

Racial Disparities in Drug Court Outcomes: Lessons Learned from the Lived Experiences of White and African American Participants in One Midwestern Drug Court

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Findings from the Arrestee Drug Abuse Monitoring (ADAM II) Program (Office of National Drug Control Policy, 2010)

- ⊙ 56% to 82% tested positive for at least one drug
- ⊙ 12% to 28% tested positive for multiple drugs
- ⊙ 78% to 93% reported at least one prior arrest
- ⊙ 1% to 10% received outpatient substance abuse treatment during the past year
- ⊙ 2% to 10% received inpatient substance abuse treatment during the past year



What are drug courts?

(National Association of Drug Court Professionals, 2014)

- ⊙ In an attempt to manage large dockets that contained an overwhelming number of drug cases, the first drug court began in 1989 in Dade County (Miami), Florida.
- ⊙ There are currently 2,734 drug courts and 1,122 other specialized problem solving courts operating throughout the U.S. and U.S. territories.
- ⊙ The drug court movement is expanding beyond the United States. It is estimated that there are 30 international drug courts (e.g. Ireland, Chile, United Kingdom, Australia, Canada, Jamaica, to name a few).



Defining Drug Courts: The Key Components

(National Association of Drug Court Professionals, 2004)

1. Drug courts **integrate alcohol and other drug treatment** services with the justice system case processing (p. 1)
2. Using a **nonadversarial approach**, prosecution and defense counsel promote public safety while protecting participants' due process rights (p. 3)
3. Eligible participants are **identified early and promptly placed** in the drug court program (p. 5)
4. Drug courts provide access to a **continuum of alcohol, drug, and other related treatment** and rehabilitation services (p. 7)
5. Abstinence is monitored by frequent alcohol and other **drug testing** (p. 11)



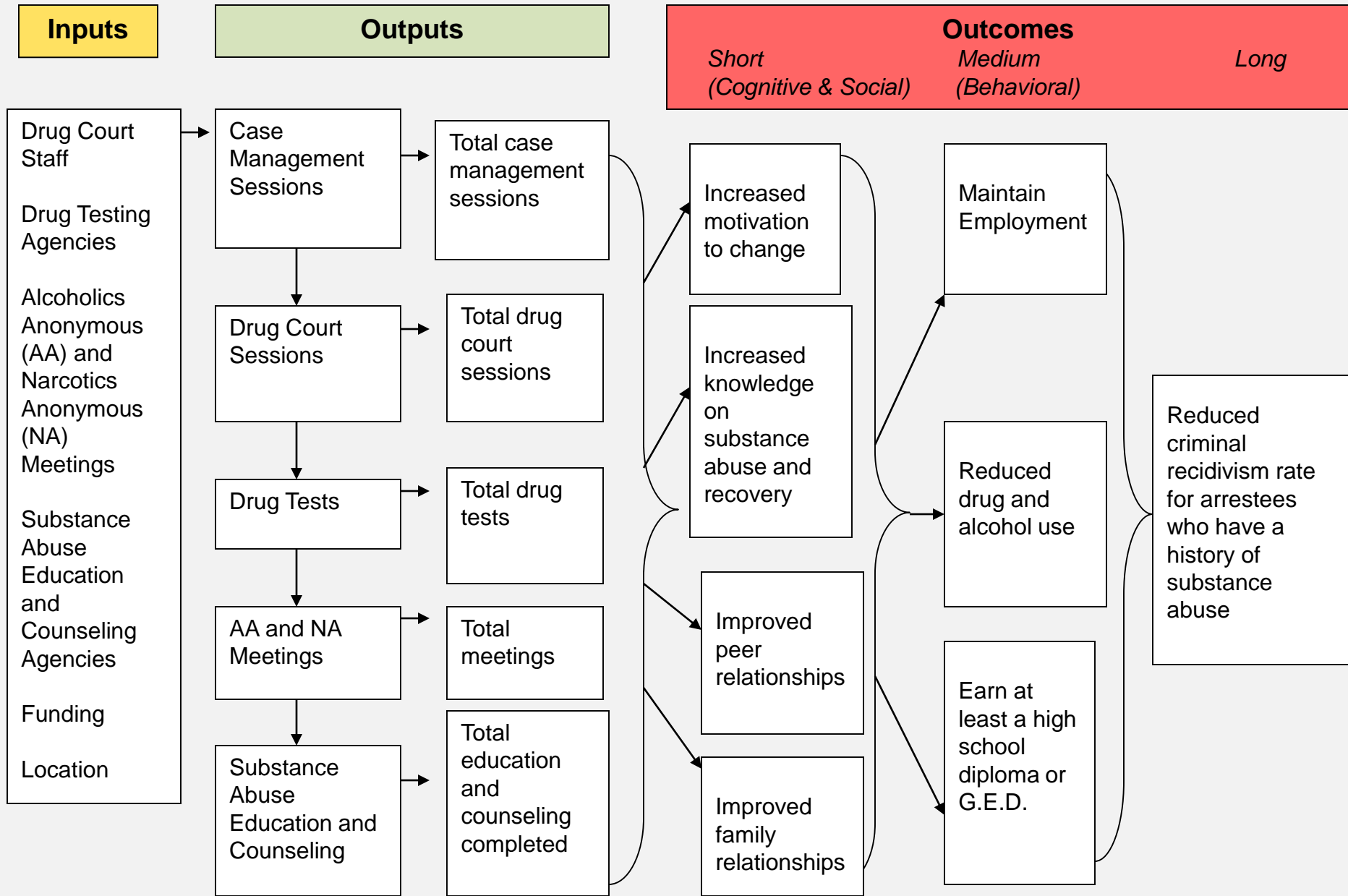
Defining Drug Courts: The Key Components

(National Association of Drug Court Professionals, 2004)

6. A coordinated strategy governs **drug court responses to participants' compliance** (p. 13)
7. **Ongoing judicial interaction** with each drug court participant is essential (p. 15)
8. Monitoring and **evaluation measure** the achievement of program goals and gauge effectiveness (p. 17)
9. Continuing **interdisciplinary education** promotes effective drug court planning, implementation, and operation (p. 21)
10. **Forging partnerships** among drug courts, public agencies, and community-based organizations generates local support and enhances drug court program effectiveness (p. 23)



Drug Court Logic Model (Gallagher, 2013a)



Literature Review

- ◎ Drug courts appear to effectively reduce criminal recidivism (Gallagher et al., 2014; Gallagher et al., 2015); however, studies suggest that racial disparities exist in drug court outcomes (Gallagher, 2013a; Gallagher, 2013b).
- ◎ Gallagher (2013a) analyzed records of 376 drug court participants in urban Texas and found that 65% of white participants graduated compared with 52% of Hispanic and only 45% of African Americans.
- ◎ Dannerbeck et al. (2006) analyzed data from 10 Missouri drug courts. They extracted data from the records of 657 participants from 10 courts to test hypotheses related to racial disparities in drug court outcomes. They found a significant difference in drug court outcomes; specifically, 55% of Caucasian participants and only 28% of African Americans graduated the program.



Justification for this Study

* The findings from this study have been published in the *Journal of Ethnicity in Criminal Justice*, please see Gallagher & Nordberg (in press)

- ⊙ Drug court literature consists predominately of program evaluations using quantitative methods to predict graduation and recidivism outcomes. Studies using qualitative methods to evaluate drug courts are less common, and only one study (Gallagher, 2013b) was located that used qualitative methods to explore the factors that may contribute to racial disparities in drug court outcomes.
- ⊙ This study contributes to the drug court literature by using qualitative methods to compare and contrast the lived experiences of White and African American participants for the purpose of offering insight into the factors that may contribute to racial disparities in drug court outcomes.



Research Question & Theory

- ⦿ What similarities and differences exist between White and African American participants, in regards to their views on the aspects of drug court that support them in graduating the program and the barriers they face to graduating drug court?
- ⦿ Phenomenology is recommended when you have a research sample with similar characteristics, such as being drug court participants (Padgett, 2008).
- ⦿ As suggested by Padgett (2008), having few predetermined questions and the use of more probing questions can produce a more natural and genuine account of participants' lived experiences in drug court. Examples of probing questions used include, "can you give me an example of when that occurred for you in drug court?" or "earlier in the interview you shared with me that ... can you tell me more about that?".



Methodology

- ⦿ Face-to-face recruitment, flyer, 45 participants were recruited for the individual interviews and 38 chose to participate in the research, yielding a response rate of 84.44%.
- ⦿ The individual interviews ranged from approximately 20 minutes to 75 minutes in length, and the average length of an interview was approximately 35 minutes.
- ⦿ The semi-structured interviews collected data from 38 participants from a Midwestern drug court to compare and contrast White (n = 22) and African Americans (n = 16).



Methodology

- ◎ Several strategies were used to increase the rigor and validity of the qualitative findings, including interdisciplinary triangulation, peer debriefing, and member checking.
- ◎ The interviews were transcribed verbatim and NVivo 10 was used for the analysis. Data were first dichotomized by race and ethnicity to compare and contrast findings. Then, data that demonstrated consistent responses were identified as themes.



Compassion and Understanding (White and African American)

- ⊙ A White male stated: “I had a positive drug test once and I thought they were going to put me in jail for a long time. I thought, this is what the criminal justice system does, they put you in jail for screwing up. But, that was not my experience. Actually, they told me that sometimes people relapse in the program and they want to help me instead of putting me away for a long time. I think it takes time, but once you are in the program long enough, you realize that the judge and staff really care about you getting better.”



Compassion and Understanding (White and African American)

- ◎ Another White male stated: “I know the case managers are very busy dealing with all the other defendants they have and all the problems that come with dealing with people with drug problems, but she [case manager] is always there to talk with me when I need her. You know, sometimes people say, you can call me at any time to talk and they really don’t mean it. But, she [case manager] means it. Even when I make mistakes in the program, my case manager supports me and speaks up for me to the judge on my behalf. She [case manager] does not let me get away with things; she holds me accountable, but she holds me accountable in a way that helps me improve my life.”



Compassion and Understanding (White and African American)

- ⦿ An African American female stated: “I had to miss court one day because I didn’t have anyone to watch my children. I know if I was involved in other programs, like probation, they would have violated me and I would have gone to jail. The criminal justice system is not understanding, they put you in jail for not having money or jobs or things like that, things that have nothing to do with breaking the law. My case manager worked with me and talked to the judge on my behalf so I did not get in trouble. Maybe because she [case manager] is a mother also, she gets it, but it was nice to see that some people in the criminal system respect you as mothers and the demands we face with trying to complete everything.”



Compassion and Understanding (White and African American)

- ⊙ An African American male stated: “I can’t believe the judge knows everyone in the courtroom by name. There must be fifty or one hundred people there sometimes. She either has a great memory or really cares about getting to know us and what our lives look like. I am going to graduate this program, and when I do, I am going to thank the judge and everyone else for all the support they have given me. It seems silly, but just knowing someone’s name goes a long way.”



Total Abstinence (70% of White participants)

- ⊙ “The drug tests are good at getting people to not use illegal drugs, but we still use alcohol. The tests for alcohol are easy to beat because alcohol is in and out of your system quickly, it does not stay in your body for 4 or 5 days like other drugs. But I think the drug testing system works because we stopped using drugs. For me, heroin was the problem, not alcohol. When I have a craving for heroin now, I just use alcohol and that seems to work.”



Total Abstinence (70% of White participants)

- “At first, the drug tests sucked because I couldn't imagine my life without drugs, I was so used to using them that it made me anxious just thinking about how I was going to live without them. For about the first three months of the program I used alcohol, not every day, just maybe on the weekends and after my two drug tests were completed for the week. Then, one day, I don't know how or exactly when, I told myself I didn't need alcohol and just stopped using all together. I have now not used any drugs or alcohol in about 6 months.”



Time Management (White participants)

- ⊙ “I may not graduate because I have a job and a family and work very hard to pay my bills. Because of this, I missed a few appointments and one drug test. I went on sanctions and had to go to jail and almost lost my job, that isn't what drug court is about, I don't think, losing your job. It's tough because I stopped getting high and am trying to improve my life, but things that improve it, like work, is a barrier to graduating.”



Time Management (White participants)

- ⊙ “My case manager says get a job and maintain it, but it’s hard to do when you have a pending felony on your record and you have to miss work because you go do your drug tests.”
- ⊙ “The drug testing really interrupts your day because you never know when you are picked so you can’t plan ahead with family stuff and my schooling.”



Quality of Addiction Treatment (African American participants)

- “Counseling is the same as going to an AA or NA meeting. It is just a bunch of people sitting around complaining about their problems and bitching about the criminal justice system. We are always talking about the 12 steps and told to get a sponsor. We have to show this list each week that proves we are going to [AA or NA] meetings. They spend more time talking about AA than doing counseling. I don’t actually know what counseling is supposed to look like, but I have a lot of problems that I want to talk about but there is never time in group. When I brought up once in group that my girl was using drugs, I was told to talk about it at a 12 step meeting because there was not enough time left.”



Quality of Addiction Treatment (African American participants)

- “I have to go to all these AA meetings and then go to group and get the same stuff. One time, I went to group and they had some person from AA come in and tell their story with drugs and recovery. It is a waste of time. I hear the same stuff at the [AA or NA] meetings and then have to hear it again when I go to group. I don't feel that we are always getting good counseling. Sometimes, it is so repetitive from what we already do when we go to our 12 step meetings.”



Culturally Incompetent Labeling (African American participants)

- “The biggest limitation with the counseling is that they force you to say you are an addict or alcoholic, even if you are not. When we check-in at the beginning of group, everyone has to say their name and call themselves an addict or alcoholic. One time, I said I was a user of marijuana and the counselor told me I was in denial and resistant, or something like that, because I did not accept I was an addict. I am not an addict. I use marijuana, and it’s illegal, but that does not make me an addict. The counselor spent nearly the entire group having everyone else give me feedback to change my mind. I didn’t. I’m not going to put a label on me if I don’t want to.”



Culturally Incompetent Labeling (African American participants)

- ⊙ “I don’t know why they make everyone say they are a drug addict. At first, I didn’t want to say it, but now I just say, hey, my name is [name] and I’m an addict. When you just do it, it gets the counselors off your back. I see people refuse to say they are an addict or alcoholic, and the counselors force them to say it. They will not move on in group until you say it, or they will call you out in front of everyone and say you’re not being honest with yourself, or worse, say you need to do more group sessions.”



Limitations

- ⊙ Social desirability bias.
- ⊙ Findings cannot be generalized beyond the research sample; each drug court operates differently.
- ⊙ Of the 38 research participants, 28 (74%) were male. The lived experiences of female drug court participants is limited in the study. Additionally, data from other races and ethnicities were not collected.



What has previous research taught us about racial disparities in drug court outcomes?

- ⦿ African Americans from this study felt that they were not receiving effective substance abuse counseling, and this was a barrier to them graduating the program. Actually, they felt that treatment was more like an AA or NA meetings, as compared to treatment modalities that utilize evidence-based interventions. African Americans also felt that they were forced to identify themselves as addicts or alcoholics in treatment, and this was another limitation of the counseling that prevented them from engaging in the process. Interestingly, these findings are similar with other qualitative studies.



What has previous research taught us about racial disparities in drug court outcomes?

- ◎ Gallagher (2013b), for example, met with African American participants in a Texas drug court to explore the factors that may contribute to African Americans graduating drug court at a lower rate than white participants. Gallagher found that African Americans from this program were dissatisfied with being mandated to attend AA and NA meetings because the format of these self-help programs was not consistent with their culture; participants also felt that they were not receiving individualized treatment in the drug court.
- ◎ Fischer and Geiger (2011) also found that drug court participants were more likely to have a positive response to counseling if they were provided with individualized treatment plans and were offered interventions that focused on the underlying causes of their substance use disorder, perhaps symptoms related to past domestic violence or other forms of trauma.



What has previous research taught us about racial disparities in drug court outcomes?

- ◎ Taxman and Bouffard (2005) used direct observations to assess the quality of addiction treatment offered to drug court participants. Consistent with this study, Taxman and Bouffard found that the quality of addiction treatment was questionable because treatment was often counselor-driven, as compared to patient-driven, and cognitive-behavioral interventions were rarely used. Bouffard and Taxman (2004) did caution against using 12-step interventions in substance abuse treatment, as terms common to this intervention, like “powerlessness”, can provide participants with mixed messages, as cognitive behavioral practices encourage participants to take control of their thought patterns.



Drug Court Practice

- ◎ From a practice standpoint, enhanced drug testing methods for alcohol use, such as EtG tests. 70% of White participants reported currently using or had used alcohol while in drug court. Additionally, assuring the drug courts are referring to providers that are utilizing evidence-based, culturally competent treatments, may improve graduation rates in drug courts.
- ◎ Future qualitative research is suggested to gather an in-depth understanding of drug court from populations that were not interviewed in this study, such as Hispanics. Evaluating the quality of substance abuse treatment, perhaps through direct observations, may also provide additional insight into how treatment interventions are being delivered to participants.



Drug Court Practice / Key Component #8

- ⊙ In 2010, the National Association of Drug Court Professionals (NADCP) Board of Directors released a statement titled *The equivalent treatment of racial and ethnic minority participants in drug courts* (NADCP Board of Directors, 2010).
- ⊙ First, drug courts need to evaluate their programs to assess for the factors that may lead to an underrepresentation of minority participants in their programs and the factors that may contribute to lower graduation rates for minority participants.
- ⊙ Second, drug court need to offer participants evidence-based, culturally competent interventions, which includes training for the drug court team on how to implement best practices for minority participants.



Thank you!

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