



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 Americans¹; **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 country²; **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;³ **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 programs⁴; **and**

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

² *Id.* at 6.

³ MARC MAUER, THE CHANGING RACIAL DYNAMICS OF THE WAR ON DRUGS 14 (Sent. Proj., 2009), available at 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 Courts⁵; **and**

WHEREAS, the adoption of evidence-based, culturally proficient interventions in Drug Courts has been shown to significantly improve outcomes for minority participants⁶:

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

⁴ 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).

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

⁶ 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.

- 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