

***The Judicial
System
and Race,
Health,
& Inequity:
What Can
Judges Do?***

Presented by

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Goals

Today's Presentation Is Designed To :

- 1. Identify What Are Social Determinants Of Health**
- 2. Identify How Do Social Determinants Of Health Manifest Themselves In Our Courtrooms**
- 3. Identify What Judges Can Do**



Topics



Introduction to
Health Equity

The social
determinants of
health (SDOH) and
racial health
inequities

How law operates as
a SDOH

Health inequities and
the courts: a vicious
or virtuous cycle?

Systems Mapping
and Criminal Justice

How we see racial
health equity in the
courtroom

The Social Determinants of Health (SDOH)



- The SDOH are the conditions in the environment that impact health such as poverty, housing, and racism.
- The SDOH are responsible for an estimated **80-90%** of the modifiable contributors to human health.¹
- Inequitably or socially patterned.
- Sometimes referred to as the social drivers of health.
- The SDOH are upstream contributors to health outcomes.





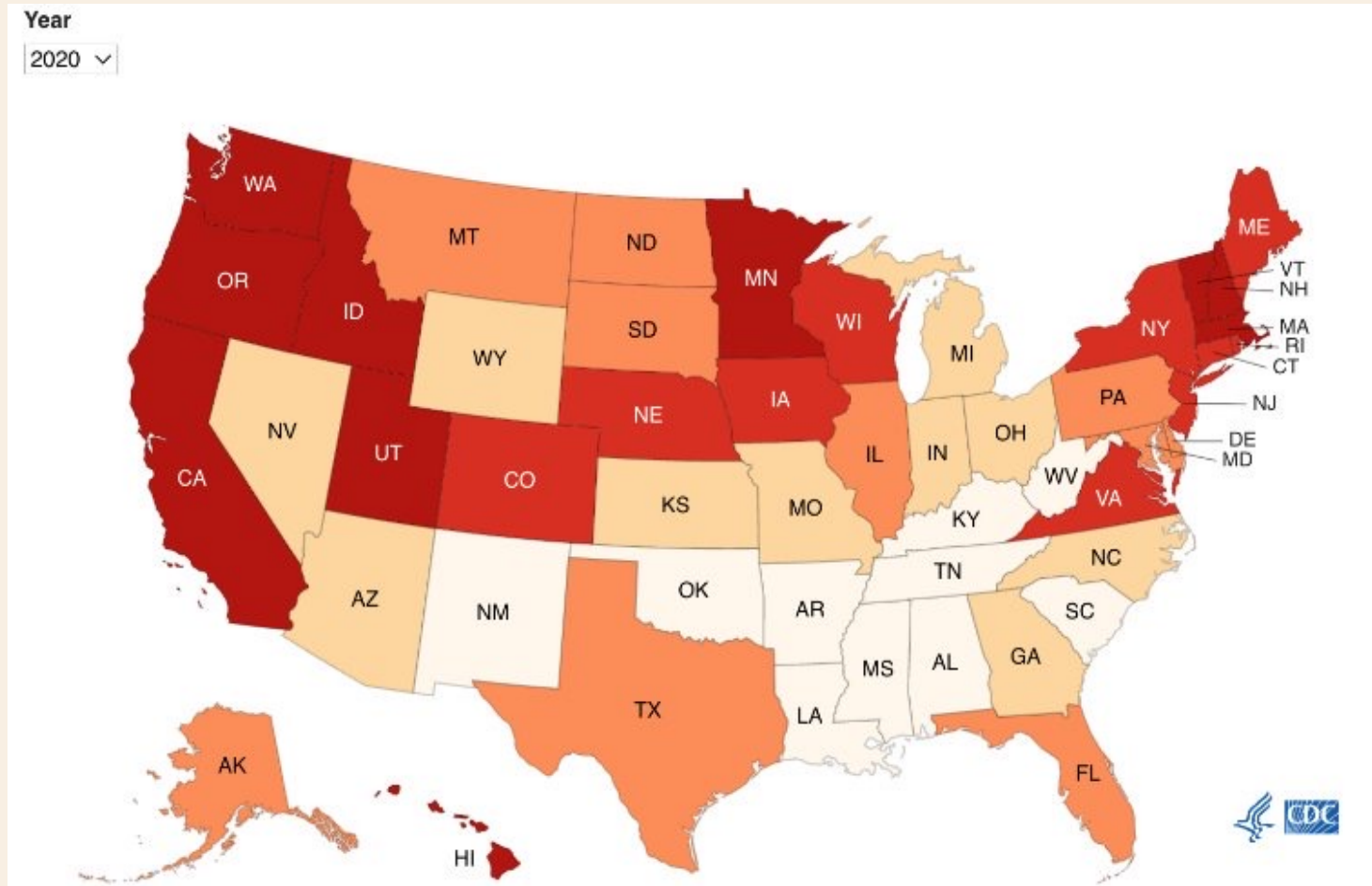
Health Equity vs. Inequities

- * **Health Equity** is the state which everyone has a fair and just opportunity to attain their highest level of health.
- * **Health Inequities** are systemic differences in the health status between different population groups



(GKC)

On a State Level

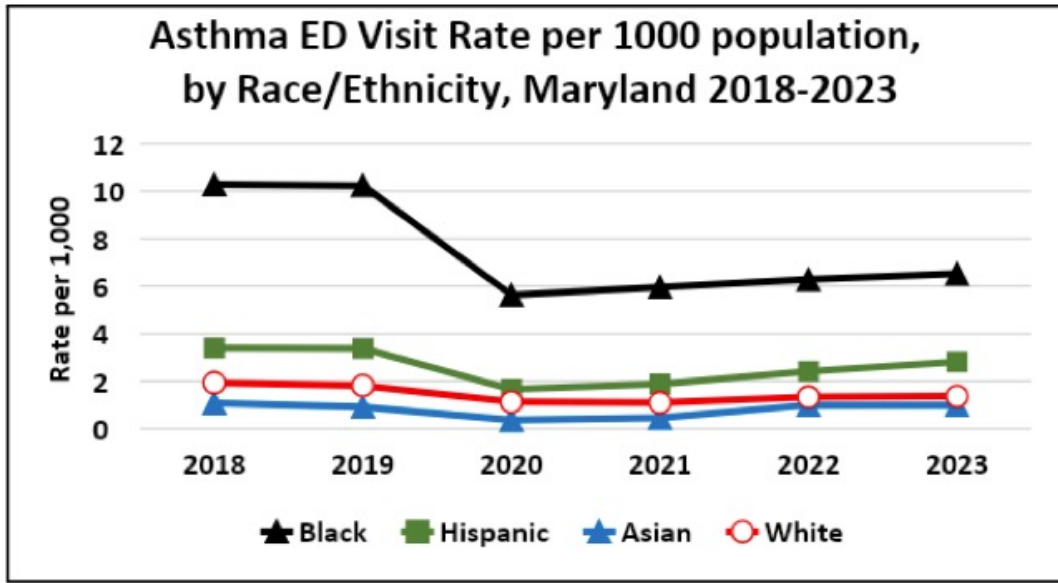


State	Life Expectancy
Hawaii	80.7
Massachusetts	79
Virginia	77.6
Florida	77.5
North Dakota	76.9
Delaware	76.7
Alaska	76.6
North Carolina	76.1
Ohio	75.3
Mississippi	71.9

Source: CDC (2022), Life Expectancy at Birth by State, https://www.cdc.gov/nchs/pressroom/sosmap/life_expectancy/life_expectancy.htm.

Racial Health Inequities

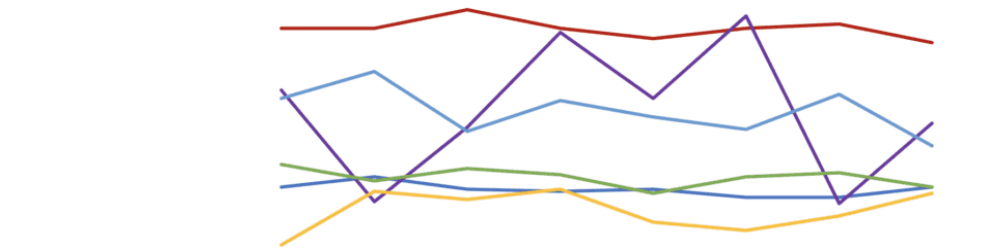
Asthma ED Visits Maryland



Infant Mortality Rates North Carolina

Infant mortality rates are higher among North Carolina's NH Black, NH American Indian, & Multi-racial populations

Infant Death Rates by Race/Ethnicity, NC Residents 2014-2021



	2014	2015	2016	2017	2018	2019	2020	2021
NH White, single race	5.1	5.6	5.0	4.9	5.0	4.6	4.6	5.1
NH Black, single race	12.8	12.8	13.7	12.8	12.3	12.8	13.0	12.1
NH Am. Ind., single race	9.8	4.4*	8.0	12.6	9.4	13.4	4.3*	8.2
NH Asian/PI, single race	2.3	4.9	4.5	5.0	3.4	3.0	3.7	4.8
NH Multiracial	9.4	10.7	7.8	9.3	8.5	7.9	9.6	7.1
Hispanic	6.2	5.4	6.0	5.7	4.8	5.6	5.8	5.1

* Rates with an asterisk are based on a small number of deaths (< 10 deaths) and may be statistically unreliable – interpret with caution.
 Caution: Racial categories have changed from prior years and now reflect single race categories & multi-race. Comparisons with prior reports are not advised.

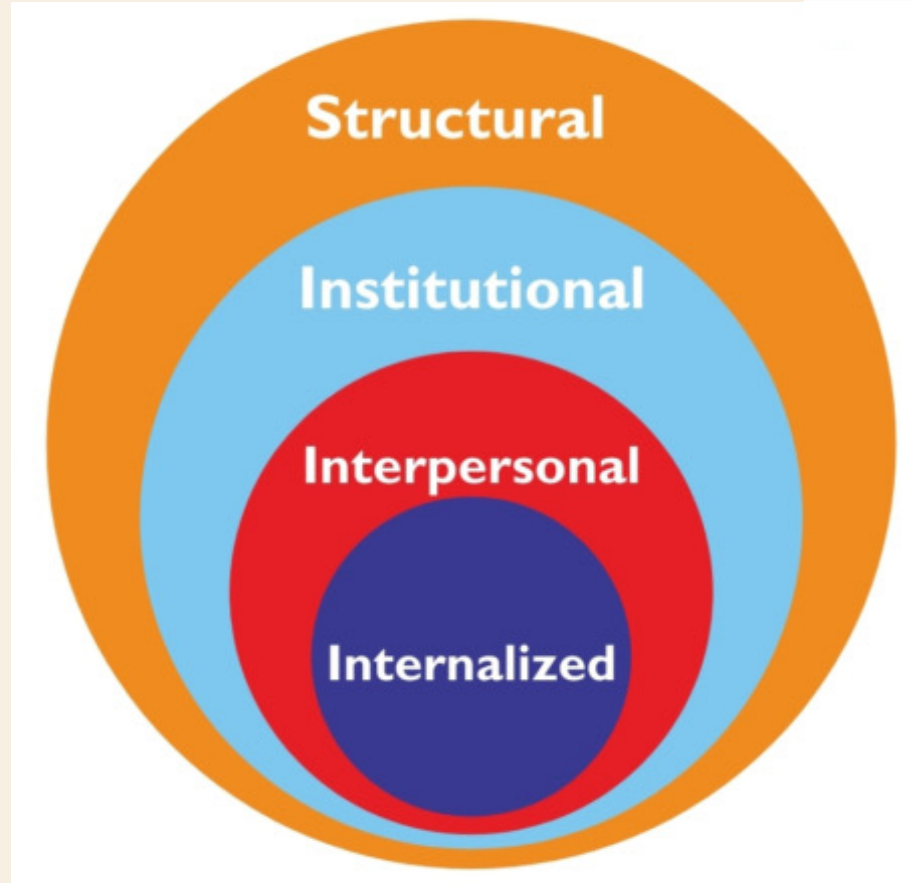
Source: NC State Center for Health Statistics

* NH = Non-Hispanic.

[Health.maryland.gov](https://health.maryland.gov), [Infant Mortality](#)



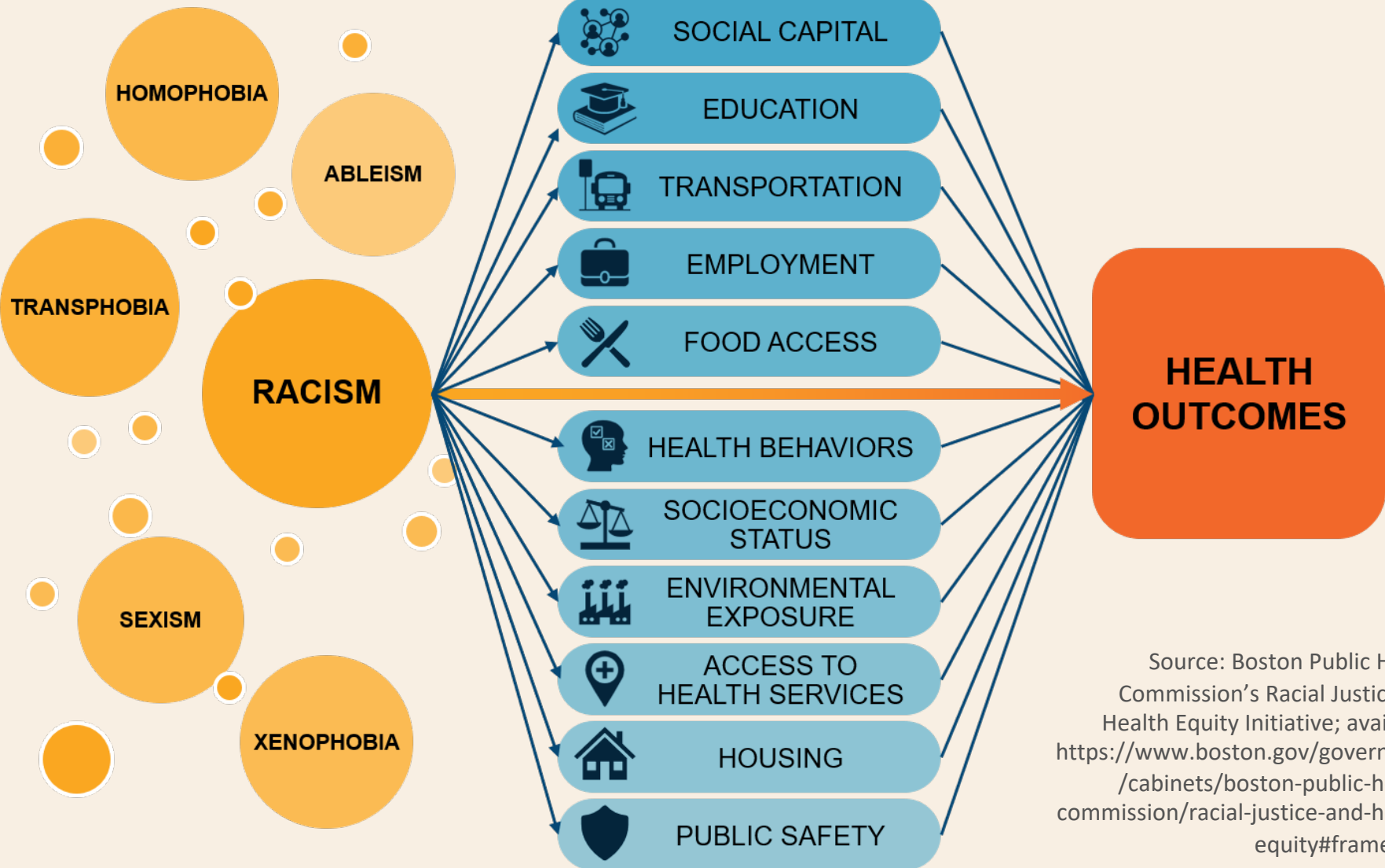
Structural racism



The totality of ways, through mutually reinforcing systems, patterns and practices, reinforces discriminatory beliefs, values, and distribution of resources. (Bailey et al. 2022)

Figure Credit: Multicultural Council of Saskatchewan (<https://mcos.ca/category/resources/anti-racism/>)

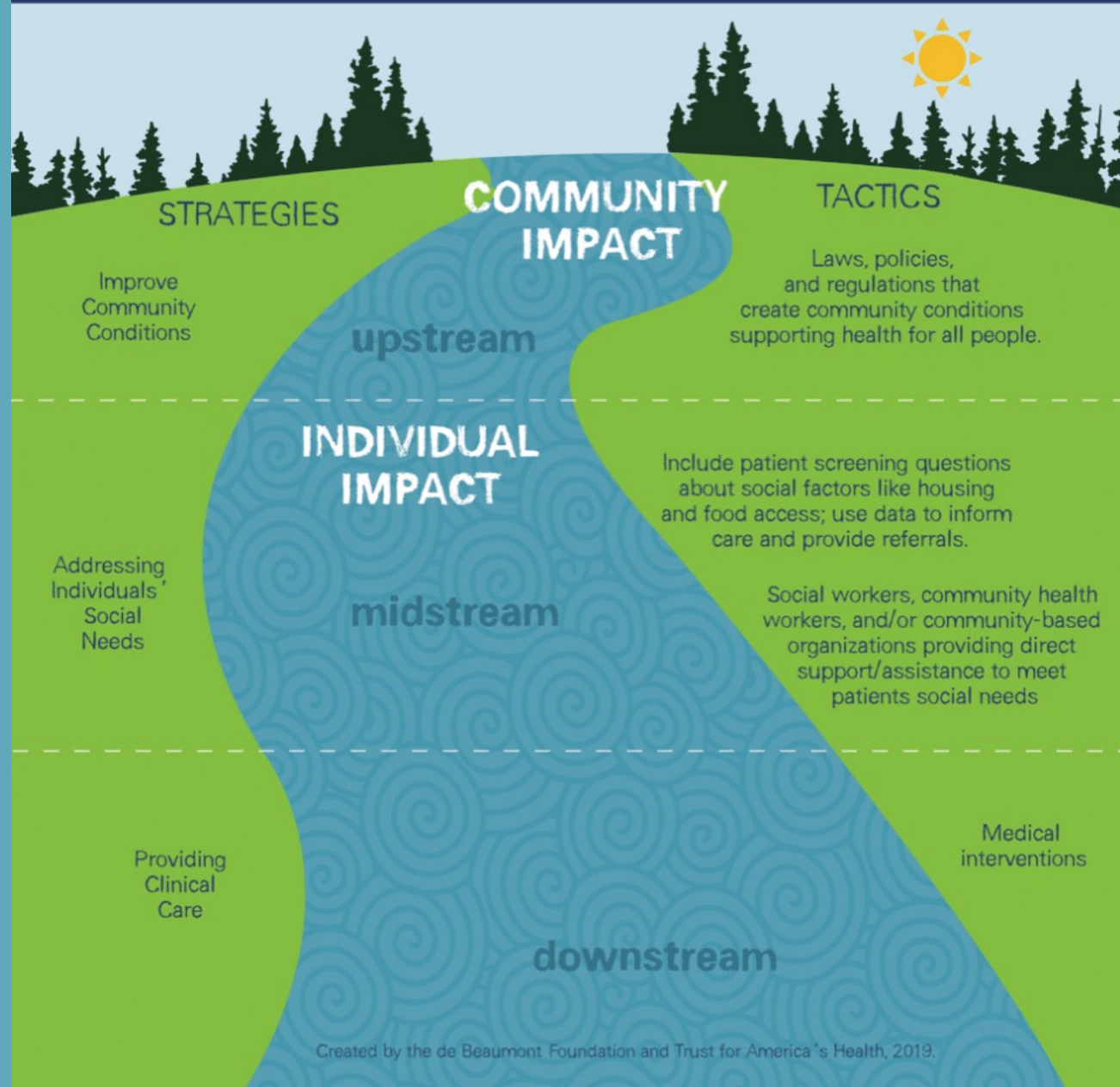
Structural racism affects health through multiple pathways



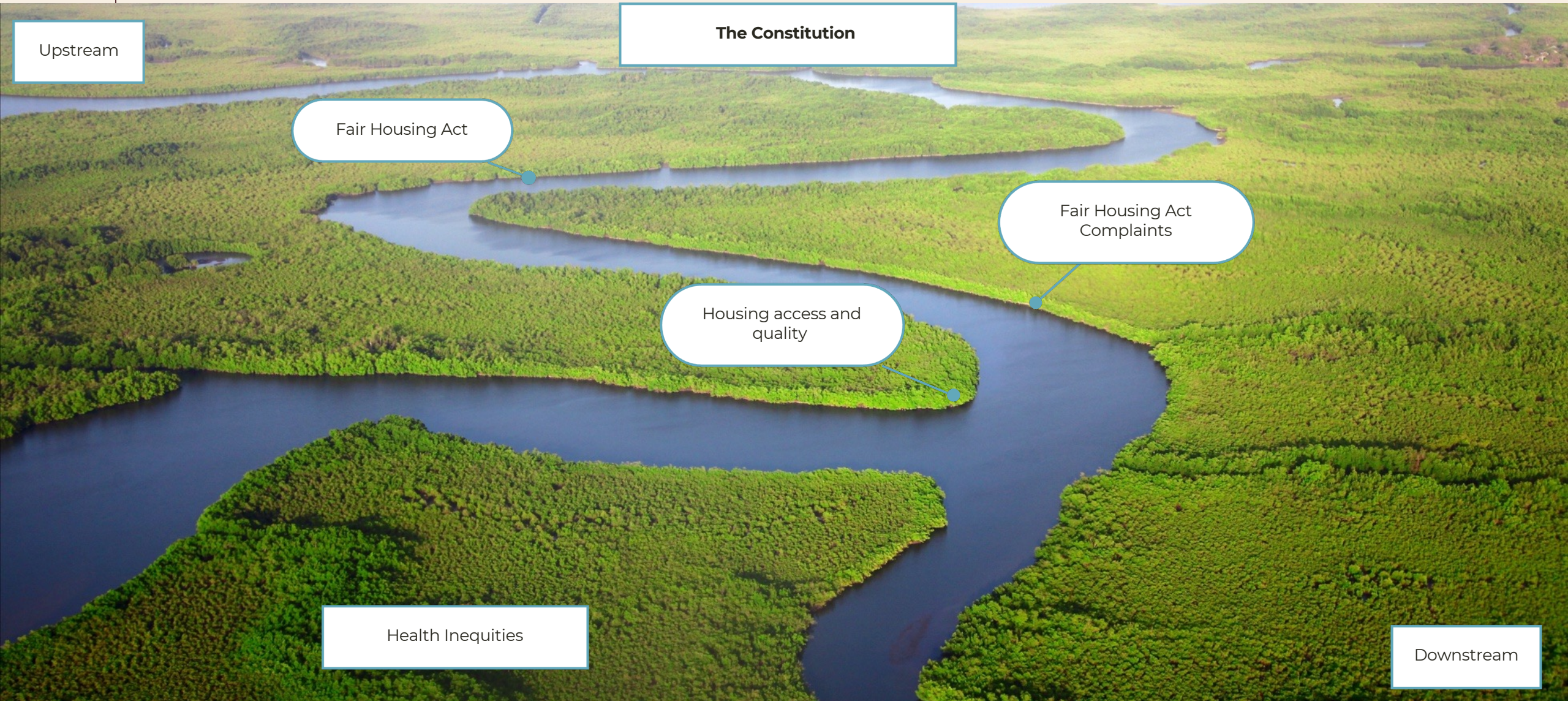
Source: Boston Public Health Commission's Racial Justice and Health Equity Initiative; available: <https://www.boston.gov/government/cabinets/boston-public-health-commission/racial-justice-and-health-equity#framework>



SOCIAL DETERMINANTS AND SOCIAL NEEDS: MOVING BEYOND MIDSTREAM



Law Operates as a SDOH



Judicial Decisions Operate as a SDOH

Upstream

Interpreting the
Constitution

Reviewing questions of law

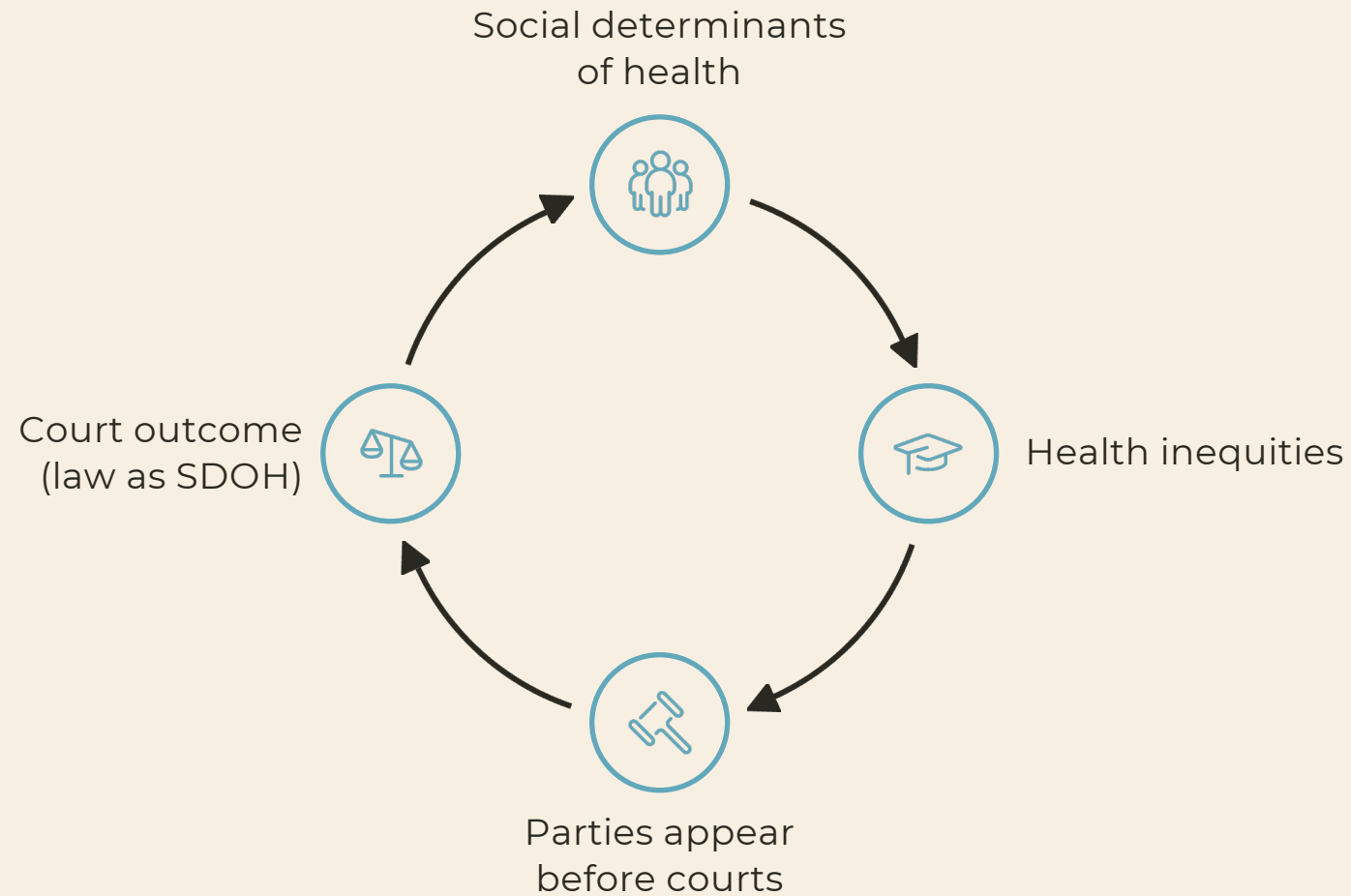
Sentencing or Verdicts

Health Inequities

Downstream

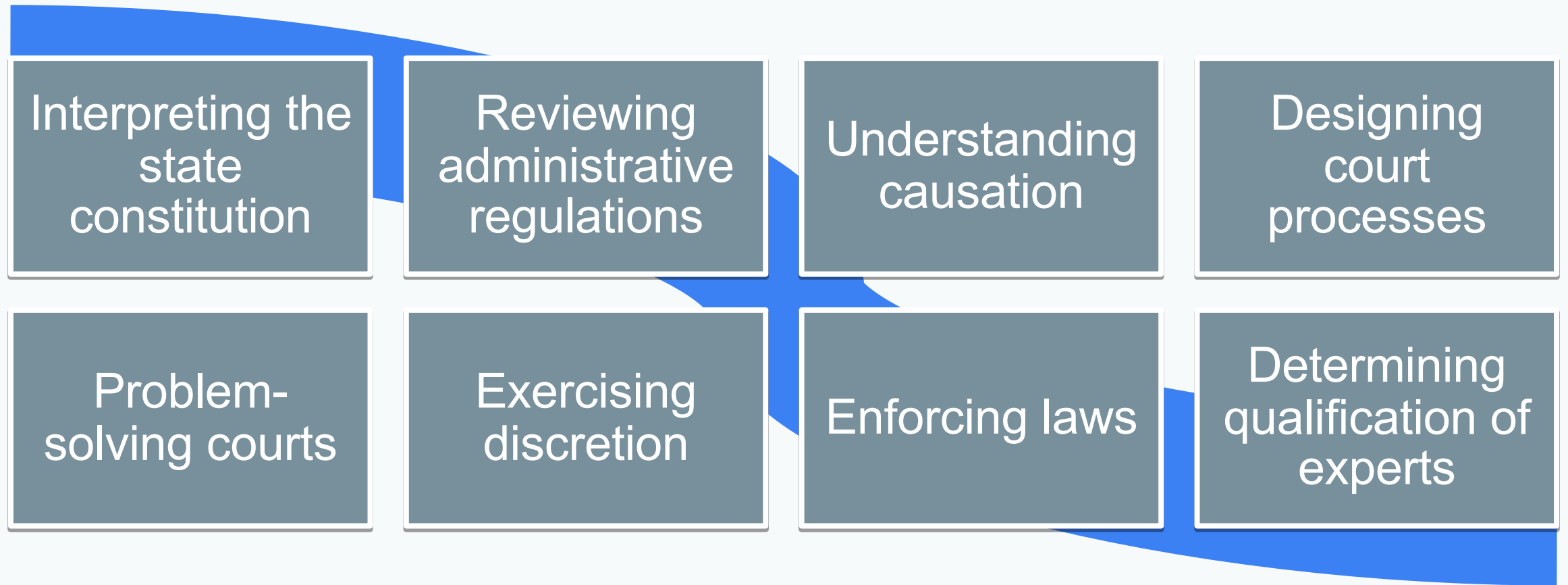


Health Inequities and the Courts: A Vicious or Virtuous Cycle?



How can courts mitigate health inequities?

More upstream



More downstream

Risk Factors for and Impacts of Criminal Legal System Involvement



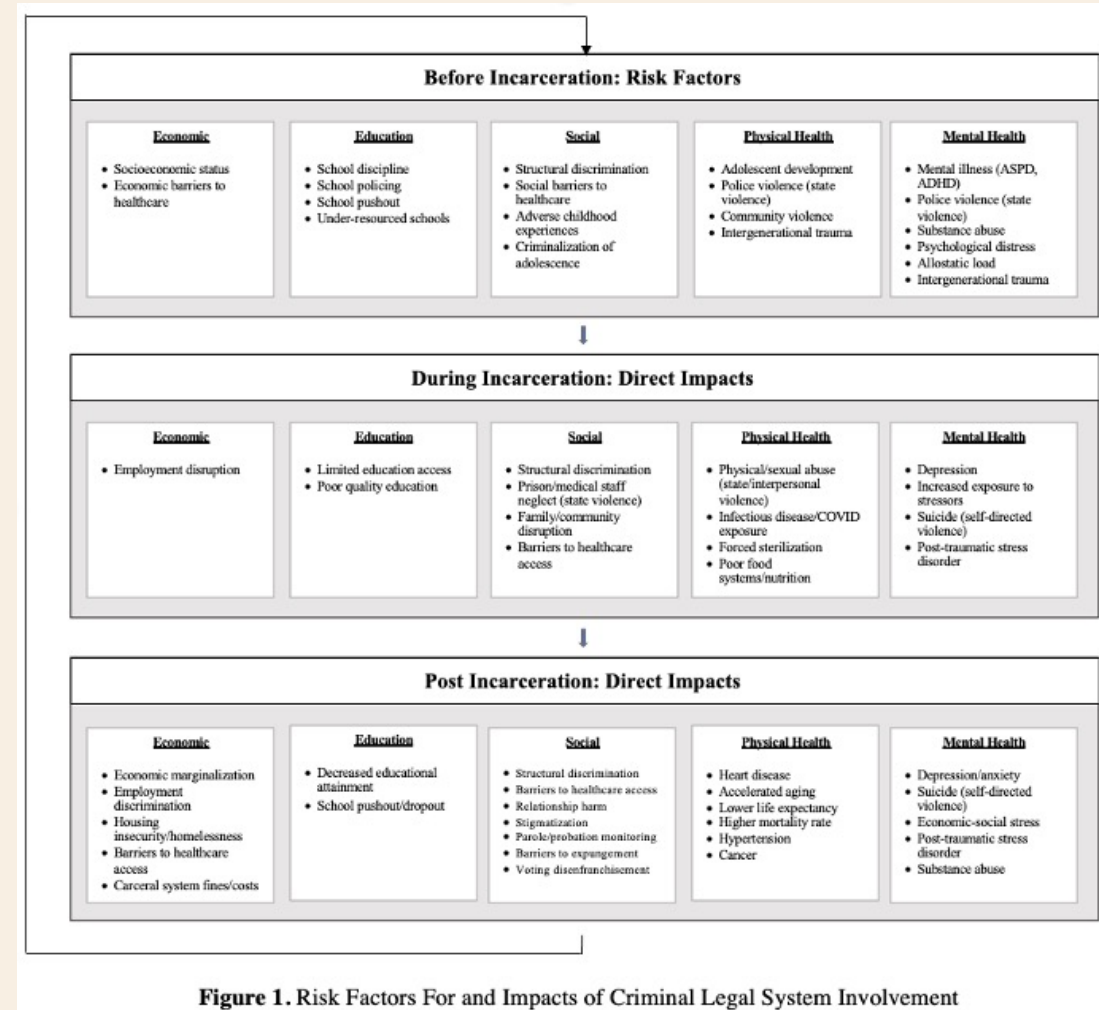
Source: Thalia González, *Restorative Justice Diversion as a Structural Health Intervention in the Criminal Legal System*, 113 J. Crim. L. & Criminology 541 (2023).

<https://scholarlycommons.law.northwestern.edu/jclc/vol113/iss3/2>

Overview

Gonzalez identifies various risk factors and the resulting impacts of criminal legal system involvement at different stages in the following areas:

- * Economic
- * Education
- * Social
- * Physical Health
- * Mental Health



Before Incarceration: Risk Factors

Economic

- Socioeconomic status
- Economic barriers to healthcare

Education

- School discipline
- School policing
- School pushout
- Under-resourced schools

Before Incarceration: Risk Factors

Social

- Structural discrimination
 - Social barriers to healthcare
 - Adverse childhood experiences
 - Criminalization of adolescence
-

Physical Health

- Adolescent development
 - Police violence (state violence)
 - Community violence
 - Intergenerational trauma
-

Before Incarceration: Risk Factors

Mental Health

- Mental illness (ASPD, ADHD)

- Police violence (state violence)

- Substance abuse

- Psychological distress

- Allostatic load

- Intergenerational trauma

During Incarceration: Direct Impacts

Economic

Employment disruption

Education

- Limited education access

- Poor quality education

Social

- Structural discrimination

- Prison/medical staff neglect (state violence)

- Family/community disruption

- Barriers to healthcare access

During Incarceration: Direct Impacts

Physical Health

- Physical/sexual abuse (state/interpersonal violence)
 - Infectious disease/COVID exposure
 - Forced sterilization
 - Poor food systems/nutrition
-

Mental Health

- Depression
- Increased exposure to stressors
- Suicide (self-directed violence)
- Post-traumatic stress disorder

Post Incarceration: Direct Impacts

Economic

- Economic marginalization
 - Employment discrimination
 - Housing insecurity/homelessness
 - Barriers to healthcare access
 - Carceral system fines/costs
-

Education

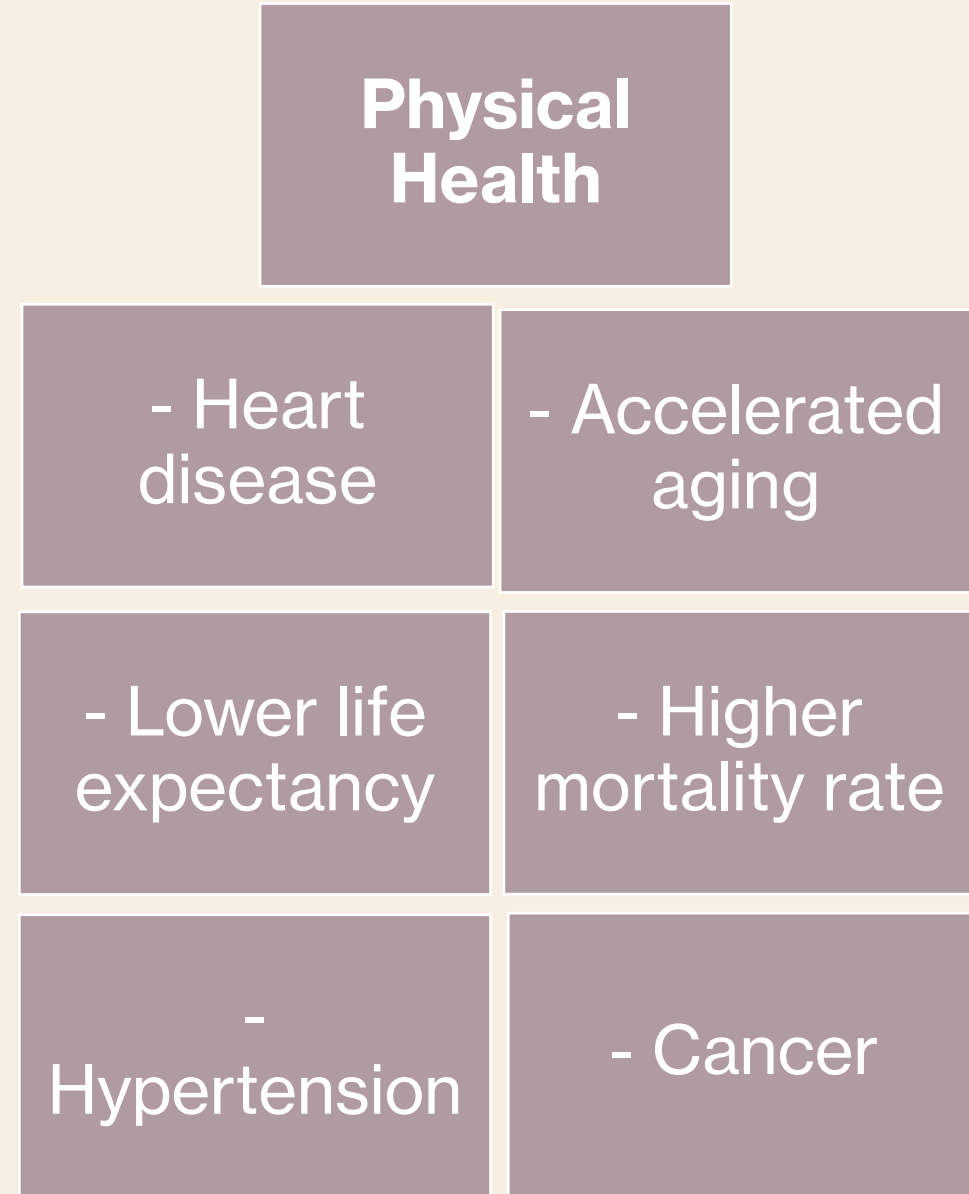
- Decreased educational attainment
 - School pushout/dropout
-

Post Incarceration: Direct Impacts

Social

- Structural discrimination
- Barriers to healthcare access
- Relationship harm
- Stigmatization
- Parole/probation monitoring
- Barriers to expungement
- Voting disenfranchisement

Post Incarceration: Direct Impacts



Post
Incarceration:
Direct
Impacts

Mental Health

- Depression/anxiety

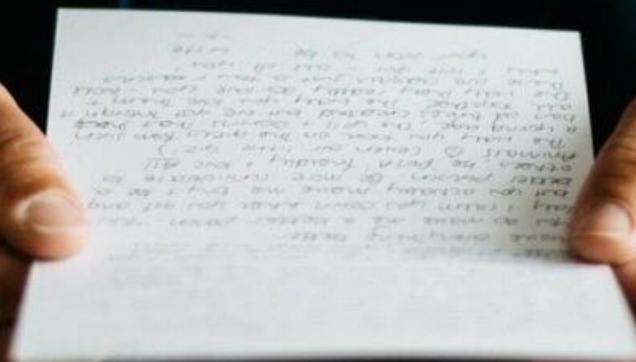
 - Suicide (self-directed violence)

 - Economic-social stress

 - Post-traumatic stress disorder

 - Substance abuse
-

Ensuring
Access To
Justice...
For ALL



What Can You Do?

*Helpful Reminders

- * Everything Is NOT Always What It Seems
- * Empathy Does Not Compromise Your Judicial Responsibility
- * Explore and Evaluate Viable & Valid Alternatives



Questions

THANK YOU FOR JOINING US!



Post-Session Satisfaction Survey for Attendees

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