

Systemic Change Guiding Principles

Systemic change within the justice system is key to addressing racial disparities in court user experiences and justice outcomes. Systemic change involves examining the root causes of disparities and seeking reforms at the system level in the policy domains likely to make the biggest impact. To guide courts in their efforts, the Systemic Change Working Group proposes the following “Guiding Principles.”

It is the intent of the working group that the guiding principles be used as a lens to consider potential changes under consideration. This may include using the principles to evaluate a potential area to address, propose policy reforms, or conduct equity impact analyses on proposed rules changes or legislation.

GUIDING PRINCIPLES

1. Systemic change should be truly systemic

Systemic change requires an analysis of the root causes for the racial disparities that may exist within a given system, even if a race-neutral reason is provided for the practice in question. It is therefore necessary to avoid looking at any proposed reform in isolation. Rather, the courts should try to locate the source of the problem by taking the time to analyze data; review processes, policies, rules, and statutes to come up with solutions that are evidence based and far reaching; and evaluate impacts of disparities across the judicial system to proposed specific reforms.

2. Systemic change should be transparent

Reform efforts should be transparent to the stakeholders and community. While some of the decision-making process may not be fully accessible, courts should make special efforts to ensure that it is clear what is being considered, why it is being considered, how the reform will be implemented, what is ultimately decided, and the extent to which the reform will impact the issue to be addressed. Courts should acknowledge areas that need improvement and describe how they are attempting to resolve those issues.

3. Systemic change should be intentional, purposeful, and dynamic

Systemic change should be done with intentionality, and courts should determine the goals and purposes behind the effort. In addition, courts should be cognizant that the systemic change effort should be dynamic and may need regular adjustment as issues arise or reforms must be altered.

4. Systemic change should be sustainable

Systemic change cannot be a “one-and-done” effort. To undertake an effort at systemic reform that cannot be sustained over time would be harmful to the overall effort of reducing racial disparities. Therefore, courts should establish methods to sustain reforms. This may mean establishing specific employee positions, committees, or data analyses that permit the court to continuously focus on reforms.

5. Systemic change should be stakeholder- and community-inclusive

To ensure that all viewpoints are represented, systemic change should only be undertaken with continuous stakeholder and community input. While the community is certainly a stakeholder in the justice system, for purposes of these principles, stakeholders include those individuals and agencies/entities who have regular and direct involvement in the justice system, such as judges, court staff, attorneys, law enforcement, and court-designated service providers. The broader community that includes individuals who interact with the justice system or that reflect the values of the community should also be involved in the systemic change process.

6. Systemic change should be tailored to the community

It is likely that not every reform effort will be appropriate for every community. The scope and scale may be different in certain reform endeavors. Therefore, systemic change initiatives should be planned in the context of the community to provide a tailored approach. Courts should consider the community that is intended to be impacted by the reform effort and evaluate to see if the desired impacts are realized.

7. Systemic change should be informed by data and evaluated

To determine where action may be necessary, courts should use existing data to evaluate potential disparities or harmful impacts that may exist. Courts should be careful to implement reforms by first determining whether the data support that reform effort.

To evaluate the impact of reforms, systemic change efforts must be evaluated through data collection, measurement, and analysis. Simply enacting a reform does not guarantee that the reform addresses the issue as intended. Therefore, courts should collect data on pre-implementation and post-implementation changes and evaluate that data to determine the impact of the reform.

Courts should incorporate an equity impact analysis when proposing rule, policy, or process changes.

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