

# THE SUPREME COURT *of* OHIO

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# RACIAL AND ETHNIC DISPARITIES GUIDANCE

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## FOR SPECIALIZED DOCKETS

*Research has shown that programs such as specialized dockets are an effective solution to help justice-involved individuals get on a path to recovery. These programs offer participants court interventions and lead to lower recidivism rates. However, trends show disparities may exist in some dockets when it comes to who has access to the programs, completion rates, the administration of sanctions and incentives, and recidivism outcomes.*

*The Justice Programs Office (JPO) at American University's School of Public Affairs developed the Racial and Ethnic Disparities Program Assessment Tool (RED tool) to help specialized docket professionals identify and examine areas where racial and ethnic disparities exist in their court programs. This document is a RED guidance tool for Ohio's specialized dockets, utilizing the RED tool results from a pilot project conducted with Ohio specialized dockets in 2020. This document focuses on the eight primary areas the RED tool assesses: court information, intake, assessments, demographics, team members, education, drug choices and treatment/support services, and evaluation and monitoring. The document outlines specific practice recommendations and considerations for local programs to mitigate racial and ethnic disparities in Ohio's specialized dockets.*

## Court Information

- Ensure participants understand the legal implications of participation in the specialized docket, such as potential rights waivers, consequences of termination, and due process rights.
- All materials (written, audio, and video) should ideally be available in the participant's native language or an interpreter should be available. Consider employing a community-based outreach specialist (e.g., cultural broker, community liaison, participant outreach, or peer support).
- Add a racial equity mission and vision statement to each specialized docket's website.
- Create a racial equity page on the court website, including a racial equity dashboard and racial disparities data.

## Intake

- Develop two forms acknowledging receipt of the materials and a clear understanding of the program requirements: one for the participant, the other for the referral sources/agencies.
- Provide all referral sources/agencies with copies of the policy and procedure manual and participant handbook, and provide for education or individual meetings with team members to ensure an understanding of the eligibility requirements for appropriate referrals.
- Local coordinators should track signed participant eligibility and referral source/agency forms that acknowledge a clear understanding of participant requirements for program entry.
- Administer a validated RNR (risk, need, responsivity) tool pre-plea to assess for eligibility and identify appropriate high-risk/high-needs candidates or other objective measures for program admission to guarantee that participants have a fair chance to enter the program.
- Written eligibility criteria should include a sample list of eligible charges and other objective criteria, i.e., mental illness or undomiciled status.
- Eliminate barriers such as participant fees and inaccessible transportation, which may make programs less accessible to participants from lower socioeconomic groups.
- Develop an ineligibility form that tracks the reason of exclusion, i.e., current charge, prior arrest, previous violent or sexual conviction, lack of transportation, unpaid fees, etc.
- Excluding participants who have a prior arrest or conviction, limits access to Black, Indigenous, People of Color (BIPOC), who are arrested and convicted at higher rates than whites.

## Demographics

- Implement policies to assess and minimize racial and ethnic disparities in participation and outcomes.
- Track data on the total number of participants served in the past year, the number of participants currently in the program, and completion rates for participants in the past year, including categories of race and ethnicity.

## Assessment

- Use a risk assessment tool to determine participants' risk level, participant needs, and responsivity.
- Risk assessment data should be utilized to determine eligibility, services, and intensity and quantity of services.
- Ensure the selected risk assessment is validated based on the target participant population and the ability to predict participants' likelihood of re-offense.
- Validating the risk assessment is vital to assess its ability to predict future re-offenses for each racial and ethnic group in the specialized docket.
- Educate staff members to use the risk assessment and how to administer the risk assessment with specific racial and ethnic groups.
- Offer education to help staff determine how risk assessment data can be transferred to specialized docket practice.
- Ensure that staff are able to interpret and understand results from the risk assessment.
- Use risk assessment data to place participants in appropriate programming.
- Discuss the findings of the risk assessment with participants.
- Mental health assessment data should be utilized to determine eligibility, services, and the intensity and quantity of services.
- Ensure that staff are able to interpret and understand results from the mental health assessment.
- Offer additional support to staff to help them determine how mental health assessment data can be transferred to specialized docket practice.
- Consider using a substance use disorder (SUD) assessment to help the specialized docket program determine the types and intensity of SUD services for participants.
- SUD assessment data should be utilized to determine eligibility, service needs, and treatment intensity.
- Offer additional support to staff to help them determine how SUD assessment data can be transferred to specialized docket practice.

## Team Members

- Implement policies to employ a diverse staff that is representative of the specialized docket's population.
- Review hiring procedures to determine how to recruit and retain a more racially and ethnically diverse team.
- Recruit and retain docket participants. Identify if the team does not reflect the racial and ethnic background of the docket participants.
- Develop a policy to promote staff members from racial and ethnic backgrounds into leadership positions.
- Establish MOUs with defense attorney organizations i.e., public defenders to address participant advocacy and representation in court.

## Education

- Include staff members in education to reduce racial and ethnic disparities in specialized dockets allows for staff to implement strategies to reduce racial and ethnic disparities.
- Identify education to inform team members about the factors that contribute to racial and ethnic disparities in specialized dockets.
- Mandate education on reducing racial and ethnic disparities and cultural competency mandatory for team members to attend as a team.
- Include staff members in cultural competency education to educate staff on techniques on interacting with cultures other than their own.
- Treatment team(s) should debrief after the RED education and plan to implement strategies on reducing racial and ethnic disparities within their docket.

## Drugs of Choice & Treatment/Support Services

- Track drug(s) of choice for participants, including categories of race and ethnicity.
- Identify the challenges in completing the program for BIPOC participants.
- Develop a plan to increase program satisfaction among BIPOC participants.
- Incentives and sanctions should be applied evenly, regardless of race and ethnicity. Judges must treat participants with respect regardless of race and ethnicity and incentives and sanctions should be evenly used.
- Track the percentage of participants who received incentives and sanctions by race and ethnicity.
- Track the types of incentives and sanctions applied to participants, types of recovery services participants receive, types of aftercare services participants receive, types of vocational/educational services participants receive, and types of employment services participants receive, including categories of race and ethnicity.
- Use status hearings as an opportunity to promote equity.
- Offer methods to enable the program to be free of charge.
- Offer free drug testing, counseling sessions, probation services, and public transportation token/passes for participants to get to treatment services.

## Evaluation and Monitoring

- Develop and administer a participant exit survey. The survey should be administered to all participants regardless of discharge category, i.e., completion, graduation, termination, etc.
- Track specialized docket graduates' outcomes post-program.
- Regularly examine aggregate and disaggregate graduation and termination data to determine the rates of retention of participants of different races/ethnicities.
- Making changes after an evaluation is beneficial to reduce racial and ethnic disparities.