



THE W. HAYWOOD BURNS INSTITUTE

For Justice Fairness and Equity

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Reducing Racial and Ethnic Disparities: A NON-COMPREHENSIVE¹ Checklist

The W. Haywood Burns Institute works to build local capacity to engage in meaningful dialogue about the historical and current dynamics that contribute to the overrepresentation of people of color in the justice system. The racial and ethnic disparities that exist in the justice system today are symptoms of a system that, from its inception, was a tool of social control for people of color and continues to disproportionately harm people of color.

In this country, people of color were considered ‘the other’, and therefore inferior – not even people. Racially-driven policies such as Black Codes that criminalized recently freed slaves for not having permanent housing or employment served as a mechanism to ensure free labor. The implementation of vagrancy laws and residential and educational segregation policies prohibited people of color from fully integrating into American society and created little opportunity for social mobility. While many of these specific laws are no longer in place, new laws were enacted that similarly impacted communities of color. Essentially we have constructed legal and social norms that are premised on the belief that people of color were historically considered feeble-minded, savages, incapable of normal function, or not human.

BI believes that it is critical for jurisdictions, interested in engaging in racial and ethnic equity reform, begin by acknowledging the racialized fabric with which our current justice system was weaved. It is with this understanding that we begin “applying a data driven process” or using data to gain insight into current system practices. Using a data-driven process is critical and must occur within a carefully constructed process. The process must be guided by the fundamental objective of reducing justice system involvement and improving opportunities and life outcomes for people of color.

BI believes that creating the appropriate space and understanding both the historical and local context is critical for reform that promotes equity in the justice system. In developing an adequate infrastructure for equity reform, jurisdictions should consider the key factors listed in the table below and understand where they are in the process of implementing each one.

¹ The examples provided are not comprehensive. They represent examples of key components BI believes are necessary to engage in sustainable work to promote equity and reduce racial and ethnic disparities in the justice system.



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	Status		
	<i>Not Started</i>	<i>In Process</i>	<i>Completed</i>
1. Undergo training on structural racism; local, historical context for racial and ethnic disparity and systems of oppression.			
2. Establish a committee comprised of both system and community stakeholders and dedicated to examining and challenging racial and ethnic disparities			
3. Outreach to community based organizations with people impacted by the justice system to meaningfully engage and inform the reform agenda focused and promoting equity			
4. Hire formerly impacted people (“experts through experience”) to lead reform efforts; establish financially compensated methods for incorporating the voice of impacted people into the reforms, both through ongoing participation in reform efforts and through interviews; focus groups and surveys.			
5. Establish a process for “coach ups” or trainings to system impacted and community based organizations who will participate in reforms – map out the justice agencies and decision making structure – create a list of terms – explain the reform process and structure highlighting the opportunities available			
6. Establish a community engagement framework to ground the equity work. This work should include the development of shared values around the importance of community engagement and some relationship building practices			
7. Develop a process whereby community stakeholders participate in decision making in the SJC Steering Committee			
8. Share data between departments and agencies			
9. Share data with the community based organizations partnering in reform work			
10. Develop communication strategy that includes sharing data with the public			
11. Develop strategy to collect, review and deliberate on system data disaggregated by race and ethnicity			
12. Ensure there is a consistent protocol among departments and agencies for identifying and recording race and ethnicity of people coming into contact with the justice system at various points			
13. Develop strategy to disaggregate data by race and ethnicity in all reports			



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14. Identify a target population that is ripe for reform either because: a. High volume of People of Color are for low level offense b. Greatest disproportion, compared to population or total proportion at a key decision making point. c. Highest rates per capita at a key decision making point for people of color d. Highest rates per prior decision making point for people of color e. Greatest disparity gap (relative likelihood of system involvement for people of color compared to white) per capita f. Greatest disparity gap per prior decision making point			
15. “Dig Deeper” into the data: asking questions about the policies and practices that contribute to disparity/disproportion			
16. Analyze data to learn where people of color, who are the focus of the reforms, reside.			
17. Map out relevant community based programs and overlay with map of system impacted people			
18. Have courageous conversations reviewing the disaggregated data—regularly deliberate on how and why system decision making is having a disparate impact on people of color.			
19. Develop a strategy to increase representation of communities of color on the collaborative and make sure the collaborative reflects the diversity within the jurisdiction.			