

RESEARCH UPDATE**UNDERSTANDING RACIAL DISPARITIES
IN DRUG COURTS****By Michael W. Finigan, Ph.D.****EXECUTIVE SUMMARY**

The issue of potential racial disparities in drug court graduation rates has been prevalent for much of the history of the drug court movement. The controversy has largely centered on findings from several studies indicating that a considerably smaller percentage of African Americans graduated from the drug courts as compared to non-Hispanic Caucasians (Brewster, 2001; Hartley & Phillips, 2001; Schiff & Terry, 1997; Shichor & Sechrest, 2001; Wiest et al., 2007). In several of these evaluations, the magnitude of the difference was quite large, as high as 25 to 30 percentage points (Belenko, 2001; Shichor & Sechrest, 2001; Wiest et al., 2007). This finding is by no means universal, as a smaller number of evaluations have found no racial differences in drug court graduation rates (Sau, Scarpitti, & Robbins, 2001) or even superior outcomes for African Americans as compared to Caucasians (Belenko, 1999; Vito & Tewksbury, 1998). Regardless, a trend does appear to be emerging from the research literature that African Americans may be succeeding at lower rates in many drug courts as compared to their non-racial minority peers (Shaffer, 2006).

A critical unanswered question is whether these disparities are a function of race per se, or whether they might reflect the influence of other factors that are themselves correlated with race. Many of the studies cited above found that other variables—including participants' drug of choice (e.g., cocaine or heroin), employment status, and

criminal history—also predicted poorer outcomes in drug courts, and racial groups differed on these variables (Belenko, 2001; Brewster, 2001; Schiff & Terry, 1997). For example, in some of the communities that were studied, African Americans were more likely than Caucasians to be abusing cocaine, and it is possible that the severely addictive and destructive nature of this particular drug could have been largely responsible for their poorer outcomes. Perhaps in other communities in which Caucasians are equally likely to abuse cocaine, or more likely to abuse other dangerous drugs such as methamphetamine, racial differences might disappear or Caucasians might have relatively poorer outcomes.

This possibility requires evaluators to use slightly more advanced statistical procedures, which first take into account the influence of other variables such as drug of choice, and then determine whether race continues to portend poorer outcomes after those variables have been factored out. Only then would it be scientifically defensible to conclude that there are disparate racial impacts in drug courts.

EXAMINING OTHER POSSIBLE EXPLANATIONS

A recent study (Dannerbeck, Harris, Sundet & Lloyd, 2006) published in the *Journal of Ethnicity in Substance Abuse* shed additional important light on this issue. The study examined outcomes on a relatively large number of participants ($N = 657$) who were treated in 10 adult drug courts located throughout the State of Missouri. Because the study had the benefit of being multi-site and including a large sample, the investigators were capable of conducting the more nuanced statistical analyses that are necessary to better understand racial disparities.

The outcome data consisted of both self-report and externally validated indicators. However, criminal history data appear not to have been available. All of the variables were de-

financed categorically. Chi square analyses were used to determine for each variable whether significant differences existed between African American and Caucasian drug court participants. Subsequently, multivariate analysis was conducted to examine how all of the variables related to one another in influencing whether drug court participants graduated or were terminated from the programs.¹

Significant differences were found in outcomes by race. Fifty-five percent of the Caucasian participants graduated from the drug courts as compared with only 28% of the African American participants. In addition, the African American and Caucasian participants differed significantly by employment status, marital status, living arrangements, parental status, family support, and drug of choice. Specifically, significantly higher proportions of the African American participants were unemployed when they entered the drug courts (56% vs. 39%), were unmarried (91% vs. 83%), were living with unrelated individuals (51% vs. 37%), did not have children (69% vs. 56%), reported cocaine as their primary drug of choice (45% vs. 13%), and reported low levels of family support (38% vs. 29%). In addition, African Americans had significantly lower scores on a composite variable labeled “community socioeconomic [SES] status,” which reflected a combination of their income, the adequacy of their housing, their neighborhood environment, and their employment status.

One important weakness of the study was its inability to collect criminal history records. However, a larger proportion of the African Americans entered the drug courts from prison. This finding suggests that the criminal histories might have been more serious among the African American partici-

¹ Forward, stepwise binary logistic regression was used to estimate the models.

pants, or perhaps that they were more likely to have been incarcerated for comparable prior convictions.

It is the multivariate analyses in this study, however, that proved the most interesting. While race was, indeed, a significant variable in the preliminary model predicting graduation rates, it dropped out of the final multivariate model. The top explanatory factors in predicting graduation from the drug courts were (1) employment status upon entry, (2) community SES status, and (3) an interaction between race and cocaine as the primary drug of choice. Specifically, being unemployed and/or having a lower SES was predictive of a lesser likelihood of graduating from the drug courts. In addition, the interaction effect revealed that being African American and also reporting cocaine as one's primary drug of choice was predictive of a lower likelihood of graduation; however, race in and of itself was not predictive of graduation.

DISCUSSION

The results of this study suggest that racial disparities in drug court graduation rates (at least within the State of Missouri) might be explained by broader societal problems, such as lesser educational or employment opportunities for some minority citizens or a higher infiltration of cocaine into some minority communities, but appear not to be a byproduct of racial identity per se.

Of course, this crucial matter is far from settled. This was only one study and it must be replicated in other jurisdictions and with other client populations. The results might be confined to the 10 drug courts in Missouri that were the focus of the study. In addition, the fact that an important variable such as offenders' criminal records could not be included in the analyses is unfortunate. Criminal history is highly predictive of outcomes in most substance abuse treatment and correctional

programs, and it is possible that controlling for this particular variable might have significantly reduced the apparent influence of SES. Most lower-SES individuals do *not* resort to substance abuse or crime, and it may only be an unduly influential subset of those individuals who engage in recalcitrant antisocial conduct and give the rest a “bad name.” More research is needed to determine whether the findings from this study are, indeed, representative of most drug court programs, and how we should interpret the influence of SES on drug court outcomes.

This study also tells us nothing about the critical influence of *access* to drug court programs. In other sectors of the criminal justice system, not specifically involving drug courts, there is ample justification for concluding that racial minority citizens are granted lesser access to treatment-oriented diversionary dispositions than are non-minorities (e.g., Dannerbeck-Kanku & Yan, 2009; Huebner & Bynum, 2008; University of California, Los Angeles, 2007). This process could lead to a form of racially relevant “sifting” in the pipeline prior to entry into drug courts. If, for example, Caucasian offenders are more readily admitted into drug court programs than minorities (an issue which has not been adequately studied at this juncture), it is possible that only those African Americans with relatively more severe criminal records or drug abuse problems may be making their way into the programs. An analysis of unpublished data from a variety of drug courts in California, Oregon, and Indiana showed significant differences in the criminal histories of African American drug court clients as compared to non-African Americans (Carey & Finigan, unpublished).² In all three of the jurisdictions, African Americans had significantly more prior arrests.

² On file with the author at Finigan@npcresearch.com.

If African Americans have lesser access to drug court programs, this could explain why those in drug courts tend to have poorer employment histories, lower incomes, and more serious drug problems and criminal backgrounds. These differences might not reflect general patterns in the population at-large, but rather differences that emerged in the drug courts as the result of differential access to the programs. Research is critically needed to determine whether African American citizens have an equal opportunity as non-minorities to enter drug court programs, given equivalent criminal backgrounds and substance abuse histories. And, if it is determined that access is not equivalent for minorities, it is essential to understand how this sifting process may alter the specific profile of clinical needs that are presented by African American participants.

Finally and most importantly, we need to move beyond simply documenting the nature of the problem, and begin to find ways to address deficiencies and improve outcomes. Clearly, race plays a major factor in drug court success rates, albeit in a manner that is not as yet fully understood. Regardless, we do have some evidence that providing culturally proficient or culturally sensitive interventions can serve to counteract this negative process and improve results. At least one drug court program run by an African American clinician and utilizing culturally sensitive interventions has demonstrated superior effects for African American participants (Vito & Tewksbury, 1998). We need more studies of this ilk which can point the way toward finding desperately needed solutions for minority citizens who are caught in the destructive web of drugs and crime, and entangled within our imperfect criminal justice system.

REFERENCES

- Belenko, S. (1999). Research on drug courts: A critical review, 1999 update. *National Drug Court Institute Review, II* (2), 1–58.
- Belenko, S. (2001). *Research on drug courts: A critical review, 2001 update*. New York: National Center on Addiction and Substance Abuse.
- Brewster, M. (2001). An evaluation of the Chester County (PA) drug court program. *Journal of Drug Issues, 31*, 177–206.
- Dannerbeck, A., Harris, G., Sundet, P., & Lloyd, K. (2006). Understanding and responding to racial differences in drug court outcomes. *Journal of Ethnicity in Substance Abuse, 5*, 1–22.
- Dannerbeck-Janku, A., & Yan, J. (2009). Exploring patterns of court-ordered mental health services for juvenile offenders: Is there evidence of systematic bias? *Criminal Justice & Behavior, 36*, 402–419.
- Hartley, R. E., & Phillips, R. C. (2001). Who graduates from drug courts? Correlates of client success. *American Journal of Criminal Justice, 26*, 107–119.
- Huebner, B. M., & Bynum, T. S. (2008). The role of race and ethnicity in parole decisions. *Criminology, 46*, 907–937.
- Sau, C. A., Scarpitti, F. S., & Robbins, C. A. (2001). Violent offenders in drug court. *Journal of Drug Issues, 31*, 107–128.

- Schiff, M., & Terry, C. (1997). Predicting graduation from broward county's dedicated drug treatment court. *Justice System Journal*, 19, 291–310.
- Shaffer, D. K. (2006). *Reconsidering drug court effectiveness: A meta-analytic review*. Las Vegas, NV: Dept. of Criminal Justice, University of Nevada.
- Shichor, M., & Sechrest, D. (2001). Determinants of graduation from a day treatment drug court in california: A preliminary study. *Journal of Drug Issues*, 31, 129–147.
- University of California, Los Angeles. (2007, April). *Evaluation of the substance abuse and crime prevention act: Final report*. Los Angeles: UCLA Integrated Substance Abuse Programs.
- Vito, G., & Tewksbury, R. (1998). The impact of treatment: The jefferson county, ky drug court program. *Federal Probation*, 62, 46–51.
- Wiest, K., Carey, S. M., Martin, S., Waller, M. S., Cox, A. A., Linhares, W., Crumpton, D., & Finigan, M. (2007). *Indiana drug courts: Vanderburgh County day reporting drug court: Process, outcome and cost evaluations, final report*. Submitted to the Indiana Judicial Center, April 2007. Available at www.npcresearch.com.