



Judicial Council of California

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REPORT TO THE JUDICIAL COUNCIL

Item No.: 25-051

For business meeting on April 25, 2025

Title

Collaborative Justice: Addressing Racial Disparities and Improving Equity in California's Adult Collaborative Programs

Report Type

Action Required

Effective Date

April 25, 2025

Rules, Forms, Standards, or Statutes Affected

None

Date of Report

April 22, 2025

Recommended by

Collaborative Justice Courts Advisory Committee
Hon. Lawrence G. Brown, Chair

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Executive Summary

The attached report, *Addressing Racial Disparities and Improving Equity in California's Adult Collaborative Programs*, provides actions that the council can take to support collaborative court and diversion programs with advancing diversity, equity, and inclusion to improve participant outcomes and program success. The report provides four priority areas inclusive of data-driven strategies that are designed to promote progress at the state and local levels while navigating current political, economic, and public health landscapes. The Collaborative Justice Courts Advisory Committee recommends that the council receive the report and direct the Collaborative Justice Courts Advisory Committee to implement the identified priority areas.

Recommendation

The Collaborative Justice Courts Advisory Committee recommends that the Judicial Council, effective April 25, 2025:

1. Receive the attached report, *Addressing Racial Disparities and Improving Equity in California's Adult Collaborative Programs*;

2. Direct the Collaborative Justice Courts Advisory Committee to implement the report's Priority Area 2: "Encourage all adult collaborative programs to assess equity and inclusion within program operations, and take dedicated actions to improve equity within program participation, retention, and participant outcomes"; and
3. Direct the advisory committee to implement the report's Priority Area 4: "Support collaborative program operations and encourage engagement with justice system partners who represent and reflect the local, racial, and ethnic diversity of the county."

The advisory committee is not proposing recommendations to the Judicial Council under Priority Areas 1 and 3 at this time. The committee can leverage the annual agenda process to move forward the actions described in those priority areas.

The report is included as Attachment A to this report.

Relevant Previous Council Action

The Collaborative Justice Courts Advisory Committee created a Racial Justice, Equity, and Inclusion Workgroup—now embodied as a standing subcommittee—through its 2022 annual agenda, in consultation with council staff to the Advisory Committee on Providing Access and Fairness and the Tribal/State Programs unit. Under the advisory committee's direction, the new subcommittee made recommendations on best-practice priority areas for improving equitable access and outcomes in collaborative court and diversion programs.

Pursuant to its duty under rule 10.56(b)(1) of the California Rules of Court to make recommendations to the council on best practices and guidelines for collaborative programs, the advisory committee adopted the subcommittee's recommendations and was directed through the 2023 and 2024 annual agendas to submit a report to the council. This report is the culmination of the Collaborative Justice Courts Advisory Committee's efforts to make recommendations to the council on best practices and guidelines for pursuing racial equity within collaborative programs.

Analysis/Rationale

The Collaborative Justice Courts Advisory Committee facilitates its role to the council by making recommendations on guidelines for collaborative programs, recommending methods for collecting data to evaluate program effectiveness, and identifying and disseminating locally generated and nationally recognized best practices. Through this role, the advisory committee explored opportunities to support program development, growth, and sustainability throughout the state by addressing common court challenges. The advisory committee identified racial disparities within program operations as a primary challenge and developed strategies to improve program and participant outcomes by advancing racial equity.

The four priority areas outlined in this report are informed by state and national research and journal articles, presentations from a sample of California collaborative courts, discussions with judicial officers and court staff assigned to collaborative court and diversion programs, and

presentations from national subject matter experts including the Center for Justice Innovation, American University's School of Public Affairs, and All Rise—founded as the National Association of Drug Court Professionals.

The following priority areas are designed to address racial disparities and improve equity within California's adult collaborative court and diversion programs:

Priority Area 1: Leverage Judicial Council data collection initiatives to support collaborative programs in collecting data on race and ethnicity. This priority area describes actions that can be accomplished through regular advisory committee work processes.

Priority Area 2: Encourage all adult collaborative programs to assess equity and inclusion within program operations and take dedicated actions to improve equity within program participation, retention, and participant outcomes. This priority area includes the following recommendations:

1. Recommend that all collaborative courts focused on serving the needs of adults with mental illness, substance use disorders, or co-occurring disorders use an assessment tool to identify and correct areas where racial disparities may exist.
2. Direct staff from the council's Criminal Justice Services to explore funding options to fully resource and support a pilot program that offers technical assistance to adult collaborative courts to implement an equity and inclusion assessment tool.

Priority Area 3: Promote the state-level adoption and local application of current best practices for advancing equity within adult collaborative programs. This priority area describes actions that can be accomplished through regular advisory committee work processes.

Priority Area 4: Support collaborative program operations and encourage engagement with justice system partners who represent and reflect the local, racial, and ethnic diversity of the county. This priority area includes the following recommendations:

1. Direct the advisory committee to examine procedures described in the California Rules of Court, the California Standards of Judicial Administration, and the Drug Court Programs Act under Health and Safety Code section 11970 et seq. that collaborative programs can leverage to engage stakeholders reflective of the unique diversity of the county.
2. Direct the advisory committee to propose amendments to the California Rules of Court or the California Standards of Judicial Administration, or seek Judicial Council-sponsored legislation, if, through the examination described in the previous recommendation, the advisory committee finds that amendments are needed for collaborative programs to effectively bridge connections with local communities.

Policy implications

The report and proposed priority areas will assist collaborative court and diversion programs with embedding equity principles within program policies and operations. These equity principles will support courts with implementing existing programmatic guidelines and with implementing mandates created under Senate Bill 910 (Stats. 2024, ch. 641). This bill requires adult treatment court programs to be designed and operated in accordance with state and national guidelines outlined in Health and Safety Code section 11972(a), which include “(8) Monitoring and evaluation to measure the achievement of program goals and gauge effectiveness,” and “(11) Working to ensure equitable access, services, and outcomes for all sociodemographic and sociocultural groups.”

Comments

The attached report was not circulated for public comment. However, the report was considered at meetings that were open to the public, and no public comments were received. Additionally, the Collaborative Justice Courts Advisory Committee presented the draft report to the Advisory Committee on Providing Access and Fairness at its August 15, 2024, meeting and received its vote in support of the priority areas and recommendations.

Alternatives considered

The Collaborative Justice Courts Advisory Committee initially considered policy recommendations focused on specific operational needs and challenges of collaborative court and diversion programs. After researching the needs and challenges in a sample of courts, the advisory committee identified equity within program operations as a common foundational component that should first be addressed. Recent changes to state policy and national treatment court guidelines reinforced the need to prioritize equity as a foundational precursor to the initial policy recommendations.

Fiscal and Operational Impacts

Equity within collaborative court and diversion programs is an important priority for the courts and the branch. The advisory committee identified priority areas that are cost-effective and operationally neutral. The advisory committee also identified the following recommendations that, if approved, may have minimal fiscal and operational impacts:

Priority Area 2, recommendation 1: “Recommend that all collaborative courts focused on serving the needs of adults with mental illness, substance use disorders, or co-occurring disorders use an assessment tool to identify and correct areas where racial disparities may exist.”

To assist courts with minimizing costs associated with this recommendation, the advisory committee identified a free, nationally recognized, evidence-based assessment tool that courts can use to undertake this assessment.

Priority Area 2, recommendation 2: “Direct staff from the council’s Criminal Justice Services to explore funding options to fully resource and support a pilot program that

offers technical assistance to adult collaborative courts to implement an equity and inclusion assessment tool.”

This recommendation is determined to be minor and absorbable, and can be conducted using existing committee resources and staffing.

Priority Area 4, recommendation 1: “Direct the advisory committee to examine procedures described in the California Rules of Court, the California Standards of Judicial Administration, and the Drug Court Programs Act under Health and Safety Code section 11970 et seq. that collaborative programs can leverage to engage stakeholders reflective of the unique diversity of the county.”

This recommendation is determined to be minor and absorbable, and can be conducted using existing committee resources and staffing.

Priority Area 4, recommendation 2: “Direct the advisory committee to propose amendments to the California Rules of Court or the California Standards of Judicial Administration, or seek Judicial Council–sponsored legislation, if, through the examination described in the previous recommendation, the advisory committee finds that amendments are needed for collaborative programs to effectively bridge connections with local communities.”

This recommendation is determined to be minor and absorbable, and can be conducted using existing committee resources and staffing.

The advisory committee, particularly through its Racial Justice, Equity, and Inclusion Subcommittee, is well positioned to facilitate implementation through its existing structure and staffing capacity.

Attachments and Links

1. Attachment A: *Addressing Racial Disparities and Improving Equity in California’s Adult Collaborative Programs*

April 1, 2025



Addressing Racial Disparities and Improving Equity in California's Adult Collaborative Programs

A report from the Collaborative Justice
Courts Advisory Committee



Judicial Council of California

Collaborative Justice Courts
Advisory Committee

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RACIAL JUSTICE, EQUITY, AND INCLUSION SUBCOMMITTEE

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Introduction

The Strategic Plan for California's Judicial Branch, Goal I, Access, Fairness, Diversity, and Inclusion, calls on the Judicial Council and the courts “to remove all barriers to access and fairness by being responsive to the state’s cultural, ethnic, socioeconomic, linguistic, physical, gender, sexual orientation, and age diversities, and to all people as a whole.”¹ The Judicial Council’s Collaborative Justice Courts Advisory Committee views this call to action as integral to the function and success of collaborative court and diversion programs across California.

The Collaborative Justice Courts Advisory Committee serves the council and courts by making recommendations on guidelines for collaborative programs (which include collaborative court and diversion programs), recommending strategies to collect data and evaluate program effectiveness, and distributing locally and nationally recognized best practices.² Through this role, the advisory committee explored opportunities to support program development, growth, and sustainability throughout the state by addressing common court challenges. The advisory committee identified racial inequities within program operations as a primary challenge and, in 2022 through the advisory committee’s annual agenda process, created the Racial Justice, Equity, and Inclusion Workgroup.³ The workgroup—now a standing subcommittee—in consultation with council staff to the Advisory Committee on Providing Access and Fairness and the Tribal/State Programs, developed recommendations on strategies to move racial justice work forward. This report, a focus of the advisory committee’s 2024 annual agenda, is the first effort to recommend data-driven solutions for pursuing racial equity within collaborative programs.⁴

Research demonstrating racial inequities within the criminal justice system is well established.⁵ Racial inequities are documented at every decision point, beginning with initial contact with law enforcement to case disposition, sentencing, and reentry. The impact of these inequities extends to families, communities, and others burdened by the collateral consequences of criminal justice

¹ California Courts, “Goal I: Access, Fairness, Diversity, and Inclusion,” Branch Goals, <https://courts.ca.gov/policy-administration/judicial-council/judicial-branch-strategic-plan/branch-goals/goal-i-access>.

² Cal. Rules of Court, rule 10.56(a)–(b).

³ The advisory committee created the workgroup through its annual agenda. The annual agenda outlines the work a committee will focus on in the coming year and identifies areas of collaboration with other advisory bodies and the Judicial Council staff resources. The Collaborative Justice Courts Advisory Committee’s annual agenda is updated each year and available at <https://courts.ca.gov/system/files/file/cjcac-annual.pdf>.

⁴ The advisory committee completed this report through its 2023 and 2024 annual agendas. See *id.*

⁵ The California Legislature has taken recent action to address discrimination within the criminal justice system, including enacting the California Racial Justice Act of 2020 (Assem. Bill 2542; Stats. 2020, ch. 317). The Legislature states in the uncodified text of the bill that it is their intent “to eliminate racial bias from California’s criminal justice system because racism in any form or amount, at any stage of a criminal trial, is intolerable, inimical to a fair criminal justice system, is a miscarriage of justice under Article VI of the California Constitution, and violates the laws and Constitution of the State of California.” The Legislature further states that it is their intent “to reject the conclusion that racial disparities within our criminal justice are inevitable, and to actively work to eradicate them.”

involvement.⁶ While collaborative programs are known for improving certain outcomes, such as reducing recidivism and improving public safety and health outcomes, they are not immune from criticism and concerns over racial inequities within program operations.⁷

These concerns are not unique to California. Leading subject matter experts on adult treatment court programs examined decades of research showing that the persistence of racial inequities in treatment courts is like that seen across the broader justice system.⁸ Specifically, research shows underrepresentation, low retention, and low graduation rates of Black, American Indian/Alaska Native, and Hispanic participants despite these groups being overrepresented in the criminal justice system and standing to benefit from program participation.⁹

Racial Equity

Racial equity requires the dedicated practice of removing historical and structural barriers, such as barriers that exist within institutions, laws, policies, and social structures.

By reaching measurable milestones and outcomes, racial equity is achieved when racial identity can no longer be used to predict individual or group outcomes and when outcomes for all groups are improved.

Understanding the critical need for treatment courts across the country to advance racial equity,¹⁰ the advisory committee realizes the importance of learning from best practices and innovations

⁶ See, for example, Kim Blankenship et al., “Structural Racism, the Social Determination of Health, and Health Inequities: The Intersecting Impacts of Housing and Mass Incarceration” (2023) *American Journal of Public Health*, <https://ajph.aphapublications.org/doi/full/10.2105/AJPH.2022.307116>; Sam McCann, “How ‘Collateral Consequences’ Keep People Trapped in the Legal System: The harms of mass incarceration extend far beyond courtrooms, jail cells, and prison beds” (2023) Vera Institute of Justice, www.vera.org/news/how-collateral-consequences-keep-people-trapped-in-the-legal-system.

⁷ For example, national research demonstrates racial imbalances in treatment courts where nonwhite participants are admitted into programs and graduate at lesser rates compared to White participants. Fred L. Cheesman II et al., “Racial differences in drug court referral, admission, and graduation rates: findings from two states and eight counties” (2023) 21(1) *Journal of Ethnicity in Criminal Justice*, pp. 80–102, <https://doi.org/10.1080/15377938.2023.2193952>.

⁸ See, for example, Douglas B. Marlowe, “Achieving Racial and Ethnic Fairness in Drug Courts” (2013) 49(1) *Court Review*, pp. 40–47, <https://nationalcenterforstatecourts.app.box.com/v/AmJudgesCourtReviewArchive/file/1392298447100>.

⁹ See, for example, John R. Gallagher et al., “Color in the Court: Using the Racial and Ethnic Disparities (RED) Program Assessment Tool to Promote Equitable and Inclusive Treatment Court Practice” (2023) 41(2) *Alcoholism Treatment Quarterly*, pp. 149–161, <https://doi.org/10.1080/07347324.2023.2173037>; Center for Justice Innovation, “An Equity and Inclusion State of Mind: A Statewide Approach to Addressing Racial and Ethnic Disparities in Treatment Courts” (2024), p. 1.

¹⁰ Racial equity is described as the dedicated practice of removing historical and structural barriers. These barriers include limitations and hinderances within institutions, laws, policies, and social structures. See Deanna M. Adams, *Advancing Equity at the Intersection of Race, Mental Illness, and Criminal Justice Involvement* (2023), p. xvii, American Bar Association Publishing. Racial equity is a measurable practice that is achieved when racial identity can no longer be used to predict individual or group outcomes and when outcomes for all groups are improved. See

emerging from across the county and using lessons learned to assist California courts with implementing new state laws requiring adult treatment courts to “ensure equity within program access, services and outcomes for all sociodemographic and sociocultural groups.”¹¹ Adapting national guidance to the unique characteristics of California’s collaborative programs and applying locally recognized solutions to advance racial equity requires a dedicated, long-term commitment. The advisory committee, through its Racial Justice, Equity, and Inclusion Subcommittee, recognizes and embraces this commitment, and this report is a first step in establishing a long-term plan.

Report and Recommendations

Collaborative programs have begun developing diversity, equity, and inclusion strategies, and must continue these efforts in order to reduce and eliminate racial disparities and disproportionalities.¹² The goal of this report is to identify steps the council can take to support collaborative programs in achieving equity. This report begins with background information on California’s collaborative programs, along with state-level and national findings on racial inequities within program access, retention, and graduation rates. It provides four priority areas identified by the advisory committee as initial opportunities for the judicial

Defining Disparity and Disproportionality

Disparity looks at all people who are at a particular decision point and who are comparable to one another—such as having the same or similar needs, eligibility, and preferences. Disparity illustrates the unequal treatment or outcomes at that decision point for one racial/ethnic group when compared to other groups at that same decision point.

Disproportionality focuses on the percentage of a racial/ethnic group at a particular decision point when compared to that same group’s representation in the overall population. Disproportionality can highlight overrepresentation, underrepresentation, and out of proportion.

Disproportionality can measure the relative rate of overrepresentation or underrepresentation. This is shown when one group is overrepresented or underrepresented when compared to a comparison group in the overall population.

See footnote 12 for more information.

Government Alliance on Race and Equity, “Racial Equity Action Plans: A How-to Manual,” www.racialequityalliance.org/HigherLogic/System/DownloadDocumentFile.ashx?DocumentFileKey=a1780a0b-4314-ff6c-e82a-824973972b52&forceDialog=0.

¹¹ Health & Saf. Code, § 11972(a)(11).

¹² Inclusion focuses on creating an environment that removes barriers and provides accommodations to ensure equal acceptance and access, and that promotes empowered participation for all. Disparity focuses on the unequal treatment or outcomes of people of a racial or ethnic group at a particular decision point when compared to the other groups at the same decision point. For example, a disparity is the unequal admission and rejection to collaborative courts between White and nonwhite applicants who meet program eligibility criteria. Disproportionality focuses on the ratio between the percentage of people of a racial or ethnic group at a particular decision point when compared to the percentage of that same racial or ethnic group in the overall population. For example, a disproportionality is shown when nonwhite people are admitted into collaborative programs at lower rates compared to the percentage of nonwhite people. This underrepresentation of nonwhite participants can indicate inequities within the admission process, such as the use of subjective suitability determinations and other nonevidence-based eligibility criteria to inform admission decisions. See Cheesman et al., *supra* note 7.

branch to advance racial equity while navigating the current political, economic, and public health landscapes. The report concludes with a summary of activities the advisory committee will take to move this work forward.

California's Collaborative Programs and the Need to Focus on Racial Equity

California's collaborative programs promote accountability by combining judicial supervision with monitoring and participation in behavioral health treatment or other responsive services. These programs include traditional collaborative courts—such as drug courts, veterans treatment courts, and mental health courts—and court-ordered diversion. Program models are based on research-informed best practices and designed to reduce recidivism and improve participant outcomes. Collaborative programs are cost-effective alternatives to incarceration that provide public savings across criminal justice and health systems.¹³ Their effectiveness is recognized across the courts and their sister branches, with every California county implementing diversion programs and 56 of the state's 58 counties having at least one type of collaborative court.¹⁴ The state has over 400 collaborative courts as of March 2025.¹⁵

Collaborative courts continue to grow both in California and nationally, allowing research to identify new gaps, challenges, and shortcomings. One of the most heightened shortcomings reflected in leading research is racial disparities across every aspect of program operations, including participation rates and outcomes. A national study of 142 adult collaborative courts that examined over 20,000 participants showed racial disparities among program completion rates. While, on average, 55 percent of White participants successfully completed programs, Black and Hispanic or Latino participants achieved much lower completion rates (38 percent and 49 percent, respectively).¹⁶ Similar disparities are shown in program referral and admissions,¹⁷ causing a negative cascading impact on participants of color at future program decision points,

¹³ Nat. Inst. of Justice, "Do Drug Courts Work? Findings From Drug Court Research" (May 11, 2008), www.oaa.virginia.gov/media/governorvirginiagov/aaa/applications/cooperative-partnerships/Grayson-County-Evidenced-Based-Materials.pdf; U.S. Government Accountability Off., *Adult Drug Courts: Studies Show Courts Reduce Recidivism, but DOJ Could Enhance Future Performance Measure Revision Efforts* (Dec. 2011), www.gao.gov/new.items/d1253.pdf; Shannon Carey et al., "California Drug Courts: Outcomes, Costs, and Promising Practices: An Overview of Phase II in a Statewide Study" (Dec. 2006), *Journal of Psychoactive Drugs*; Admin. Off. of the Cts., Center for Families, Children & Cts., *California Drug Court Cost Analysis Study* (May 2006), www.courts.ca.gov/documents/cost_study_research_summary.pdf; Dept. of Health Care Services, "Drug Courts Overview," www.dhcs.ca.gov/individuals/Pages/Drug-Courts-Overview.aspx.

¹⁴ Alpine and Colusa, the state's least populous counties, do not have collaborative courts due to their small size.

¹⁵ Judicial Council of Cal., *Collaborative Justice Courts* (fact sheet, Apr. 2024), https://courts.ca.gov/system/files/file/collaborativcourts_factsheet.pdf.

¹⁶ Timothy Ho et al., "Racial and Gender Disparities in Treatment Courts: Do They Exist and Is There Anything We Can Do to Change Them?" (2018) 1 *Journal for Advancing Justice*, pp. 5–34, <https://advancejustice.org/wp-content/uploads/2018/06/AJ-Journal.pdf>.

¹⁷ Fred L. Cheesman II et al., "From a Performance Measure to a Performance Evaluation Tool: Conceptual Development of the Equity and Inclusion Assessment Tool (EIAT)" (2019) 40(3) *Justice System Journal*, pp. 259–266, <https://doi.org/10.1080/0098261X.2019.1656421>.

such as lesser access to treatment and social services and poorer criminal justice and health outcomes.¹⁸ Developing immediate and long-term strategies to reduce and eliminate racial disparities is crucial to the continued success of collaborative programs. National research and locally generated studies identify factors contributing to racial disparities and offer guidance on ways to monitor, intervene, and correct program operations.

The advisory committee seeks to use its duty to the council to recommend best practices and guidelines for pursuing racial equity in collaborative programs. The recommendations are designed to build on recent efforts by the council, including the advisory committee's 2021 report that identified opportunities to improve court responses to people with mental illnesses.¹⁹ The 2021 report provided recommendations for improving court data collection and analyses to better identify “potential issues of disproportionality, and other equity metrics.”²⁰

This report will also continue the work started by the former Task Force for Criminal Justice Collaboration on Mental Health Issues, established in 2008 by former Chief Justice Ronald M. George and operationalized by former Chief Justice Tani G. Cantil-Sakauye's Mental Health Issues Implementation Task Force. These task forces recommended that the branch study the effectiveness of programs serving justice-involved people with mental illnesses, including outcomes across different subgroups such as race.²¹ The advisory committee seeks to align its recommendations with the work of the council's Advisory Committee on Providing Access and Fairness and with the continued development of the California Courts Racial Justice Toolkit.²²

¹⁸ Raquel Fosados et al., “Ethnic differences in utilization of drug treatment services and outcomes among Proposition 36 offenders in California” (2007) 33(4) *Journal of Substance Abuse Treatment*, pp. 391–399, <https://doi.org/10.1016/j.jsat.2007.02.005>; Jeanne C. Marsh et al., “Need-service matching in substance abuse treatment: Racial/ethnic differences” (2009) 32(1) *Evaluation and Program Planning*, pp. 43–51, <https://doi.org/10.1016/j.evalprogplan.2008.09.003>; Stephan Arndt et al., “How the state stacks up: Disparities in substance abuse outpatient treatment completion rates for minorities” (2013) 132(3) *Drug and Alcohol Dependence*, pp. 547–554; Jeremy Mennis et al., “Racial and Ethnic Disparities in Outpatient Substance Use Disorder Treatment Episode Completion for Different Substances” (2016) 63 *Journal of Substance Abuse Treatment*, pp. 25–33, <https://doi.org/10.1016/j.jsat.2015.12.007>; and Ethan Sahker et al., “Substance use improvement depends on Race/Ethnicity: Outpatient treatment disparities observed in a large US national sample” (2020) 213 *Drug and Alcohol Dependence* 108087, <https://doi.org/10.1016/j.drugalcdep.2020.108087>.

¹⁹ Judicial Council of Cal., Advisory Com. Rep., *Collaborative Justice: Task Force for Criminal Justice Collaboration on Mental Health Issues: Adult Criminal Progress Update and Priority Areas* (Mar. 12, 2021), <https://jcc.legistar.com/View.ashx?M=F&ID=9183001&GUID=0277A251-CE63-435C-BCC5-F7D7259FF983>.

²⁰ *Id.*

²¹ Judicial Council of Cal., Advisory Com. Rep., *Task Force for Criminal Justice Collaboration on Mental Health Issues: Final Report* (Apr. 29, 2011), p. 67, www.courts.ca.gov/documents/20110429itemo.pdf; and Judicial Council of Cal., Advisory Com. Rep., *Mental Health Issues Implementation Task Force: Final Report* (Nov. 13, 2015), p. 73, <https://jcc.legistar.com/View.ashx?M=F&ID=4150698&GUID=AC76E801-5C3A-4244-99D0-1B5DDD0776DB>.

²² Judicial Council of Cal., Advisory Committee on Providing Access and Fairness, <https://courts.ca.gov/advisory-body/advisory-committee-providing-access-and-fairness>.

Priority Areas for Addressing Racial Disparities and Improving Equity Within California's Adult Collaborative Programs

The following priority areas are designed to promote collaboration at the state and local levels. Each priority area includes activities that cover a range of council or court opportunities, such as improving practices and procedures in adult collaborative programs, program assessment and data evaluation, training and education, and promoting improved access to culturally responsive treatment and services.

The advisory committee recognizes that the State of California is subject to budget uncertainty, and the state budget enacted significant reductions to balance the budget deficit. The advisory committee also understands that challenging economic times provide an opportunity to strategically plan for the future while being resilient and carrying out meaningful work that embraces current limitations. The priority areas outlined in this report highlight activities the advisory committee can accomplish through its normal activities, such as through the annual agenda process. The priority areas may also make recommendations, when appropriate, that depend on the availability of council or court staff or the future availability of funding or resources. Such recommendations are included as aspirational best practices while establishing a framework for future activity if funding and opportunity become available.

Priority Area 1: Leverage Judicial Council data collection initiatives to support collaborative programs in collecting data on race and ethnicity

Data is foundational to measuring the impact and success of collaborative programs. Courts collecting data on key performance indicators can understand program trends, identify areas of improvement, gauge opportunities for growth, and measure progress toward reducing inequities while improving outcomes for all. Aligning with objective 1.5 of the judicial branch's *Strategic Plan for Technology 2023–2026*, “Implement analytical tools to advance data-driven decision-making regardless of court size or resources,”²³ collaborative programs can leverage the council's existing data initiatives to demonstrate advancements toward racial equity.

Assessing and recommending methods to collect data to measure program success is foundational to advancing racial equity and a priority area that the advisory committee can implement through its regular duties.²⁴ The advisory committee in collaboration with staff to the council's Criminal Justice Services office has begun work to move this priority area forward.

Rationale

Data analysis and program evaluation allow courts to develop a variety of insights, such as who is and is not being served, how well they are being served, areas for improvement, and areas of

²³ California Courts, *Strategic Plan for Technology 2023–2026* (Sept. 2022), www.courts.ca.gov/documents/jctc-Court-Technology-Strategic-Plan.pdf.

²⁴ Cal. Rules of Court, rule 10.56(b)(2).

need. These insights lead to operational effectiveness, allowing collaborative programs to adopt data-driven decision-making that ensures program success. However, collaborative programs may not have the infrastructure to collect data, and those that do may be unable to evaluate adherence to equitable best practices. The council received a federal grant in 2020 from the U.S. Department of Justice, Bureau of Justice Assistance for the California Collaborative Court Data Improvement Project (Data Improvement Project). This project allowed the council to (1) identify key standard data elements that will lay a foundation for standardized local data collection across adult collaborative courts, and (2) assist courts with assessing adherence to state and nationally recognized best practices.

To reduce difficulties experienced by small courts in managing data, the council used the Data Improvement Project to build upon work started by the Superior Court of Alameda County. The Alameda court developed a management information system (MIS) for its collaborative programs through the Court Innovations Grant Program, a grant program funded under the Budget Act of 2016 to promote court innovations and efficiencies.²⁵ The council assessed the Alameda court's MIS as replicable and adapted it for use by rural collaborative courts. The council also worked alongside collaborative court coordinators from across the state to develop data definitions and performance indicators that encourage compliance with best practices, including best practices to advance racial equity.²⁶ The council completed the MIS in 2024 and held its first orientation call with rural collaborative courts that expressed interest in potentially implementing the tool.

The advisory committee's work under this priority area is limited in focus to supporting council staff in making the Data Improvement Project MIS available to rural courts that may need assistance with collecting and managing data. The advisory committee understands that the council and trial courts are working together on a branchwide technology infrastructure that is beyond the scope of this report.

Priority Area 2: Encourage all adult collaborative programs to assess equity and inclusion within program operations and take dedicated actions to improve equity within program participation, retention, and participant outcomes

Treatment courts can effectively improve criminal justice and health outcomes for all participants by designing a culturally proficient program that assesses program operations to

²⁵ Judicial Council of Cal., *Final Report on the Court Innovations Grant Program, as required under the Budget Act of 2016* (Assem. Bill 1623; Stats. 2016, ch. 318), p. 52, <https://courts.ca.gov/sites/default/files/courts/default/2024-12/lr-2021-court-innovations-grant-program-ba-2016.pdf>.

²⁶ Model data definitions identified through the Data Improvement Project include the following categories: arrests and referral (e.g., citation/arrest date, drug court eligible charge, case filing date, drug court referral date, drug court reason for refusal or barriers); intake assessment and screening (e.g., date of program admission, risk and needs assessment, intake result); participant information (e.g., date of birth, ethnicity, education level, educational status); program activity in treatment and services (e.g., program entry date, treatment start date, treatment type, incentives, sanctions); and outcomes (e.g., program outcome, educational level at program exit, living situation at program exit, income source at program exit, income level at program exit).

identify and address factors that may contribute to inequitable outcomes.²⁷ Appreciating the value of evaluating and monitoring programs to ensure programs meet intended goals and objectives, the advisory committee suggests that courts pursue available guidance to identify and reduce inequities within program access, services, and outcomes.²⁸

To support California's collaborative courts in evaluating potential racial disparities within program operations, the advisory committee recommends:

1. All collaborative courts focused on serving the needs of adults with mental illness, substance use disorders, or co-occurring disorders to use an assessment tool to identify and correct areas where racial disparities may exist; and
2. The Judicial Council to direct staff from Criminal Justice Services to explore funding options to fully resource and support a pilot program that offers technical assistance to adult collaborative courts to implement an equity and inclusion assessment tool.

Rationale

The advisory committee recommends that adult collaborative programs use the free assessment tool, Racial and Ethnic Disparities Program Assessment Tool, developed by the National Drug Court Resource Center.²⁹ This tool assists adult treatment courts in assessing areas where racial disparities may exist in program administration and provides recommendations on areas for improvement. The advisory committee identified this tool as a notable resource for courts to evaluate progress toward reducing racial inequities and to establish measurable strategies for improving program operations, policies, and procedures. The advisory committee further recommends that courts assess their programs annually to measure progress made over time.

Racial equity requires a dedicated and continual focus, particularly as collaborative programs grow, expand caseload sizes, and build new programs to implement legislative priorities. The advisory committee recommends that the council explore funding opportunities to support a pilot program that brings technical assistance to a cohort of adult collaborative courts and supports the statewide development of best practices that can be shared across all collaborative programs. This may include exploring funding opportunities to pursue training and technical assistance associated with the Racial and Ethnic Disparities Program Assessment Tool offered by the Center for Justice Innovation. As the tool is designed for treatment courts and may not be suitable for assessing the full array of collaborative program models in California, the advisory

²⁷ John R. Gallagher, "Racial and Ethnic Disparities (RED) in Treatment Courts" (July 2019), https://ntcrc.org/wp-content/uploads/2022/01/Racial_and_Ethnic_Disparities_in_Treatment_Courts.pdf.

²⁸ Monitoring and evaluating treatment court programs to measure program achievement and effectiveness is required pursuant to Health and Safety Code section 11972(a)(8).

²⁹ The Racial and Ethnic Disparities Program Assessment Tool was developed by the National Drug Court Resource Center, a program under the Justice Programs Office at American University, through a federal grant from the U.S. Department of Justice's Bureau of Justice Assistance. The tool is accessible at <https://redtool.org>.

committee further recommends that the council explore funding opportunities to train staff to the council's Criminal Justice Services to provide courts with responsive technical assistance.³⁰

This recommendation aligns with existing advisory committee projects. With support from All Rise and in collaboration with the council's Criminal Justice Services office, the advisory committee hosted a training on equity and inclusion in June 2024. All Rise's Treatment Court Institute, in partnership with the White House Office of National Drug Control Policy, developed an intensive, no-cost, two-day training course based on the Adult Treatment Court Best Practice Standards, Standard II: Equity and Inclusion. All Rise trained four collaborative court teams on tools to collect and analyze program data and provided guidance for improving program outcomes. The June 2024 training, along with the recommendations outlined in this report, will assist the advisory committee and the council in extending its educational reach to a greater number of California collaborative programs.

Priority Area 3: Promote the state-level adoption and local application of current best practices for advancing equity within adult collaborative programs

California's legislative and judicial branches have historically recognized collaborative courts as tools to achieve positive public safety and health outcomes. Initial best practices standards celebrating these early achievements are expressed in statute and in the California Standards of Judicial Administration. Best practices have since evolved beyond the scope of initial standards. Amendments to existing statutes and standards are needed to reflect modern standards and allow courts flexible application of best practices as collaborative programs continue to evolve.

The advisory committee has begun work to move this priority area forward. The advisory committee is approved through its 2024 and 2025 annual agendas to pursue an update to standard 4.10 (Guidelines for diversion drug court programs) of the California Standards of Judicial Administration. The update will seek to extend the application of the standard to all adult treatment courts, more accurately align the standard with the progression of collaborative courts, and reflect best practices that promote racial equity.

Rationale

Standard 4.10 of the California Standards of Judicial Administration, Guidelines for diversion drug court programs, originally adopted as section 36 effective January 1, 1998, was created to establish criteria by which the Judicial Council would evaluate a former grant program for courts to implement pre-plea drug diversion under Penal Code section 1000.5. The standard was

³⁰ In 2024, the council's Criminal Justice Services office secured a three-year grant from the U.S. Department of Justice, Bureau of Justice Assistance (BJA), to support this priority area by developing educational resources and trainings for the courts and document translation. Grant activities were projected to begin in January 2025. However, funds are not being used for this purpose in light of the President's January 20, 2025, Executive Order, "Ending Radical And Wasteful Government DEI Programs And Preferencing," which limits the use of federal funds on activities and programs related to diversity, equity, and inclusion.

renumbered in 2006 as part of the reorganization of the California Rules of Court. The grant program was permanently eliminated as part of the 2013–2014 State Budget, and there have been no substantive changes to the standard since its adoption. Health and Safety Code section 11970 et seq., initially enacted as the Comprehensive Drug Court Implementation Act of 1999, provided drug court standards and requirements for the council’s former drug court grant program. The statute was amended in 2013 to sunset the grant program, and the renamed Drug Court Programs Act preserved the drug court standards outlined in the original legislation.³¹ Section 11972 of the Drug Court Programs Act was revised in 2024 to require all adult treatment courts to design and operate programs in accordance with national best practice standards, including those developed by All Rise (founded as the National Association of Drug Court Professionals). The revised section also outlined 11 key components for criminal adult treatment court programs, which included “[w]orking to ensure equitable access, services, and outcomes for all sociodemographic and sociocultural groups.”³²

The advisory committee will propose amendments to standard 4.10 of the California Standards of Judicial Administration as directed by its 2024 and 2025 annual agendas.³³ The advisory committee will seek to move the proposed amendments to the council as part of the 2025 Invitation to Comment schedule. This will support a requirement of Senate Bill 910 (Stats. 2024, ch. 641) that requires the Judicial Council to revise its California Standards of Judicial Administration to adopt recognized best practices and guidelines for adult treatment courts by January 1, 2026. The advisory committee will monitor the standard amendment process to determine if further action is needed to accomplish this priority area.

The advisory committee is additionally advancing this priority area by developing and disseminating educational resources to the courts as part of its annual agenda projects.³⁴ These resources include in-person trainings, webinars, toolkits, and other publications on equitable best practices. Future resources will include education and training for judicial officers, the courts, and their justice system partners on relevant legislative amendments and the forthcoming revisions to the Standards of Judicial Administration.

Priority Area 4: Support collaborative program operations and encourage engagement with justice system partners who represent and reflect the local racial and ethnic diversity of the county

Courts are responsible for a justice system that touches people across cultures. This responsibility is reflected in *The Strategic Plan for California’s Judicial Branch*, Goal I, Access, Fairness, Diversity, and Inclusion, promoting that “[m]embers of the judicial branch community

³¹ Sen. Bill 1014 (Stats. 2012, ch. 36).

³² Health & Saf. Code, § 11972.

³³ Annual Agenda, <https://courts.ca.gov/system/files/file/cjcac-annual.pdf>.

³⁴ *Id.* See also Cal. Rules of Court, rule 10.56(b)(3).

will strive to understand and be responsive to the needs of court users from diverse cultural and social backgrounds.”³⁵ A key strategy for collaborative programs to achieve this goal is to cultivate partnerships with justice system partners who are culturally responsive to the treatment and social service needs of program participants.

To support California’s collaborative programs in maintaining a robust network of local, culturally responsive justice partners, the advisory committee recommends:

1. The Judicial Council to direct the advisory committee to examine procedures described in the California Rules of Court, the California Standards of Judicial Administration, and the Drug Court Programs Act under Health and Safety Code section 11970 et seq. that collaborative programs can leverage to engage stakeholders reflective of the unique diversity of the county; and
2. The Judicial Council to direct the advisory committee to propose amendments to the California Rules of Court or the California Standards of Judicial Administration, or seek Judicial Council–sponsored legislation, if, through the examination described in the previous recommendation, the advisory committee finds that amendments are needed for collaborative programs to effectively bridge connections with local communities.

Rationale

The judicial branch recognizes the importance of diversity, equity, and inclusion within the branch and within court responses to the communities it serves. The judicial branch is uniquely positioned to take a leadership role in coordinating responses to racial disparities and disproportionalities impacting communities.³⁶ This leadership role is vital in addressing inequities within the criminal justice system, within collaborative programs, and within other court calendars involving people with behavioral health needs. Courts often express

What is the Difference Between Racial Equity, Diversity, and Inclusion?

Racial equity (defined earlier) is the process of eliminating disparities and improving outcomes for everyone.

Diversity is the practice of including people from a range of identities. Diversity involves a quantitative measure of sociodemographic characteristics or sociocultural identities.

Inclusion is the practice of providing full access, acceptance, and empowered participation for all people. Inclusion measures the quality of representation.

³⁵ California Courts, Branch Goals, <https://courts.ca.gov/policy-administration/judicial-council/judicial-branch-strategic-plan/branch-goals/goal-i-access>.

³⁶ The leadership role of the courts in engaging with the public about equity and inclusion within the judicial process is supported through the California Courts Racial Justice Toolkit and supported through the work of the Advisory Committee on Promoting Access and Fairness. See Judicial Council of Cal., Advisory Committee on Promoting Access and Fairness, <https://courts.ca.gov/advisory-body/advisory-committee-providing-access-and-fairness>; see also California Courts, “Racial Justice Toolkit Community Outreach,” <https://racialjustice-toolkit.courts.ca.gov/community-outreach>.

this leadership role by participating in meetings with local stakeholders to address problems impacting local justice systems.

The perspectives of culturally diverse stakeholders are often excluded from conversations about the challenges and solutions impacting local justice systems. Culturally diverse stakeholders often reflect the experiences of court users who are most overburdened by the criminal court system while simultaneously underserved by justice and treatment systems. Collaborative programs are not shielded from this phenomenon simply because of their multidisciplinary and collaborative nature.

Racial disparities within collaborative programs and racial inequities impacting people with behavioral health needs who access other criminal court calendars is a court-based problem. Without leadership championing inclusion, the perspectives, needs, and challenges of culturally diverse stakeholders typically go unheard, unaddressed, or otherwise inadequately addressed. Courts—including court staff to collaborative programs—can exercise their leadership to ensure diverse perspectives are included in stakeholder meetings to develop more culturally responsive solutions that drive improved public safety and health outcomes.

The advisory committee seeks to review current procedures that courts use to create local committees, and to meet with justice system partners. The advisory committee would use this review to develop guidance for collaborative programs on strategies to improve diversity, equity, and inclusion within stakeholder engagement. Based on the review, the advisory committee may also propose amendments to existing procedures if changes are needed to better advance court efforts. The advisory committee would explore procedures described in the California Rules of Court, the California Standards of Judicial Administration, and the Drug Court Programs Act enumerated in Health and Safety Code section 11970 et seq.

Conclusion

Advancing racial equity in California's collaborative programs requires an ongoing, dedicated effort. The advisory committee understands the importance of this work and designed this report as a first step in supporting courts with implementing sustainable change. The priority areas in this report will assist courts with assessing and improving areas of potential disparities within program operations, applying state-level policies and best practices on equity, measuring progress and applying data-driven decision-making, and inclusively engaging diverse justice system partners.

While some of the work to carry out the intent of this report is already underway, continued focus is needed to achieve real, long-term change. Ensuring equity in collaborative programs statewide requires a coordinated approach. The judicial branch must consider and harmonize policy and legislative reforms, the ever-growing sophistication of research-based best practices, and the unique needs, challenges, and cultures of counties throughout the state. The advisory committee, through its Racial Justice, Equity, and Inclusion Subcommittee, is well positioned to take on this work and to support the branch in advancing equity in collaborative programs.