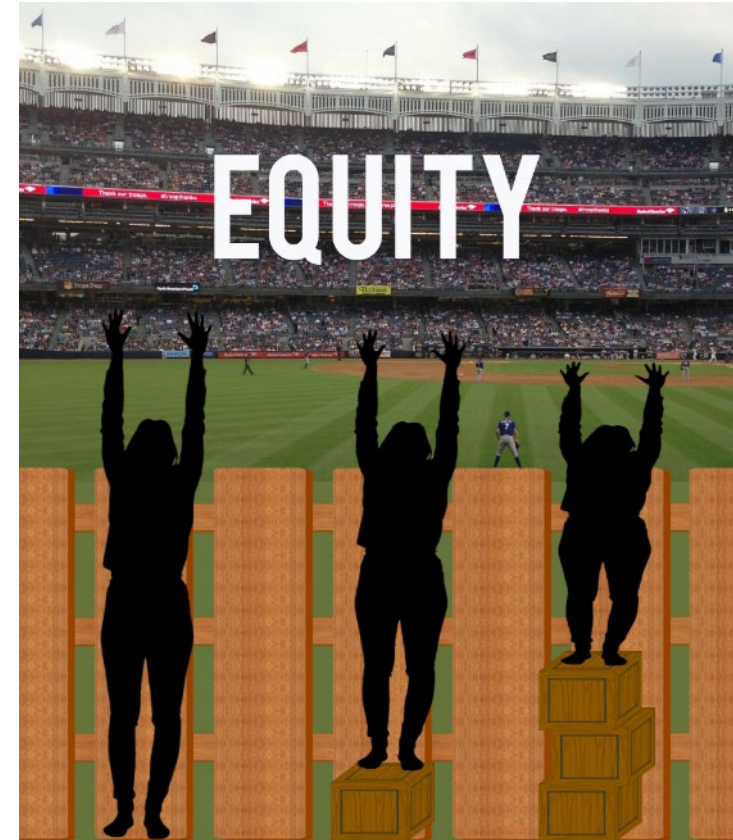
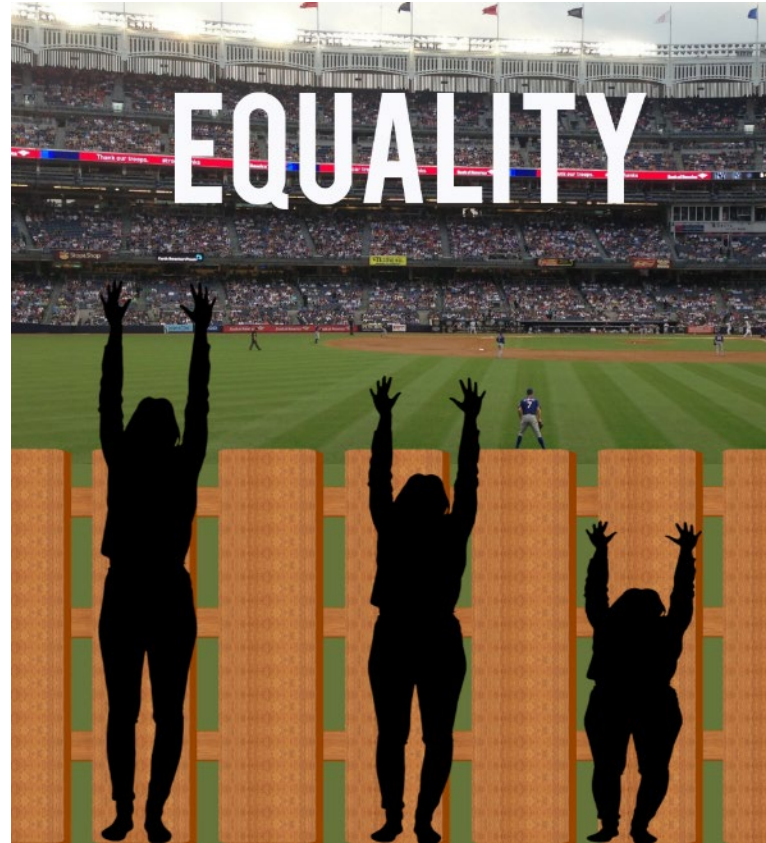
Having religious beliefs and engaging in religious behaviors protect against problem drinking.

Having such beliefs without a religious practice actually increases the risk of alcohol abuse. (Brechtling et al. 2010)



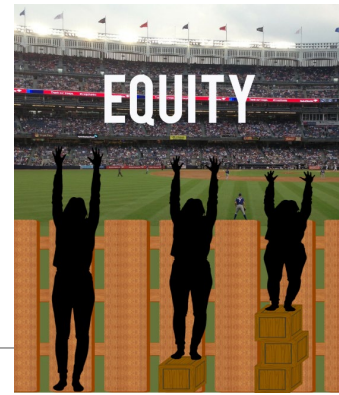


# DTC Response: Equivalent Treatment



# Equivalent Treatment

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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

# Equivalent Treatment- An example

## Language

- Depression
- The Blues
- Heavy Spirit

## Coping mechanisms

- alternative healing
- exercise
- Music *Let go of your troubles and dance.(BM)*

Belief systems- Is an ailment to be endured or treated?





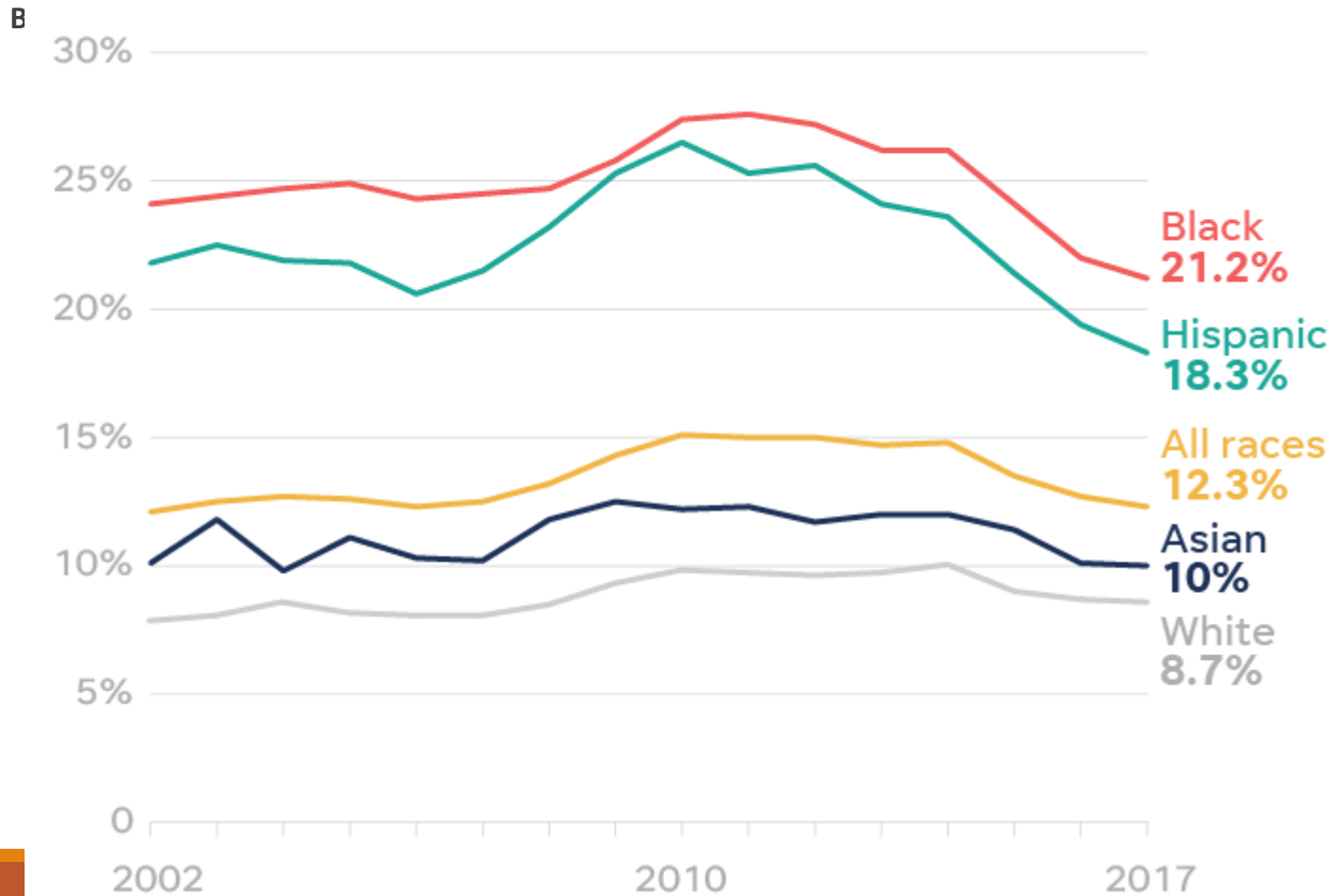
# Economic System Disparities

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To make real progress against systemic discrimination we must address income and wealth disparities.

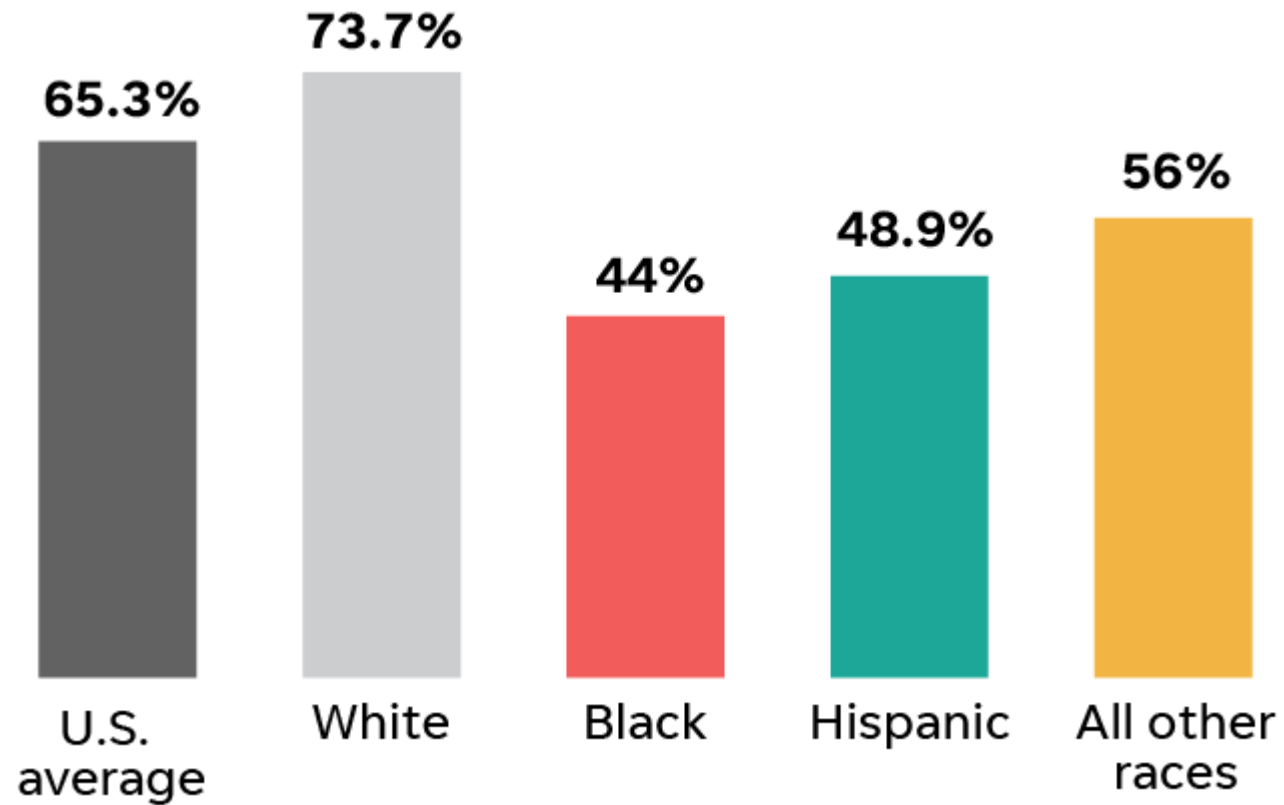
# Poverty Rates

<https://www.usatoday.com/in-depth/news/2020/06/18/12-charts-racial-disparities-persist-across-wealth-health-and-beyond/3201129001/>



# Homeownership, first quarter 2020

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<https://www.usatoday.com/in-depth/news/2020/06/18/12-charts-racial-disparities-persist-across-wealth-health-and-beyond/3201129001/>

SOURCE: U.S. Census

# Residential Segregation

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Neighborhood segregation may create differences in:

- employment opportunities,
- community resources,
- transportation access,
- treatment availability
- **Self- and collective-efficacy**
- and other factors that impact drug court participant success.



1950s, Los Angeles, CA

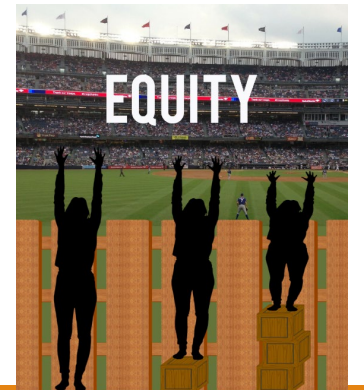
# WEALTH ACCUMULATION THROUGH RESPECT AND SOCIAL RELATIONSHIPS



Digre, Burkina Faso, 1981

# Issue: Lack of knowledge about neighborhoods where participants live and lack of awareness about the impacts of residential segregation

- Map out where participants live and look for patterns of access and retention
- Use GoogleMaps to map out from participant home address to treatment, court, UA test site and view instructions for using public transportation to access each one
- Draw on knowledge of law enforcement team members



# Coping: Culture of the Streets



[@MainEffectMusic](#)  
The street Culture (feat. Black, Lykay, King Kosovo, Busty Blaze, Mega-Main)

Many African-Americans 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*

# Strategy: Create a culturally relevant program VOICES, Colorado 18<sup>th</sup> Judicial District

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- Created a community advisory group
- Gave participants a voice in creating culturally relevant programming
- Program elements include HEAT, employment coaching, alternatives to NA/AA
- Addressed concerns of probation officers and district attorney's office



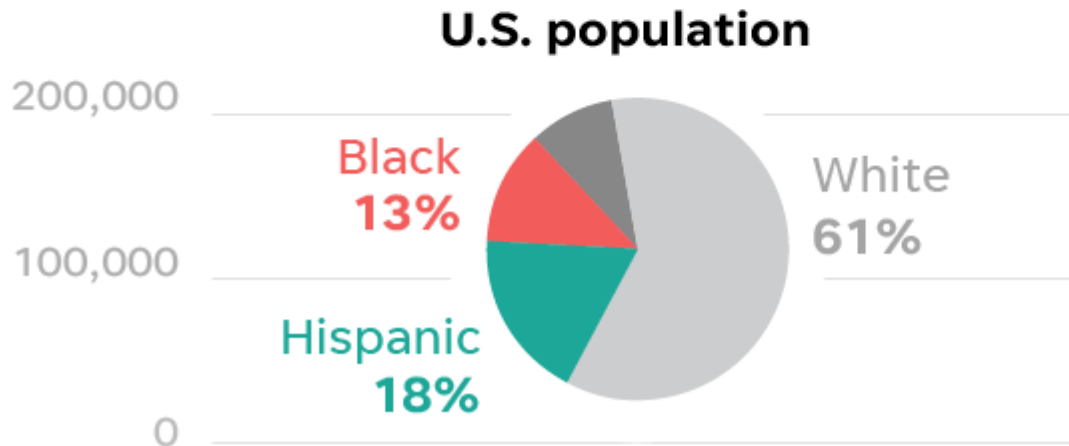
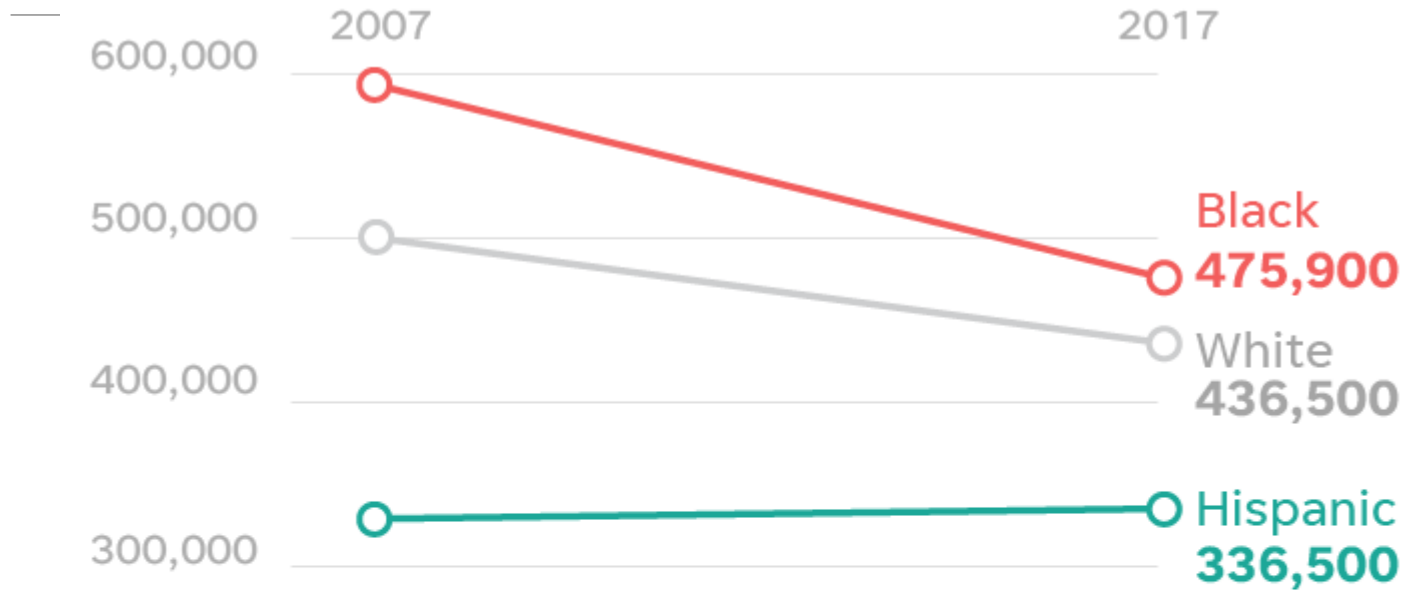
Justice System  
Disparities-  
Who goes in  
which door?

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# Incarceration Rates

<https://www.usatoday.com/in-depth/news/2020/06/18/12-charts-racial-disparities-persist-across-wealth-health-and-beyond/3201129001/>



# A Deficit of Trust

*I have been disrespected by the system. Say I am tall, African American, and have short hair. I could be walking down the street and get stopped multiple times because I fit the description: tall, African American, short hair. Once I was walking from my house to a park and I got stopped three times. Why? I didn't do nothing. (certified youth)*

*When you have been arrested and locked up you get used to a system. People enter drug court with the idea that its just like the rest of the system. There's unconscious distrust of anybody in authority positions.*  
*Focus group*



Painting by Lynette Yaidom-Boakye  
As printed in Vogue April 2017

Issue: Team does not know who is underserved.

Strategy: Collect data based on relevant characteristics

	Black women	White women	Latina (women)
# drug cases filed/ disposed	100	100	
# admissions	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]



Issue: Team does not know reasons for non-admission  
Strategy: Collect reasons for non-admission by demographic groups

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				
TOTAL				

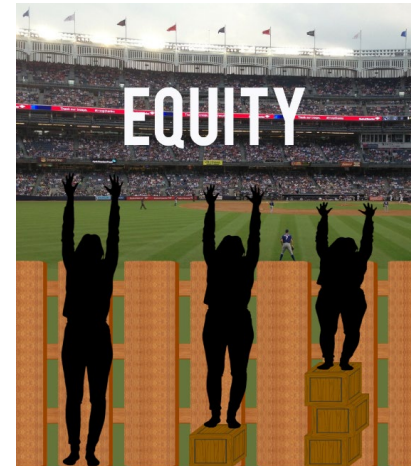


# Issue: Team is unaware of how admission decisions are made.

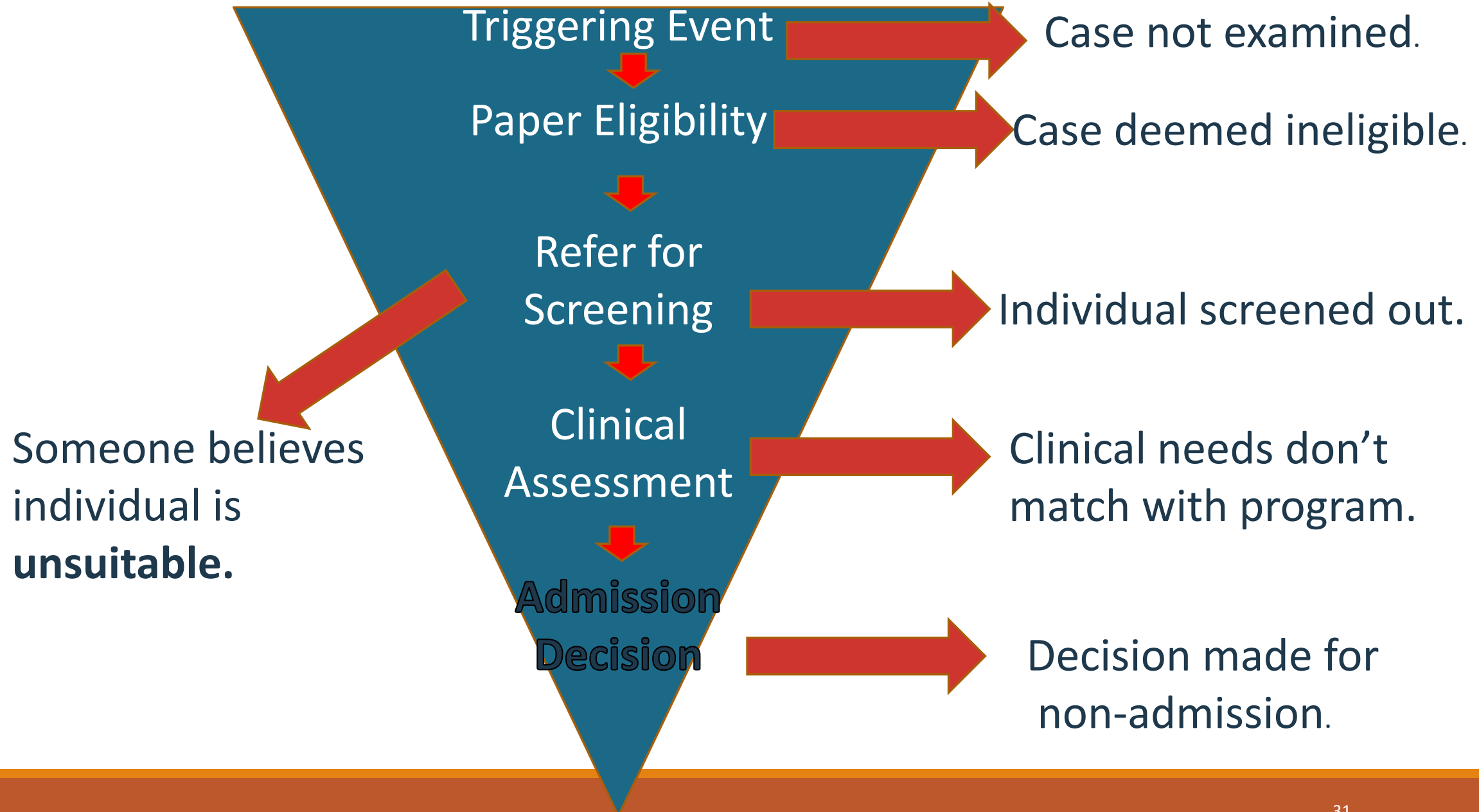
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Strategy: Examine the admission decision making process including:

- all decision makers,
- inclusion and exclusion criteria,
- and decision processes.



# Examine your 'decision to admit' process

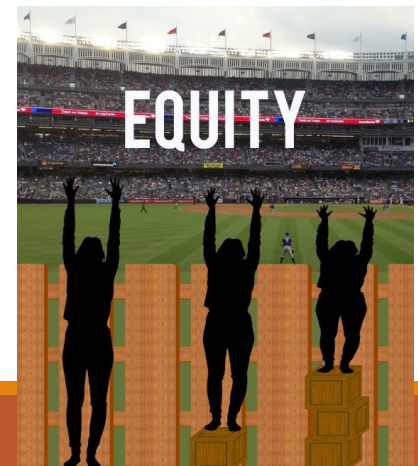


Issue: Subjectivity is often used in determining who will be referred and admitted to the program.

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Possible strategies:

- Implicit bias training
- Devil's advocate to question decisions and the nature of discussions
- Eliminating the 'is this person really suitable for our program?' discussion at a staffing
- Check beliefs with evidence/data





# More issues and strategies involving decision-makers

Defense bar often experiences high turnover and has little knowledge about treatment court.

- Distribute fact sheet or brochure about program benefits
- Informal discussions at lunch
- More formal discussion at court

Prosecutor/district attorney – potential bias in referral process

- Discussion/training about implicit bias
- Time-limited recording of ‘reasons for non-referral’

Judges lack knowledge about treatment court

- Treatment court judges provide CLE training for court en banc about treatment court, what it does, and impacts



# Issue: Potential participants opt out

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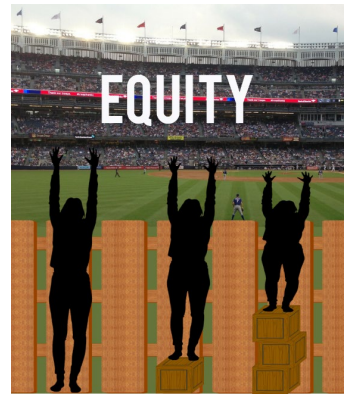
Use **social marketing** principles and techniques to understand the perspective of potential participants and to enhance their access and retention in your program.

**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*

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State benefits from a participant perspective using:

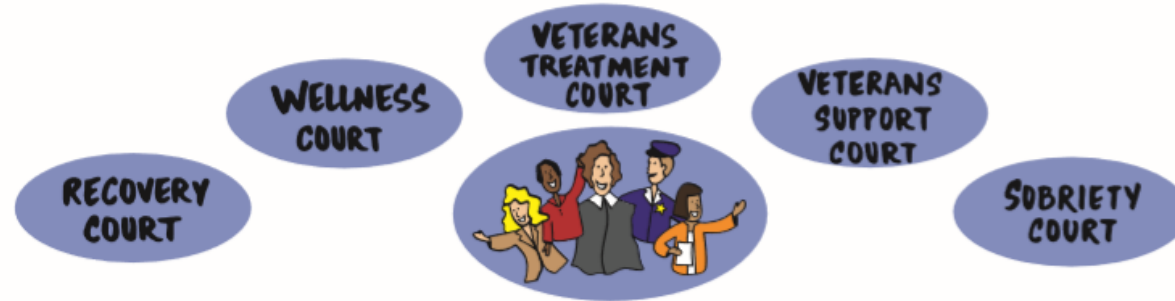
- Infographic
- Brochure
- Poster
- Video
- Orientation delivery person

# Using Social Marketing to Enhance your Program

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



### PARTNERING FOR CHANGE



### BENEFITS OF PROBLEM SOLVING COURTS



created by  
Marked by Ellen 2/2014

# Strategies to enhance access and retention

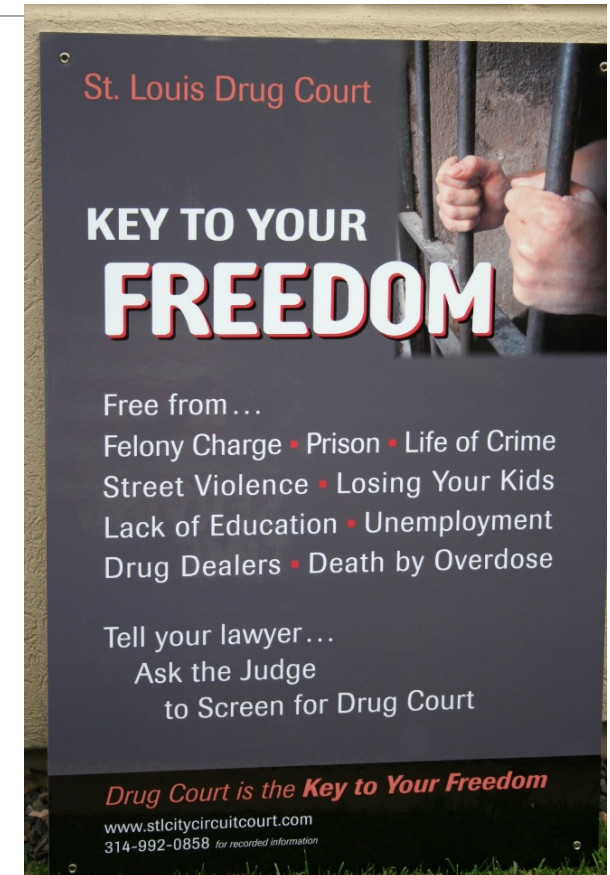
Viewing the program from a participant perspective

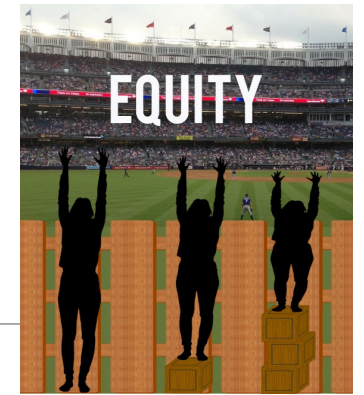
*'Drugs are not the problem'*

- Transform the job requirement into a stepping stone to a career

The 'inmate grapevine'

- Educate jail staff about benefits of program
- Create benefits brochure to distribute at jail
- Display posters
- Have program staff meet with inmates





# More on the participant perspective

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Issue: Community lack of trust in anything court related

Possible strategies:

- Community outreach- interfaith groups- staff attend community events
- Judge meets with ministers and gives them benefits brochure about program
- Community celebration of treatment court with invitations to community members

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

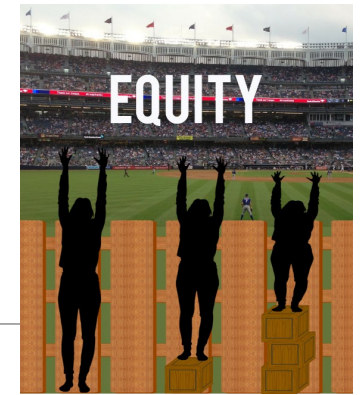
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*African American men need to get back on top of being family oriented.*

### Focus group

Offer 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



# Being color blind is not helpful

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*“We treat everyone the same in our drug court program.”*

Research indicates that practicing an ideology of color blindness is ineffective, provokes interracial tension, and promotes inequality. (Neville, et al. 2013).

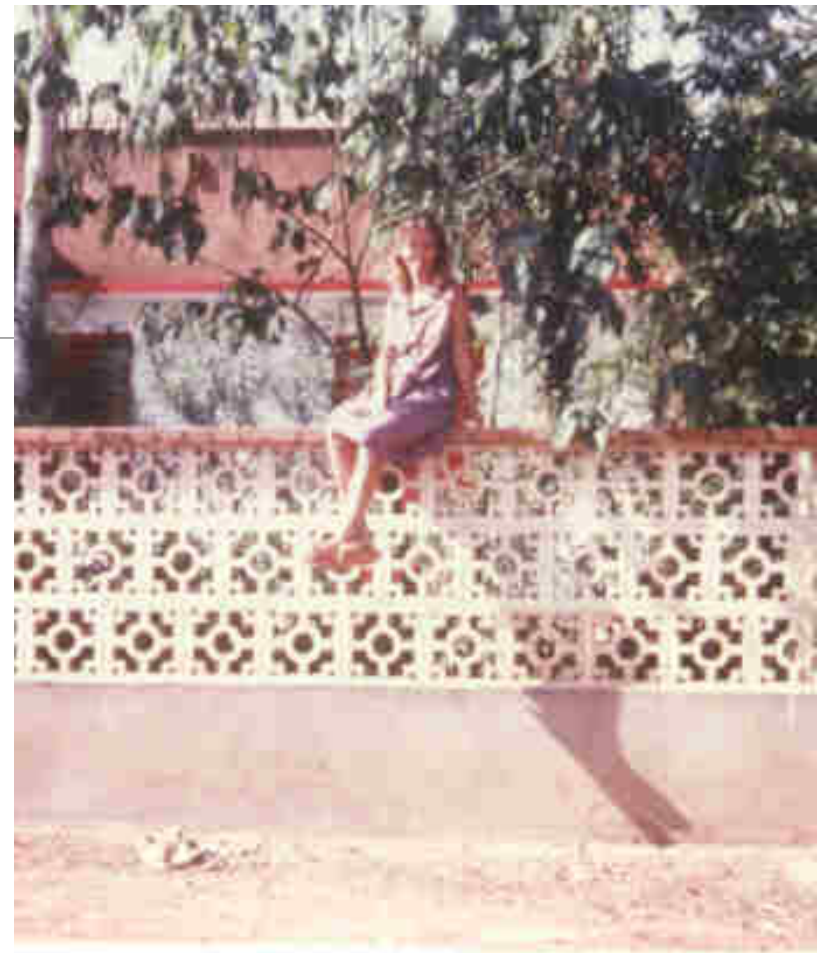
What to do instead?

- Discourage color blind attitudes among staff.
- Engage in hard discussions about how race may matter in your program.
- Include community partners and participants in these discussions.



*“White people always ask us [black activists] what they can do. We have enough to worry about with plain old survival. I say wholeheartedly to you with no malice: Figure out what you do well and get in the game. Why sit there and wait for us to figure it out? We didn’t create the problems.”*

Damon Davis, producer of *Whose Streets?*, a 2017 documentary film about Ferguson, MO.

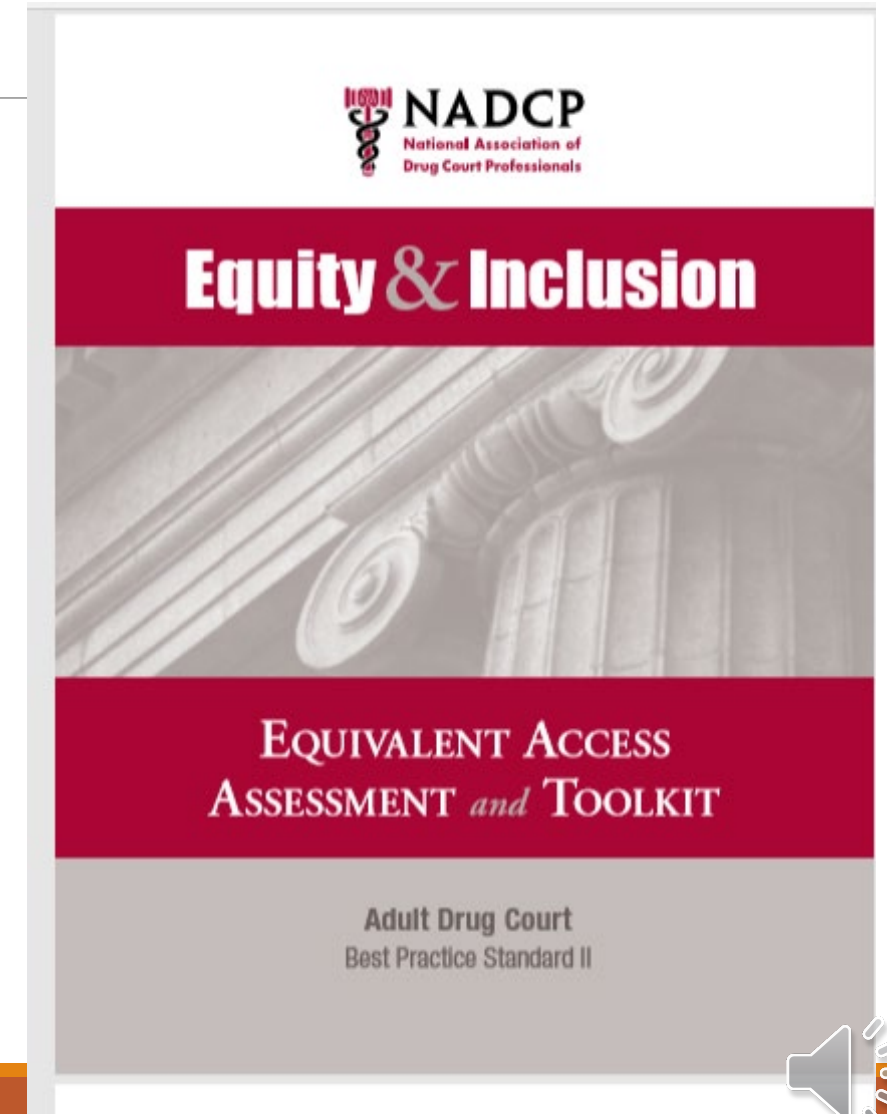


Ouagadougou, Burkina Faso, 1981

Issue: Our program lacks tools to assess and address equity and inclusion

## Equivalent Access Assessment and Toolkit

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



# Read

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White Fragility: Why it is so hard for white people to talk about racism, Robin DiAngelo

Gather at the table: The healing journey of a daughter of slavery and a son of the slave trade, Thomas Norma DeWolf & Sharon Leslie Morgan.

Breathe: A letter to my sons, Imani Perry

How to be less stupid about race: On racism, white supremacy, and the racial divide, Crystal Fleming

How to be antiracist, Ibram X. Kendi

The Watsons go to Birmingham-1963, Christopher Paul Curtis

Post traumatic slavery syndrome, Joy DeGruy