



Kentucky Court of Justice Response  
**A Guide for Identifying, Addressing and Reducing  
Racial, Ethnic and Equity Disparities**

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# A Call to Action From Kentucky Courts

## Sharing a 4-Step Agency Model to Reduce Racial, Ethnic and Equity Disparities

Racial, ethnic and equity disparities – REED – persist in almost every social service system, from health care and housing to criminal justice and education. People of color are more likely to experience the poorest outcomes in these systems, which presents policymakers with a unique challenge.

The Administrative Office of the Courts understands that an organization's culture is shaped by the values, beliefs and behaviors of its personnel. That culture, in turn, influences how the organization carries out its activities and responsibilities.

In 2014, the AOC began in earnest to identify the racial, ethnic and equity disparities that affect how the Kentucky court system fulfills its constitutional and statutory duties. Our goal was to significantly improve outcomes for minorities by institutionalizing systemic change. We appreciate the research team in the University of Louisville's Department of Justice Administration for producing the "2014 Disproportionate Minority Contact in Kentucky: Statewide Assessment Report," which gave us the inspiration and direction to start this important work.

While the nuances of REED vary among organizations, agencies, systems and local court jurisdictions, there are common threads in the strategies used to address this issue. These key principles include leadership, stakeholder collaboration, education, data analysis, strategic action planning and the ongoing evaluation of efforts and outcomes. We integrated these principles into a 4-step model that

gives agencies a framework in which to change policies and procedures and reduce racial, ethnic and equity disparities.

We appreciate the leadership of Chief Justice of Kentucky John D. Minton Jr. and AOC Director Laurie K. Dudgeon. Their wholehearted support empowered our dedicated court personnel and made this endeavor possible.

The AOC wanted to chronicle its journey to culture change so that other organizations could benefit from our experiences and the strategies and approaches we found effective. We hope that your agency can use this guide to change its culture and join us in making a difference.

### 4-Step Model

The AOC used a 4-step model that can provide a road map for other organizations. The steps are:

- **Identify.** Identify disproportionality and disparities.
- **Construct.** Construct strategies that will aggressively address the challenges and barriers to the desired equitable outcomes.
- **Institutionalize.** Institutionalize the effective processes constructed.
- **Reevaluate.** Reevaluate to measure progress and ensure continuous quality improvement.



**Rachel Bingham**  
*Director, Office of Statewide Programs, Administrative Office of the Courts*



**Pastor Edward L. Palmer Sr.**  
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# Culture Change

IDENTIFY



CONSTRUCT



INSTITUTIONALIZE



REEVALUATE



## Scope of the Problem: An Overview of Racial, Ethnic and Equity Disparities

### REED Across the Nation

Racial, ethnic and equity disparities – REED – are present throughout the country, as numerous studies, policy reforms and various initiatives can attest.

Health care provides an important example. The National Center for Health Statistics<sup>1</sup> reported in 2019 that disparities for racial and ethnic minorities continue to persist in numerous key health indicators, including “life expectancy, infant mortality, a variety of risk factors, health insurance coverage, access to care, and use of health care services.”

Similarly, the Children’s Bureau in the U.S. Department of Health & Human Services recognizes the overrepresentation of racial and ethnic minorities in the child welfare system<sup>2</sup>. The Office of Juvenile Justice and Delinquency Prevention<sup>3</sup> also reports overrepresentation in the juvenile justice system.

Disparity in one system often compounds disparity in another. The “school-to-prison pipeline” is a commonly recognized phenomenon where students become formally involved with the criminal justice system as a result of school policies such as “zero tolerance.” These policies are quick to use exclusionary suspension and expulsion practices and engage law enforcement to address school-based behavioral problems.<sup>4</sup> Youth of color are especially susceptible to the negative impacts of the school-to-prison pipeline.

Minority youth also disproportionately experience harsher school discipline, particularly those who receive

special education services. This in turn exacerbates the overrepresentation of minority youth in the juvenile justice system.<sup>5</sup> Furthermore, a youth who has contact with the juvenile justice system is significantly more likely to be involved in the adult criminal justice system, which has the highest rates of racial, ethnic and equity disparities in America.

### REED in Kentucky

Kentucky is no exception to the prevalence of REED. Data from the Administrative Office of the Courts’ statewide programs – Family & Juvenile Services, Pretrial Services and Specialty Courts – clearly shows how racial, ethnic and equity disparities affect all aspects of the court system.

Disparities can be found to a greater degree in the Kentucky counties with larger minority populations. African Americans, whether children or adults, are the most overrepresented at the system’s critical points of contact and are the least likely to access and benefit from positive interventions.

Consistent trends across the court system point to a systemic issue that’s larger than individual acts of discrimination or bias. These problems are built into the policies and practices of the very programs meant to protect the most vulnerable, which is the definition of racial, ethnic and equity disparity.

Fortunately, a problem that can be defined and recognized is a problem that can be addressed. When the AOC identified the presence of REED, various departments initiated efforts to address the disparate outcomes for minority populations served by the court system.

<sup>1</sup> National Center for Health Statistics. “NCHS Data: Answering the Nation’s Health Questions.” Centers for Disease Control and Prevention. May 2019. Available at [https://www.cdc.gov/nchs/data/factsheets/Fact\\_Sheet\\_Answering\\_Nations\\_Health\\_Questions.pdf](https://www.cdc.gov/nchs/data/factsheets/Fact_Sheet_Answering_Nations_Health_Questions.pdf). Accessed Sept. 16, 2020.

<sup>2</sup> Child Welfare Information Gateway. “Racial Disproportionality and Disparity in Child Welfare.” U.S. Department of Health & Human Services, Children’s Bureau. November 2016. Available at [https://www.childwelfare.gov/pubPDFs/racial\\_disproportionality.pdf](https://www.childwelfare.gov/pubPDFs/racial_disproportionality.pdf). Accessed Sept. 16, 2020.

<sup>3</sup> Office of Juvenile Justice and Delinquency Prevention. “Disproportionate

Minority Contact Program Summary.” 2019. Available at <https://ojjdp.ojp.gov/programs/disproportionate-minority-contact-summary>. Accessed Sept. 16, 2020.

<sup>4</sup> Nelson, Libby and Lind, Dara. “The School to Prison Pipeline, Explained.” Justice Policy Institute. Feb. 24, 2015. Available at <http://www.justicepolicy.org/news/8775>. Accessed Sept. 16, 2020.

<sup>5</sup> American Civil Liberties Union. “Juvenile Justice Current Issues: School-to-Prison Pipeline.” Available at <https://www.aclu.org/issues/juvenile-justice/school-prison-pipeline>. Accessed Sept. 16, 2020.

## Leaders must motivate, inspire to create culture change

The ability to be successful in reducing racial, ethnic and equity disparities depends in large part on the organization's leadership. Leaders set the tone and the priorities by inspiring, motivating and supporting culture change.

Judges are essential to court-community partnerships, which bring local stakeholders together to improve court practice for all citizens. When a judge convenes a meeting,

stakeholders are more likely to attend. Judicial leadership also motivates stakeholders to examine problems and work to develop solutions.

In the same way, administrators must nurture a shared vision to inspire employees to work together on common goals. Successful administrative leaders use motivation, team building, negotiation and goal setting to bring about an organization's desired outcomes.



### Message from John D. Minton Jr. Chief Justice of Kentucky

As a justice system, we must be willing to recognize our failures. And we must be willing to not only listen, but to actually hear, the very valid concerns raised by people who have been marginalized, degraded or made to feel less than.

The court system and the legal profession must continue to advocate for a diverse bench and bar to reflect the communities that we serve. We must continue to improve communication between the courts, justice partners and court participants. And we must constantly evaluate and address institutional racism and our own implicit biases.

I recognize that we – all of us – have a long way to go. But I am pleased with the progress the court system has made over the past few years to provide diversity and cultural collision trainings to judges, circuit court clerks and employees in Family & Juvenile Services, Pretrial Services and Specialty Courts.



### Message from Laurie K. Dudgeon Director, Administrative Office of the Courts

We cannot tolerate or normalize the presence of racial, ethnic and equity disparities in our judicial system. Everyone should receive fair treatment and equal access to justice regardless of their race and background.

The Administrative Office of the Courts will do whatever it takes to move the needle on disparities within the courts. We're equipping our judges, circuit court clerks and employees with the tools they need to make a difference – training, awareness initiatives, community partnerships, and new policies and procedures. They have our full support.

# Step 1: IDENTIFY



The first step to reducing racial, ethnic and equity disparities in a system is to identify the scope of disproportionality within the system and its impact on disparity at each contact point.

Disproportionality indicates unequal representation while disparity indicates unequal treatment. Disproportionality is when only 9% of the youth population is African American but 15.9% of the emancipated children are African American. Disparity is when young people of different races in similar circumstances have different outcomes.

**Understand Racial, Ethnic and Equity Disparities.** An organization should ensure its leadership and staff receive training on the definitions, causes, and impact of racial, ethnic and equity disparities.

To that end, the Administrative Office of the Courts developed a webinar titled "An Understanding of Racial & Ethnic Disparity" to give court personnel and stakeholders a straightforward, uncomplicated overview of REED. The webinar looks at how federal and state expectations may directly impact an organization's systems. It also establishes a baseline knowledge of issues related to REED so that employees can begin to understand potential structural barriers and individual biases and develop cultural awareness and opportunities to effectively address REED.

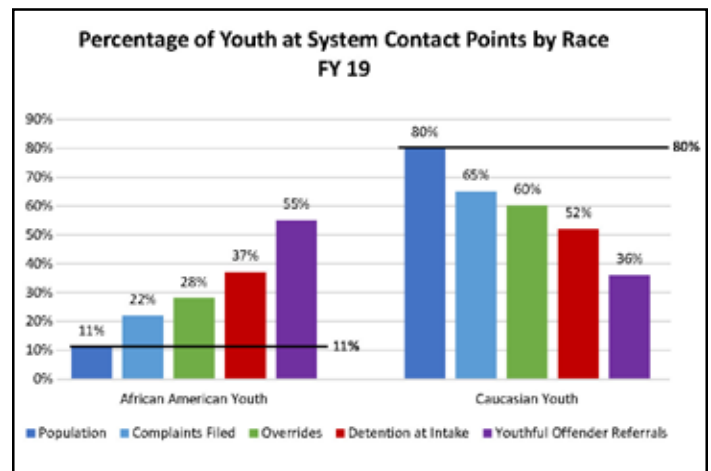
**Establish Contact Points.** A contact point is the step at which each decision is made within a system structure (such as a local court jurisdiction or organization) by a person and/or process (such as orders, assessments, forms or screeners). Data reveals the system reaction at each contact point and establishes the necessary framework to address REED in a meaningful way. It's important to identify the stakeholders most accountable to the outcome at each contact point. Gathering, reviewing and understanding a system's data is pivotal at this stage.

**Conduct a Data Walk by Race.** Organizations often fail to recognize how their policies and procedures negatively impact

clients, families and communities. Using a data walk to map out contact points by race will highlight areas of success, overrepresentation and disparate outcomes. The data walk by race will drive the focus of local action plans.

For example, the AOC's Court Designated Worker Program is a precourt youth diversion program that processes all juvenile complaints and works with eligible youth to prevent further involvement with the juvenile justice system. To identify the presence of REED, CDWs identified when key decisions are made. These contact points include when a complaint is filed, when eligibility for diversion is determined, when a young person successfully or unsuccessfully completes diversion, when the judge or county attorney overrides the eligibility for diversion, and when a youth is referred to formal court.

The chart below shows how mapping contact points by race and comparing them to the population rate clearly identified the overrepresentation of African American youth and the underrepresentation of Caucasian youth as they progressed through the more punitive contact points. If the goal is to have an equitable system, it's important to understand the overrepresentation of African American youth at more severe contact points compared with Caucasian youth.



## Disproportionality vs. Disparity

Disproportionality indicates being out of proportion, while disparity refers to the act of being unequally processed or treated. Disparity occurs when the ratio of one racial or ethnic group in an event is not equal to the ratio of another racial or ethnic group who experienced the same event.

Disproportionality occurs when the proportion of one group in the population is either proportionately larger (overrepresented) or smaller (underrepresented) than in the general population.

It is possible to have disproportionality without having disparities. All racial disproportionality needs to be examined to determine if it is in fact racial disparity.

"Before the issue of racial and ethnic disparities can be effectively addressed, systems must clearly identify disproportionate and/or disparate outcomes for the clients they serve."

*Pastor Edward L. Palmer Sr.*  
2019-2021 Chair, National Coalition of Juvenile Justice

## Step 2: CONSTRUCT



Once the disparities have been clearly identified, the next step is to construct a clear strategy that will lead to the institutionalization of successful system processes and practices to address REED, from the highest system structures to local professionals. These new processes and practices must advance the goal of reducing or eliminating racial, ethnic and equity disparities. The steps to creating a strategy are below.

**Execute a Racial Equity Assessment.** A racial equity assessment informs leadership about staff and/or stakeholder knowledge, understanding, perceptions, insights and opinions around racial, ethnic and equity disparities. These findings help identify the organizational processes and practices that need to be changed or improved. They also influence the strategic plan, local action plans and training efforts.

**Establish a Strategic Plan and Reduction Goals.** A strategic plan provides a pathway that includes the mission, vision and values of the REED efforts along with the desired reduction goals. Reduction goals are a way to measure progress in meeting desired outcomes. It's important to note that reduction goals are not pre-established quotas. Instead, they are measurable goals and outcomes that require action steps and the implementation of systemic processes and practices to reduce or eliminate REED.

**Provide Training.** Training is an essential part of addressing disparities. Local court jurisdictions and organizations need training on implicit bias, handling cultural collisions, and developing inclusive attitudes, behaviors and work practices. Staff should receive ongoing professional development on REED topics and data outcomes that reveal disproportionality and disparities.

**Engage Stakeholders.** Because racial, ethnic and equity disparities are too complex to be solved in a silo, stakeholders must play a role in identifying the organization's needs. Culturally sensitive services, supports and resources are often necessary to improve an organization's response to REED and engaging with local, regional and state stakeholders can greatly improve outcomes.

The Judicial Branch's relationship with court-appointed attorneys demonstrates the importance of engaging stakeholders. In Kentucky, children have a right to an attorney – called guardian ad litem – in child welfare cases. In 2019, the Supreme Court took steps to reduce racial, ethnic and equity disparities that might be present in this important program.

Under the leadership of Justice Debra Hembree Lambert, who chairs the Standing Committee on the Family Court Rules of Procedure and Practice, the Supreme Court adopted amended rules that set statewide standards for the guardians ad litem who represent parties in child welfare cases.

These standards include provisions that challenge attorneys to recognize, and understand, how racial, cultural and other social aspects affect client relationships, case planning and system outcomes. The committee's goal was to improve the legal representation and client experience for children, parents and other parties from all backgrounds.

**Develop Local Action Plans.** A local action plan provides the direction, details, time frame and accountability to make concrete changes in practice. It is important to mobilize front-line practitioners when developing the local action plan. Whether it is a local court jurisdiction or a statewide organization, action plans are more effective when created by those who work closely with clients, families and the community.

It's important to regularly monitor the short- and long-term goals in the action plan to ensure that the

REED focus remains intentional and achievable. Whether it's a court jurisdiction or statewide organization, local action plans are integral to implementing systemic changes at the community level.

**Analyze Policies and Procedures.** Once an agency has completed a data walk, it should use that data to analyze policies and procedures by race – apply a racial lens – to identify which policies are contributing to racial, ethnic and equity disparities. Policies and practices that potentially contribute to REED can then be changed and the impact of those changes can be monitored through data tracking.

LOCAL ACTION PLAN EXAMPLE			
County Data, Goals & Objectives			
<b>Goals</b>			
1.			
2.			
3.			
4.			
Goal Number	Actions	Owner	Due Date
Goal 1	1. 2.	1. 2.	1. 2.
Updates			
Goal 2	1. 2.	1. 2.	1. 2.
Updates			
Goal 3	1. 2.	1. 2.	1. 2.
Updates			
Goal 4	1. 2.	1. 2.	1. 2.
Updates			
Additional Notes			

## Step 3: INSTITUTIONALIZE



After an organization has constructed a strategy to address racial, ethnic and equity disparities, it's critical to acknowledge the process changes that have brought about the desired goals. These changes should then be institutionalized by incorporating them into formal policies and procedures. This can be accomplished through the following steps.

**Modify Policies and Procedures.** After analyzing its policies and procedures, an organization can modify them as needed to eliminate practices that directly contribute to the problem and promote practices that provide positive opportunities for racial and ethnic minorities.

The Court Designated Worker Program shows how changing policies and procedures can lead to improved outcomes. The Administrative Office of the Courts offers this precourt diversion program for eligible youth statewide. CDWs were concerned about the number of youth on diversion who failed to appear for their initial appointment, which placed them at risk of being referred to formal court.

When CDWs analyzed policies and procedures around failure to appear, they determined that scheduling appointments without family input was contributing to the problem. That led to a statewide policy change that requires CDWs to schedule appointments by phone based on a family's availability instead of assigning an appointment and notifying the family by letter. Data shows this policy change reduced failure to appear for all youth statewide by 40% and reduced the overrepresentation of African-American youth from 48% to 42%.

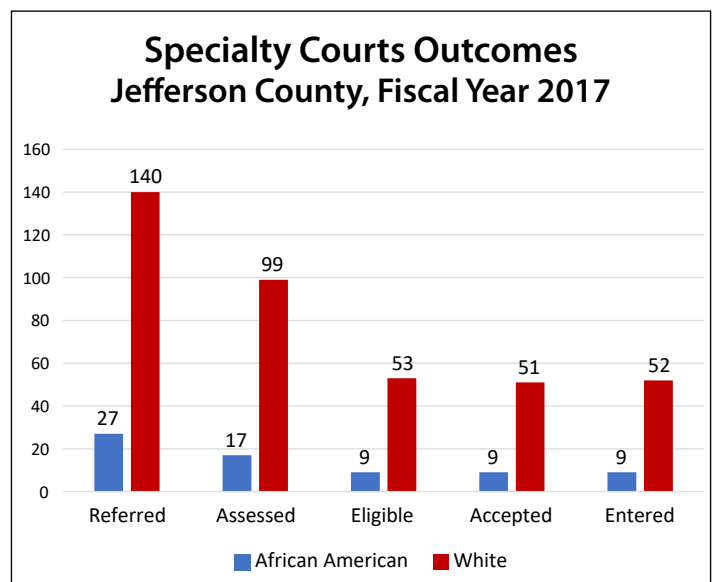
Organizations should also use data tracking and analysis to monitor the impact of their policy and procedure changes.

**Use an Individualized Approach.** To reduce racial, ethnic and equity disparities, organizations should use an individualized approach with case planning instead of operating with the attitude that "one size fits all." Each client has a unique background and will have different strengths and needs. Staff who work directly with clients must provide feedback to leadership on policies that may be a barrier to using an individualized approach.

The CDW program prides itself on meeting the specific needs of the youth it serves. CDWs in the four counties with the highest percentage of REED (Jefferson, Fayette, Christian and Hardin) have focused on building their service array and expanding community partnerships so they can offer diversion opportunities that are less generic and more tailored to the needs of each young person.

**Apply a Racial Lens to Activities.** It's critical for an agency to apply a racial lens when identifying policies, procedures or practices that contribute to greater disparity. There are a variety of strategies to accomplish this objective. For example, the AOC Department of Family & Juvenile Services created an Equity Committee comprised of managers and staff. The committee's purpose is to apply a racial lens to the department's activities and evaluate relevant issues for potential disparate impacts.

The AOC Specialty Courts program also benefited from applying a racial lens to its operations. When Specialty Courts staff analyzed preliminary eligibility data, they learned that where an individual resides may affect his or her ability to participate in Drug Court. Although possession of a weapon automatically disqualified some participants from Drug Court, data showed there was a greater likelihood of disqualification if the weapon charge was in a disenfranchised community with a higher level of safety concerns. That increased the racial impact of the policy and served as an access barrier to the men and women living in such neighborhoods.



**Collaborate With Stakeholders.** As an agency changes its policies and procedures, it's important to share that information with its stakeholders. The result is stronger cross-system collaboration and improved outcomes for clients who interact with multiple systems.



## Step 4: REEVALUATE



The work to systematically reduce racial, ethnic and equity disparity must be ongoing. Even when positive improvements are being made, organizations should consistently reevaluate their REED efforts to ensure continuous quality improvement. The following actions can be taken to monitor progress.

**Reassess Strategic Plan and Reduction Goals.** An organization should review its strategic plan and reassess its progress on a regular basis, such as at the end of every fiscal year. The purpose of the review is to determine if the goals have been met, examine data to monitor progress and develop new goals that build on successes.

Organizations must also review their reduction goals. For example, if the goal was to reduce disparities, the data must reflect that there was a decrease in disparities. If the goal was not achieved, organizations may want to define the goal more specifically to improve focus on the target area.

**Examine Performance Measures and Outcomes by Race.** An organization should monitor its progress by conducting an annual review of its performance measures and outcomes by race. The performance measure data should serve as the primary data extract to be reported and shared with staff, shareholders and others. This ensures consistency for the data that is reported.

**Review Policies and Procedures.** Data analysis ensures the fidelity of a change in policy and procedure. Once an organization has identified and changed policies and procedures, data analysis can be used to determine if the changes have led to reduced disparities. If additional barriers are identified, there should be further discussion about how to change the policy or procedure to be more effective.

**Conduct Quarterly Review of Action Plans.** When implementing action plans, staff should meet quarterly to discuss experiences, assess data, examine barriers, celebrate victories and make any necessary adjustments. These meetings are a valuable opportunity for staff to review reductions and increases in REED, and talk through obstacles, ideas and solutions in a candid and cohesive way. Quarterly reviews also remind staff to keep an intentional focus on reducing the disparities within the organization.

**Base Training on Equity Assessment Results.** An organization should use the results of its equity assessment, which is conducted during the Construct phase in Step 2, to guide REED-related professional development topics and training opportunities for its staff.

**Provide Updates to Stakeholders.** As previously discussed, it's important to provide regular updates on data and policies to keep stakeholders engaged in developing system solutions. Organizations should include stakeholders when both discussing challenges and celebrating victories. As an organization moves through the steps to identify, construct, institutionalize and reevaluate practices to reduce racial, ethnic and equity disparities, the very culture of the system naturally begins to shift.

Data exposes the undeniable presence of disproportionality. By involving stakeholders in analyzing data and policies and creating action plans, they develop a sense of ownership and become active participants in making concrete changes to reduce REED.

### Annual Performance Measures and Data Outcomes by Race

Performance measures are key indicators that could have multiple outcomes. Given the potential of negative or positive outcomes, these contact points are a good way for an organization to measure data by race to see if individuals of different races are experiencing different outcomes.

When a group is overrepresented among negative outcomes or underrepresented among positive outcomes, it indicates the presence of disproportionality that needs to be addressed.

Below are examples of performance measures.

#### Court Designated Worker Program

- Number of Juvenile Complaints
- Number of Youth Eligible for Diversion
- Number of Youth Actually Diverted
- Number of Successful Diversions

#### Pretrial Services

- Number of Assessments
- Number of Releases
- Number Given a Financial Bond
- Number of Weapon Enhancements

#### Specialty Courts

- Number of Screenings
- Number of Eligible Participants
- Number of Participants Accepted
- Number of Graduates

# Model for Culture Change

## IDENTIFY



- Understand Racial, Ethnic and Equity Disparities
- Establish Contact Points
- Conduct a Data Walk by Race

## CONSTRUCT



- Execute a Racial Equity Assessment
- Establish a Strategic Plan and Reduction Goals
- Provide Training
- Engage Stakeholders
- Develop Local Action Plans
- Analyze Policies and Procedures

## INSTITUTIONALIZE



- Modify Policies and Procedures
- Use an Individualized Approach
- Apply a Racial Lens to Activities
- Collaborate With Stakeholders

## REEVALUATE



- Reassess Strategic Plan and Reduction Goals
- Examine Performance Measures and Outcomes by Race
- Review Policies and Procedures
- Conduct Quarterly Review of Action Plans
- Base Training on Equity Assessment Results
- Provide Updates to Stakeholders

## Continuing the Work, Maintaining the Momentum

Although progress is being made to reduce racial, ethnic and equity disparities, the work is never done. When an organization overcomes one barrier, it opens the way to delve deeper and uncover other factors contributing to racial, ethnic and equity disparities.

And because disparities in one system often compound

disparities in another, an organization must continually analyze its data to determine where REED still exists. Without ongoing monitoring, disparities will continue to negatively affect minority populations. The willingness to hold challenging conversations and address sensitive issues is crucial to reducing REED.

It's also important to highlight any reductions that take place as a result of your efforts. The quarterly review of your action plan is a good time to highlight recent successes. Sharing your accomplishments will keep staff motivated to maintain the momentum. Employees need to believe that the work they do is making a difference.

We encourage organizations to commit to a long-term effort that involves identifying the presence of REED, constructing strategies to address disparities, institutionalizing successful strategies and reevaluating progress.

Our hope is that this publication will be a helpful guide for all who are committed to reducing racial, ethnic and equity disparities and changing the culture of their organization.



Department of Family & Juvenile Services staff join Pastor Edward L. Palmer Sr. (far left) for a group photo following an Equity Committee meeting.

## Court system provides implicit bias, cultural collision training

Since 2016, the Administrative Office of the Courts has made it a priority to provide implicit bias and cultural collision training for the Judicial Branch's elected officials and non-elected employees. The Department of Family & Juvenile Services spearheaded this important effort.<sup>1</sup>

As AOC leadership stepped up its focus on racial, ethnic and equity disparities, it recognized that training would be an essential part of improving outcomes around REED. Supreme Court justices, Court of Appeals judges and staff, Circuit Court judges, District Court judges and circuit court clerks have all taken part in training sessions focused on how to recognize and reduce REED. The AOC has also presented this training to court personnel in the statewide programs of Family & Juvenile Services, Pretrial Services and Specialty Courts.

### Implicit Bias Training

The AOC first offered implicit bias training, which was presented by Pastor Edward L. Palmer Sr., a certified diversity trainer based in Radcliff, Ky. Through a data-driven approach, these trainings provided a basic understanding of individual biases and the impact on minority families. The sessions also encouraged participants to reflect on the influence of stereotypes and the importance of diversity in local communities.

### Cultural Collision Training

The second round of trainings focused on cultural collision

and took a deeper dive into understanding an individual's culture and how to handle cultural conflicts, also called collisions. Attendees discussed how these collisions can impact decision-making and how policies and procedures can contribute to disparate outcomes for disenfranchised populations. The AOC has also offered a presentation titled "Let's Talk Race" and sessions on understanding REED core requirements and cultural identity.

### Benefits of Training

The AOC's investment in training has given court officials and personnel the understanding and skills they need to effectively address REED. For example, those who completed Pastor Palmer's implicit bias training gained knowledge on discrimination, microaggressions and prejudiced attitudes and beliefs. The trainings also raised awareness of the potentially difficult experiences of people from different racial or ethnic backgrounds.

While training alone is not enough to fully address REED, it paves the way for other steps that can build upon each other and lead to positive, meaningful outcomes for individuals involved with the justice system, their families and their communities.

<sup>1</sup>Fix, Rebecca L. "Justice Is Not Blind: A Preliminary Evaluation of an Implicit Bias Training for Justice Professionals." *Race and Social Problems*. July 15, 2020. Available at <https://doi.org/10.1007/s12552-020-09297-x>. Accessed Sept. 17, 2020.

## Racial Fairness Commission works for equality in Jefferson County courts

In 2001, then Chief Justice of Kentucky Joseph E. Lambert created the Jefferson County Racial Fairness Commission in response to the African American community's concerns about unfair sentencing practices in Kentucky's largest court jurisdiction.

Led by then Kentucky Court of Appeals Judge William E. McAnulty Jr., the Racial Fairness Commission contracted with the University of Louisville to produce a study to determine whether Jefferson County judges were making sentencing decisions based on race.



*Former Supreme Court Justice William E. McAnulty Jr.*

The study determined that while there were some instances of racial disparity in sentencing, those could have been attributed to factors outside of race, such as economic circumstances.

Either way the message was clear: Racial and ethnic disparities needed to be a major topic of discussion.

"It is my hope that any steps taken regarding the report are not seen as a final outcome in the process of securing equal justice under law for all Kentuckians, but part of the continuing march that Louisville has proudly led since the 1960s," Chief Justice Lambert said.

Since 2006, Kentucky Court of Appeals Chief Judge Denise G. Clayton has chaired the commission. Since completing the initial study, the commission has gone on to examine many other areas of the court system for racial bias, including jury selection, setting of bail and overall equity.



*Kentucky Court of Appeals Chief Judge Denise G. Clayton*

## Judicial Branch to Jefferson County: Tell Us What You Think

The Kentucky Judicial Branch and the Jefferson County Racial Fairness Commission joined forces in May 2019 to host Court Talks, a community engagement listening session to educate the public about the different entities that play a role in the legal and judicial systems. The event took place at Spalding University in Louisville.

The goal of Court Talks was to let the public provide feedback about these entities. Representatives from pretrial services, corrections, prosecution, public advocacy, legal aid, the judiciary, and probation and parole gave presentations and answered questions from attendees.

Prior to the event, the public had the opportunity to take an online survey provided by the University of Louisville Department of Sociology.

As a follow-up to the listening session, U of L researchers and the Racial Fairness Commission held a series of focus groups to better understand the needs and concerns of the community. The focus groups took place at the



Louisville Urban League and covered the Drug Court/Courtroom Experience, Bail/Incarceration, Eviction, Family Court/Juvenile Court and Expungement.

Kentucky Court of Appeals Chief Judge Denise G. Clayton chaired the Community Engagement Planning Committee. The committee was comprised of officials from the court system's community partners, including the Mayor's Office, the Urban League, Louisville Metro Police Department, Metro Corrections, Restorative Justice Louisville, the Louisville Day Reporting Center, the Louisville Metro Department of Public Health & Wellness and the U of L Department of Sociology.

## Black History Month event focuses on diversity, inclusion

The Administrative Office of the Courts celebrated diversity at its Black History Month celebration in Frankfort on Feb. 12, 2020. All seven Supreme Court justices joined court staff, judges and circuit court clerks for the event.

Keynote speaker Shauna Morgan, Ph.D., stressed the importance of taking the spirit and fervor of Black History Month and applying it to the work we do every day. Morgan is director of Equity and Inclusion Initiatives at the University of Kentucky.

A panel of three judges and a circuit clerk discussed how race has affected their careers. The panelists were Kentucky Court

of Appeals Chief Judge Denise G. Clayton, Family Court Judge Angela J. Johnson, District Judge Jerry E. Crosby II and Hopkins County Circuit Court Clerk Tanya M. Bowman.

Chief Justice Minton presented the first William E. McNulty Jr. Award to Fiscal Specialist Anita Lee, who was praised for her public service and positive attitude during 40 years with the AOC. The award is named for the first Black justice on the Supreme Court of Kentucky.



Front l-r: Judge Crosby, Shauna Morgan, Judges Johnson and Clayton, and Tanya Bowman. Back l-r: Justices Lambert, Keller, Wright and Minton; Anita Lee; Justices Hughes, VanMeter and Nickell; and Patrick Carrington.

In addition, Patrick Carrington, the AOC's Diversity & Inclusion coordinator, shared profiles of six Black Kentuckians who made unique contributions to the civil rights movement with court personnel statewide during a tribute that ran throughout February. The profiles featured Muhammad Ali, Alice Allison Dunnigan, Lyman T. Johnson, Justice McNulty, Georgia Davis Powers and Whitney M. Young Jr.





## Celebrating Success!

### Strong leadership, new policies and practices are reducing REED in the courts

- Administrative Office of the Courts created new Diversity & Inclusion Program in 2018 to address racial, ethnic and equity disparities in the court system and hired a diversity & inclusion coordinator to oversee that initiative.
- Family & Juvenile Services produced a timeline for recurring analysis of REED performance measures and outcomes.
- Senate Bill 200 created statutory mandatory diversion for young people with a first-time offense.
- Court designated workers reduced number of youth on diversion who fail to appear for initial appointment by scheduling interviews with client input instead of setting appointments without consulting them.
- Family & Juvenile Services institutionalized a departmental Equity Committee that oversees its strategic plan and reduction goals to address REED.
- Chief Justice Minton brought awareness to REED by including it in the State of the Judiciary Address in 2018, 2019 and 2020.
- AOC offers a variety of mandatory and optional REED trainings to elected court officials and court personnel.
- Family & Juvenile Services conducts an annual racial equity assessment to identify areas where staff need additional support to address REED.
- AOC's local action plans encourage staff to think about and address REED issues in their local jurisdiction.
- Supreme Court adopted 2019 Family Court Rules of Procedure and Practice to set statewide standards for family law cases and reduce racial, ethnic and equity disparities.
- Jefferson County Racial Fairness Commission works with local judicial leadership to address REED in Louisville.
- Supreme Court created William E. McNulty Jr. Award in honor of its first Black justice to recognize employees who have made significant contributions to the court system.
- AOC's 2020 Black History Month celebration included an educational component for court leadership and personnel.

### Engaging with stakeholders brings positive results

Court designated workers in Jefferson and Christian counties are setting an example with their work engaging stakeholders.

CDW Supervisor Christina Bronner initiated conversations with the Jefferson County Attorney's Office about the CDW Program's efforts to reduce racial, ethnic and equity disparities. She shared data demonstrating the presence of REED and coordinated REED training for county attorneys to increase their understanding and buy-in.

As a result, the county attorney handling juvenile cases has become more intentional about applying a racial lens to the review process for juvenile cases, and CDWs are empowered to talk with the county attorney if they see an example of REED in case processing.

CDWs in Christian County have also reaped the benefits of collaborating with their local stakeholders. After sharing local data revealing the presence of REED with the Christian

County Attorney's Office, the county attorneys began to intentionally consider disparities when reviewing mandatory diversion cases for youth.

These are just two examples of how court personnel are effecting change by working with law enforcement partners and local communities to reduce inequities in the justice system.



*Christian County District Judge John Lindsey Adams (center) leads a meeting of the Capstone Project, which is bringing together officials from the courts, schools and law enforcement to address racial, ethnic and equity disparities within the juvenile justice system in Christian County.*

# Kentucky Court of Justice Organizational Structure

Kentucky's modern court system was created in 1975 when voters supported a constitutional amendment to the Judicial Article that created a unified, four-tier judicial system for operation and administration.

As a result, the commonwealth's judicial power is vested in one Court of Justice, which is divided into the Supreme Court, Court of Appeals, the trial court of general jurisdiction known as Circuit Court and the trial court of limited jurisdiction known as District Court.

This court structure remained unchanged until 2002, when voters overwhelmingly approved passage of the Family Court constitutional amendment. The addition of a Family Court division to the Circuit Court tier meant that cases involving families and children would no longer compete with criminal and other civil cases for judicial time. Family Court cases are presented in a single court, allowing the same judge to hear all matters involving a particular family.

The Administrative Office of the Courts is the operational arm of the state court system and supports the activities of nearly 3,400 employees and 406 elected justices, judges and circuit court clerks.

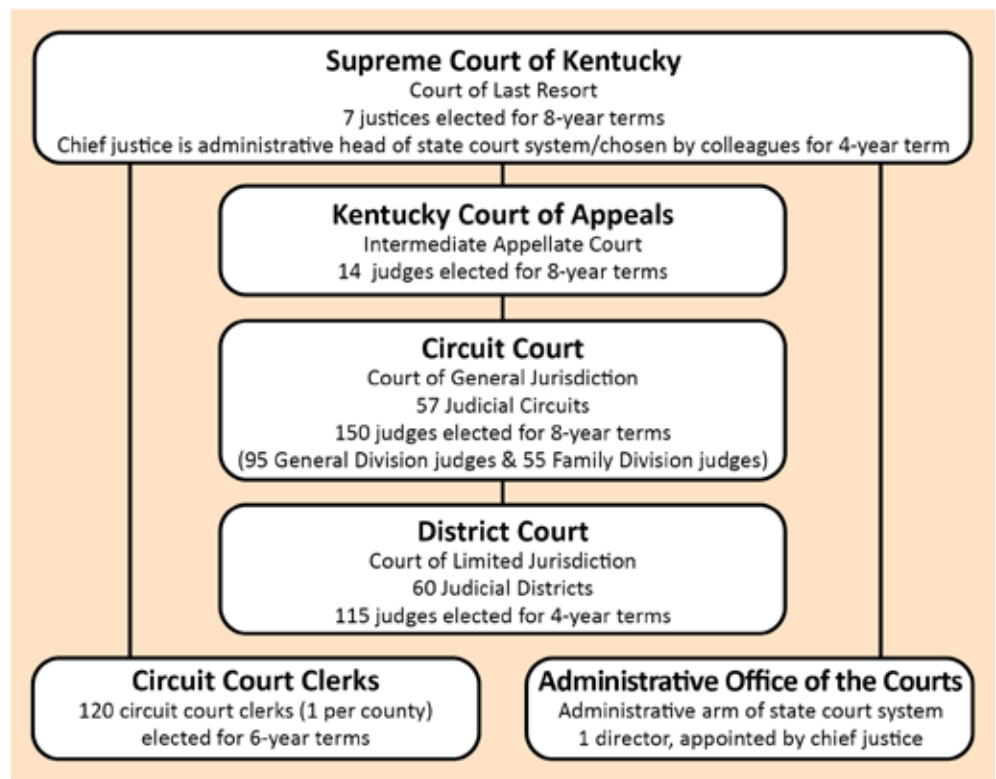
The AOC carries out duties that are mandated by the Kentucky Constitution, including administering the Judicial Branch budget, building and maintaining court facilities, maintaining court statistics through a statewide case management database, administering personnel policies and payroll, and providing educational programs for judges, circuit court clerks and court personnel.

The AOC oversees court programs and facilities in all 120 counties from its main campus at 1001 Vandaley Drive in Frankfort. The programs that operate in every county are Family & Juvenile Services, Pretrial Services and Specialty Courts.

The Kentucky Court of Justice is committed to providing equal employment opportunities, as noted in its personnel policies. The KCOJ provides EEO in all employment practices, including recruitment, appointment, job assignment, promotion, compensation, training and benefits, without regard to race, national origin, color, religion, sex, age, disability, sexual orientation, genetic information, smoker or non-smoker status, veteran's status, political affiliation or any other characteristic protected by law.

The purpose of the EEO policy is to promote and assure equitable treatment of all those who are currently employed and who may be employed in the future.

You can learn more about the Kentucky court system at [www.kycourts.gov](http://www.kycourts.gov).



# Glossary

**Cultural Competency.** Having an understanding, awareness and acknowledgement of others that enables an individual or organization to effectively function in a context in which multiple cultures are present.

**Cultural Identity.** Identity or feeling of belonging to a social group with similar norms and values.

**Culture.** Integrated patterns of human behavior in racial, ethnic, religious, professional or social groups.

**Data Walk.** Mapping an organization's contact points by race and reviewing its outcomes.

**Discrimination.** Differential treatment based on perceived group membership.

**Disparity.** Differential treatment that occurs when two similarly situated individuals experience different outcomes.

**Disproportionality.** Differential representation that occurs when a group experiences a certain outcome at a rate higher or lower than their representation in the population.

**Family & Juvenile Services.** Department within the Administrative Office of the Courts that oversees family law programs and juvenile justice initiatives, including the Court Designated Worker Program (preadjudication youth diversion program), Kentucky Citizen Foster Care Review Board, Truancy Diversion Program and Teen Court. FJS staff provide support services, training and technical assistance to judges, court personnel, attorneys, social workers and community partners.

**Implicit Bias.** Attitudes or stereotypes that affect an individual's understanding, actions and decisions in an unconscious manner.

**Institutionalized Racism.** When an institution's policies and practices and economic and political structures place minority racial and ethnic groups at a disadvantage in relation to its racial and ethnic majority.

**Local Court Jurisdiction.** A trial court district/circuit or appellate court district comprised of one or more counties, which exercises authority over court matters within that district/circuit.

**Organization.** An organized body of people with a purpose, such as an association, business or society.

**Overrides.** When a judge or county attorney overrules a youth's eligibility for diversion and refers him or her to formal court.

**Pretrial Services.** Department within the Administrative Office of the Courts that conducts interviews and investigates all individuals arrested on bailable offenses within 24 hours of their arrest. Pretrial officers also provide pretrial monitoring and administer misdemeanor diversion for eligible defendants.

**Race.** Groups of people who have significant differences and similarities in biological traits.

**Racial and Ethnic Disparities.** When differential treatment within a system is based on race or ethnicity.

**Racial Lens.** Perspective used when looking at policies and practices to determine if they impact people of all races the same way.

**Specialty Courts.** Department within the Administrative Office of the Courts that oversees the Drug Court, DUI Court, Mental Health Court and Veterans Treatment Court programs, which are similarly structured and supervised and have the same goal – to give eligible participants the opportunity to make positive changes in their lives. The programs all provide oversight by a judge, case management, treatment and drug testing.

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