

**CONFERENCE OF CHIEF JUSTICES
CONFERENCE OF STATE COURT ADMINISTRATORS**

Resolution 1

In Support of Racial Equality and Justice for All

WHEREAS, in the 70 years since the founding of the Conference of Chief Justices (CCJ) and the 65 years since the founding of the Conference of State Court Administrators (COSCA), CCJ and COSCA have stood for the principle that every human being is deserving of respect and is entitled to equal justice under the law; and

WHEREAS, current events have underscored the persistence in our society of institutional and structural racism resulting in policies and practices that disproportionately impact persons of color; and

WHEREAS, CCJ and COSCA recognize that too many persons, especially persons of color, lack confidence in the fairness of courts and the criminal justice system; and

WHEREAS, courts in many states, with the encouragement, support, and guidance of CCJ and COSCA, have initiated efforts:

- to identify and address unconscious bias, and facilitate the uncomfortable conversations that arise from the recognition of such bias¹;
- to diminish the extent to which pretrial release depends on a defendant's ability to pay²;
- to develop evidence-based practices in sentencing and throughout the criminal justice process³;

¹ See generally National Consortium on Racial and Ethnic Fairness in the Courts (NCREFF), Implicit Bias Training and Materials at <http://www.national-consortium.org/implicit-bias>; See also, e.g., Minnesota Judicial Branch, Committee for Equality and Justice, Implicit Bias Benchcard, https://www.ncsc.org/_data/assets/pdf_file/0024/17637/implicit-bias-bench-card.pdf.

² See generally CCJ/COSCA's National Task Force on Fines, Fees, and Bail Practices Principles on Fines, Fees, and Bail Practices, https://www.ncsc.org/_data/assets/pdf_file/0020/14195/principles-1-17-19.pdf; See also Cities and Counties for Fine and Fee Justice, Roadmap to Bold and Equitable Fine and Fee Reform, May 2020 https://www.policylink.org/sites/default/files/ccffj_guide_060420_a_BRIEF.pdf; accord Fines and Fees Justice Center at Examples of County and City-Level Fines and Fees Reforms, <https://finesandfeesjusticecenter.org/campaigns/counties-and-cities-for-fine-and-fee-justice>.

³ See, e.g. Massachusetts Court System, Sentencing Best Practices, <https://www.mass.gov/info-details/sentencing-best-practices>.

- to establish proportionate sanctions for the failure to pay fines and fees for those who willfully fail to pay, and to prevent sanctions from being imposed on those who are financially unable to pay⁴;
- to collect, maintain and report court data regarding race and ethnicity that enables courts to identify and remedy racial disparities⁵;
- to develop career pathways to improve the racial and ethnic diversity of the bench, law clerks, and court staff, as well as the legal community⁶; and
- to engage in conversations with communities of color, so that, in the words of Bryan Stevenson, our courts "get proximate" to the challenges faced by such communities;

NOW, THEREFORE, BE IT RESOLVED that the members of the Conference of Chief Justices and the Conference of State Court Administrators do hereby agree to continue and to intensify efforts to combat racial prejudice within the justice system, both explicit and implicit, and to recommit to examine what systemic change is needed to make equality under the law an enduring reality for all, so that justice is not only fair to all but also is recognized by all to be fair.

Proposed by the CCJ/COSCA Access and Fairness Committee and the CCJ/COSCA Public Engagement, Trust, and Confidence Committee at the CCJ/COSCA Annual Meeting on July 30, 2020.

⁴ See *supra* resources accompanying note 2.

⁵ See generally National Open Court Data Standards (NODS), User Guide, https://www.ncsc.org/data/assets/pdf_file/0014/34025/NODS-User-Guide.pdf, (NODS website: Access to Standards)(“Self-identification is preferred for race, ethnicity, and gender. In some jurisdictions, a proxy for self-identified race and gender may be based upon the perception of the criminal justice officer or court official who had the first contact with the individual. Because of the sensitivity of the information, gender may not be collected or, if it is collected, may not be released. Many jurisdictions collect race information in greater detail, but they can be mapped to the race values in NODS.”)

⁶ See generally National Association of Women Judges (NAWJ), <https://www.nawj.org> and NAWJ’s “Color of Justice” program; See also Yuvraj Joshi and Liz Seaton, Diversity Counts: Why states should measure the diversity of their judges and how they can do it, Lambda Legal & American Constitution Society, https://www.lambdalegal.org/sites/default/files/legal-docs/downloads/20170607_diversity-counts.pdf.