

Equity, Diversity, Inclusion (EDI) at OJD

Martha L. Walters, Chief Justice of the Oregon Supreme Court

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Presentation to the Senate Committee on Judiciary and Ballot Measure 110 Implementation

June 01, 2022



Four Commitments: Many Initiatives Centered on EDI and Racial Justice

- Commitment 1
 - Initiative 1.1 – Meeting the needs of Oregonians with mental and behavioral health challenges
 - Initiative 1.2 – Fines and Fees
 - Initiative 1.5 – Expanding problem solving courts
- Commitment 2
 - Initiative 2.3 – Recruiting and retaining interpreters
- Commitment 3
 - Initiative 3.1 – Community outreach and engagement
 - Initiative 3.4 – Assisting with monitoring public defender caseloads and performance
- Commitment 4
 - Initiative 4.1 & 4.2 – Ongoing education and training on issues related to equity, diversity, and inclusion (EDI also referred to as DEI) for judges, staff, and court security personnel



Strategic Campaign Commitments 2020-2022

The Oregon Judicial Department renews these four commitments to the people of Oregon

Commitment 1



We will join with community partners to improve services and outcomes for people who are underserved, vulnerable, or marginalized; and we will develop effective, supportive, and creative solutions to respond to their legal needs.

Commitment 2



We will improve access to justice by eliminating barriers; continuing to simplify and streamline our processes and forms; enhancing service options; leveraging technology; improving interpreter services; and advocating for resources to keep courts open, safe, and secure.

Commitment 3



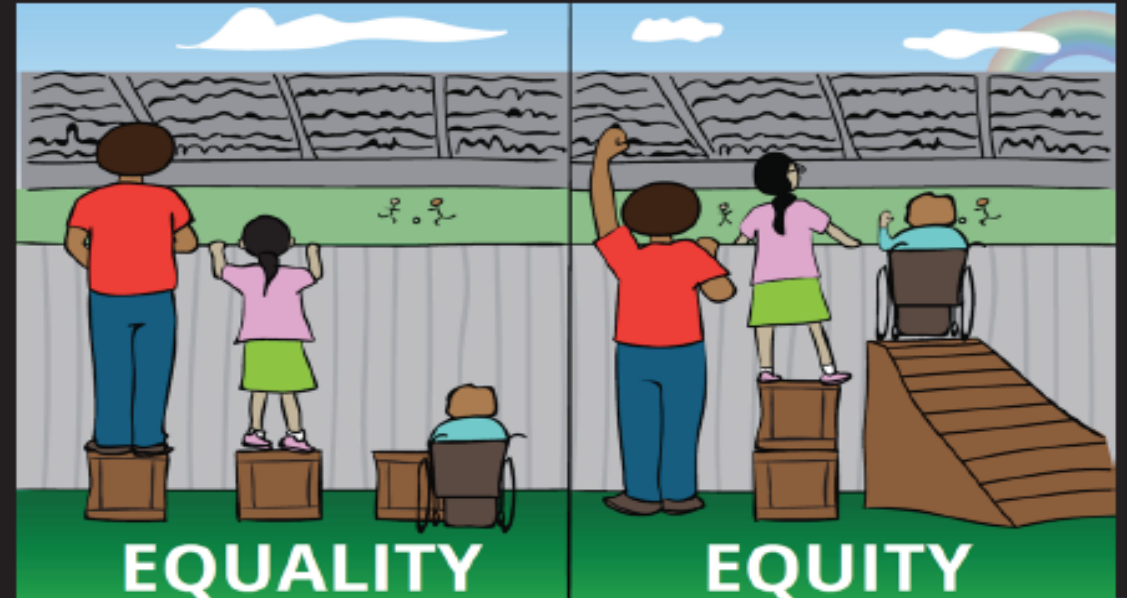
We will enhance the public's trust and confidence in Oregon's state government, including the judicial branch, by listening and responding to the needs of those we serve; holding ourselves to high standards; and communicating the role of our courts in providing justice for all.

Commitment 4



We will create a workplace and courthouse culture that is supportive, inclusive, welcoming, and affirming; that embraces diversity; and where all people can thrive and are treated with respect and dignity.

Equity Framework



EQUITY =

FAIRNESS



**OREGON JUDICIAL
DEPARTMENT**

Equity is fairness. It is about making sure everyone has access to the same opportunities. It is understanding that we are all different and have different needs.

Equity is treating individuals according to their needs.

Office of Engagement, Equity, and Inclusion (OEEI)

The Office of Engagement, Equity, and Inclusion (OEEI) leads the development and implementation of a comprehensive, strategic, and programmatic vision that advances and promotes equity, diversity, inclusion, racial justice, and access to justice for all.

OEEI's responsibilities include

- Supporting and leading OJD's strategic campaign initiatives relating to equity, diversity, and inclusion (EDI), racial justice, and access to justice
- Supporting judicial education
- Developing training related to access to justice and EDI
- Assisting with OJD's community engagement and outreach efforts

Projects and Work includes

- OEEI supports the following Strategic Campaign Initiatives
 - Initiative 2.1 – Access to Justice – Assisting Self-represented Litigants
 - Initiative 3.1 – Community Engagement and Outreach
 - Initiative 4.1 – EDI for judges and staff
 - Initiative 4.2 – EDI for court security
- Judicial Education
- EDI Education and Training Opportunities
- Community Outreach and Engagement

Staff Contact

- Valerie Colas, Access to Justice Counsel for Equity, Diversity and Inclusion
- Shalini Vivek, Staff Counsel for Equity, Diversity, and Inclusion

Oregon Supreme Court Council on Inclusion and Fairness (OSCCIF)

The Oregon Supreme Court Council on Inclusion and Fairness (OSCCIF) works to ensure that all persons have equal access to Oregon state courts and advises the Chief Justice on matters of systemic racial, ethnic, and gender bias in the Oregon Judicial Department.

Three standing subcommittees

- Community Outreach and Engagement
- Data Analysis Subcommittee
- Workforce Development

Completed and current projects include

- Equity Framework for OJD
- Policy regarding collection of race, ethnicity, and gender data
- Community outreach tool kit
- Access and Fairness Survey
- Recommendations for all user restrooms and public lactation rooms

18-member Council that includes participation from the following

- Oregon State Bar
- District Attorneys
- Public Defense
- Legal Aid
- Governor's Office
- Legislature
- Judges
- Trial Court Administrators and OJD staff
- Public members

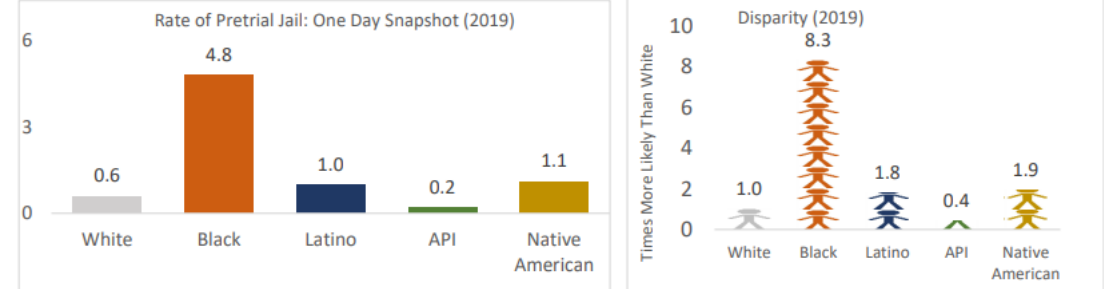
Chair: Justice Adrienne Nelson

Addressing Inequities in Our System of Justice

Coalition Report Reveals Inequality In Washington County

Clackamas DA: 'Work to do' on race disparities in criminal justice

Figure 2: Rate and Disparity in Pretrial Jail Snapshot (2019) (per 1,000 adults in Multnomah County)



Black Oregonians Are Imprisoned at a Rate Almost Four Times That of White People

“Prisons and the criminal legal system are designed to control and dominate certain populations.”

Report shows unequal access to juvenile justice in Oregon

Criminal Justice Advisory Committee (CJAC)

The Criminal Justice Advisory Committee (CJAC) advises the Chief Justice and State Court Administrator regarding reforms and innovations in criminal justice.

Current areas of interest and responsibility include

- Pretrial release and detention
- Fines and fees
- Equity and fairness in the criminal justice system
- Remote proceedings
- Data collection on race and ethnicity in criminal and violation cases

The Committee is comprised of stakeholder groups that include

- Legislators
- Judges
- Advocates
- Community leaders

Chair: Judge Rafael Caso

Vice-Chair: Judge Melvin Oden-Orr

Fines and Fees: Reducing Court Debt to Remove Barriers and Address Disparities

- OJD-sponsored legislation
 - HB 2176 (2021) - Removes minimum payment plan fee
 - HB 2176 (2021) - Permits courts to waive or suspend payment plan fee
 - HB 4120 (2022) - Reduces minimum fine in violation cases
- Chief Justice Orders reduced payment plan assessment fee and allowed courts to waive or suspend payment plan fees - CJO 21-043 (2021) & CJO 21-003 (2021)
- Created process for post-judgment motion to modify fines & fees in criminal cases - UTCR 4.120 (August 2022)
- Implemented procedures to satisfy fees and fines in certain juvenile delinquency cases and to address the repeal of driver license suspensions because of court fines and fees debts - SB 817 (2021); HB 4120 (2020)

As a result of CJO 21-043 (2021), Oregon state courts removed \$90,775,260 in payment plan fees, prioritizing payment of restitution and fines. (740,724 cases)

As a result of SB 817 (2021), over \$8.4 million in juvenile delinquency fines and fees (13,493 cases) were considered satisfied

Addressing Inequities in Specialty Courts

The Racial & Ethnic Disparities (RED) self-assessment tool captures information about specialty courts' operations and procedures, with an emphasis on examining areas where racial and ethnic disparities may exist.

Focus on implementing statewide recommendations to alleviate racial & ethnic disparities

1. Held statewide training series & action planning workshop in collaboration with the Center for Court Innovation (2021)
2. Ensuring accountability through regular check-ins with specialty court coordinators (ongoing)
3. Mapping demographic data to decision points through RED dashboard (in process)
4. Applied for federal grant to expand use of standardized risk and need eligibility screening tool (May 2022)

RED tool development, implementation, and technical assistance provided by



Oregon's Pretrial Programs

OJD's initial focus is implementing SB 48 (2021) and issuing release orders by July 1, 2022.

The purpose of SB 48 is to

- Provide consistent release decision-making structure across the state
- Reduce reliance on the use of security release (money bail)
- Include provisions for victim notification and input
- Consider the rights of the defendant and presumption of pretrial release, along with community and victim safety and the risk of failure to appear

By providing a consistent release framework from which all courts operate, and by building new programs and enhancing existing ones, the aim of this program is to ensure consistent, equitable, and safe pretrial release decisions.

Pretrial program efforts in Oregon rely on national best practices set forth by



**National Association of
Pretrial Service Agencies**



Center for Effective Public Policy



Juvenile Court Improvement Program

- The Juvenile Court Improvement Program (JCIP) administers a federal grant that aims to promote continuing quality improvement in juvenile dependency cases
- JCIP is engaged in efforts to improve the juvenile court's handling of cases involving the Indian Child Welfare Act (ICWA) including
 - Participating in the tribal and state coalition that passed and implemented Oregon's Indian Child Welfare Act - HB 4214 (2020)
 - Dedicated ICWA Analyst staff support
 - Creating an ICWA/OR ICWA Bench Book
 - Continued participation on OR ICWA (Part 2) coalition relating to adoption - HB 3182 (2021)
- In 2021, JCIP created a Tribal Collaboration subcommittee focusing on three areas of improvement
 - Enhanced cultural understanding and responsiveness in court policies and practices
 - Greater consistency in application of ICWA/OR ICWA
 - Develop comprehensive training and education for courts and stakeholders

The focus on improving the juvenile courts' handling of Indian Child Welfare Act cases stems from the Oregon child welfare system's longstanding disproportionate impact on Native families.

Ensuring Access for All

<p>welcome accipero impin</p> <h2>English</h2> <p>View English Resources</p>	<p>welcome accipero impin</p> <h2>한국어</h2> <p><i>Korean</i></p> <p>View Korean Resources</p>	<p>welcome accipero impin</p> <h2>Русский</h2> <p><i>Russian</i></p> <p>View Russian Resources</p>
<p>welcome accipero impin</p> <h2>Español</h2> <p><i>Spanish</i></p> <p>View Spanish Resources</p>	<p>welcome accipero impin</p> <h2>繁體中文</h2> <p><i>Traditional Chinese</i></p> <p>View Traditional Chinese Resources</p>	<p>welcome accipero impin</p> <h2>Việt</h2> <p><i>Vietnamese</i></p> <p>View Vietnamese Resources</p>

UNA CONVERSACIÓN
SOBRE CÓMO
GARANTIZAR LA
JUSTICIA RACIAL
EN LOS
TRIBUNALES



**ENSURING
RACIAL JUSTICE
IN COURT**



munk-yaxan k^hanawi-ṭaksta
k^hanawi-kakwa

Court Language Access Services

Providing interpreting services using both staff and contract interpreters to fill more than **35,000 interpreting requests per year in more than 200 languages**

Recent initiatives include

- Spanish language videos providing guidance for those going to court
- Translation of statewide court forms and a pilot program to translate interactive, interview-based court forms
- Addressing shortage of certified Spanish court interpreters through workforce development
- Language access training for public counter court staff and family law facilitators, including how to access interpreting services on demand via telephone and video

5.6% of Oregon's population identifies as limited English proficient (LEP) individuals.

Top ten requested languages are Spanish, ASL, Chuukese, Russian, Vietnamese, Arabic, Somali, Mandarin, Mam, and Bosnian.

Access and Fairness Survey Campaign

The Access and Fairness survey, created by the National Center for State Courts as a measurement tool, asks questions on access and fairness along with background information on court users.

- OJD launched the survey in 2018 as a pilot on the recommendation of OSCCIF to understand court users' experience with our court's accessibility and treatments of customers in terms of fairness, equality, and respect.
- In 2020, OJD launched a statewide on-line only survey between August and September.
 - Received 291 responses from 26 of Oregon's 36 circuit courts.
 - Access score was 72.8 and Fairness score was 61.8 (target as recommended by OSCCIF is 85).
- 2022 Access and Fairness Campaign began May 1 and runs June 30. All members of the public are welcome to participate!

The Access and Fairness Survey is a key performance measure for OJD.

Survey developed by:



Training and Education

Signature Counter Experience Part I

Danita Campbell,
Program Coordinator, Legal
Resource Center, Multnomah
County Circuit Court

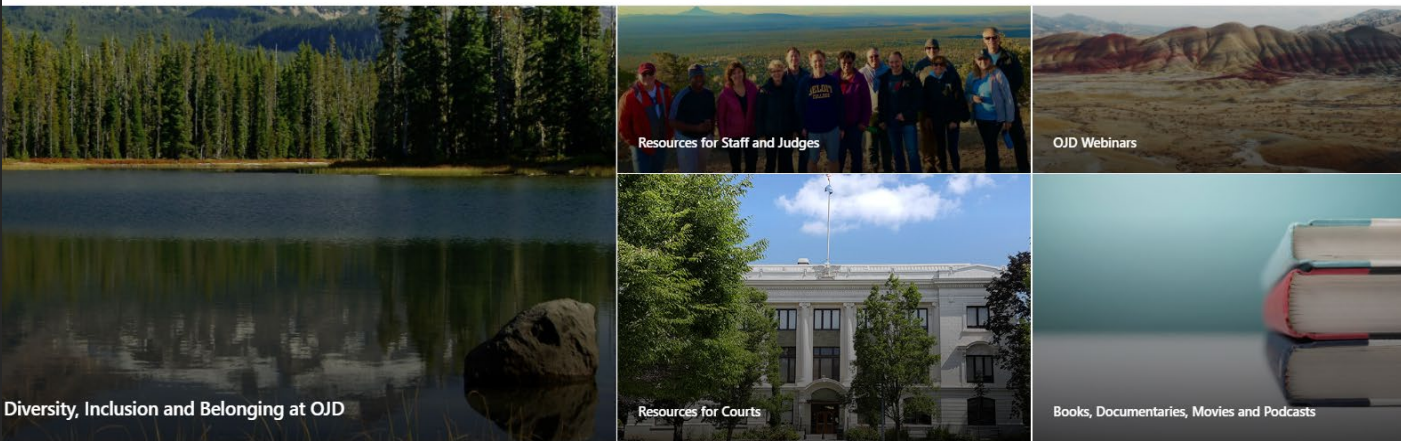
Valerie Colas,
Access to Justice Counsel for Equity,
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John G.C. Laing, Jr.
Chief Experience and Diversity Officer
Massachusetts Trial Court

Equity, Diversity, Inclusion and Belonging

Site contents Edit

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Resources for Staff and Judges

OJD Webinars

Diversity, Inclusion and Belonging at OJD

Resources for Courts

Books, Documentaries, Movies and Podcasts



Equity, Diversity, Inclusion and Belonging

The Oregon Judicial Department (OJD) is committed to equity, diversity, inclusion and belonging (EDI/Belonging). This SharePoint site provides resources, drawn from both internal and external sources, to assist OJD staff and judges who would like to elevate diversity and inclusion as a priority personally and professionally.

Understanding the Effects of
Unconscious Bias

Be Aware To Be Fair

Training and Education: Judges, Staff, and Volunteers

The Oregon Judicial Department is committed to raising awareness and understanding on issues relating to EDI, bias, unconscious bias, and racial justice for judges, staff, and volunteers

- Equity, Diversity, Inclusion and Belonging SharePoint Site
 - Internal and external resources for judges and staff to engage in self-learning on EDI and racial justice topics
- Signature Counter Experience Training Program Pilots
 - Pilot project with Massachusetts Trial Court Office of Diversity, Equity, Inclusion & Experience to provide their Signature Counter Experience training
 - <https://www.mass.gov/orgs/trial-court-office-of-diversity-equity-inclusion-experience>
- Conversations at OJD Webinar Series
 - Ongoing webinar series on various topics relating to EDI facilitated by Office of Engagement, Equity, and Inclusion (OEEI) and Human Resource Services Division
 - Webinar topics have included: self-care and resilience; customer service in difficult times; addressing anti-Asian hate and bias; equity at OJD; and Juneteenth celebration

Training and Education: Judicial Leadership and Education

The Judicial Leadership and Education Committee (JLEC) assists with identifying and providing educational opportunities to judges and staff

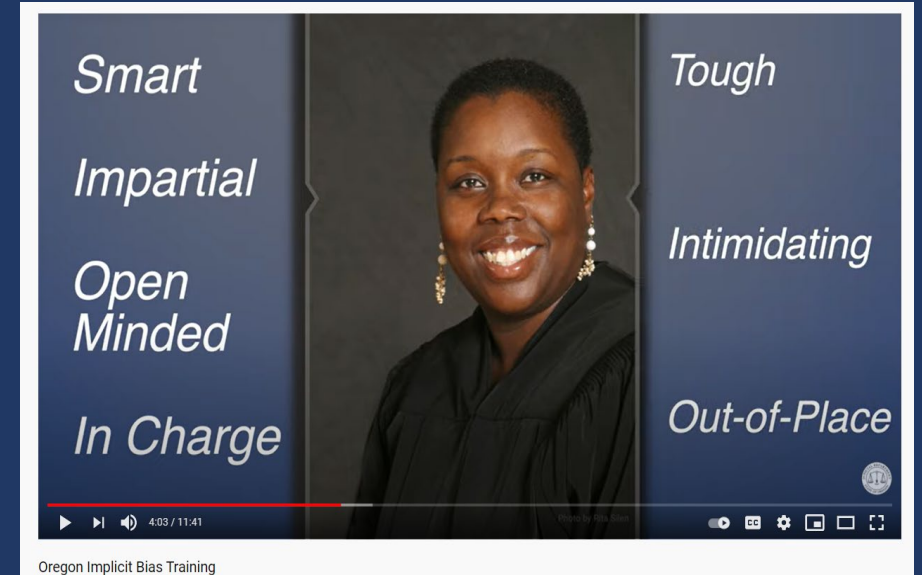
The committee supports the following educational opportunities

- Judicial conferences with sessions including
 - Judicial Decision-Making
 - “The Conversation” by Robert Livingston
 - Red Door Project’s “The Evolve Experience”
- New Judge Seminar
- Judicial Practical Training
- Appellate Case Updates

Training and Education: Jurors

The Unconscious Bias Juror Video is a court resource to help ensure the right to fair and impartial jury trials.

- The Unconscious Bias Juror Video explains the concept of unconscious bias and provides useful tools for jurors to use to ensure fair and impartial judicial proceedings.
- The Committee on Bias in the Justice System in Oregon (formerly the Ad Hoc Committee on Unconscious Bias in the Justice System in Oregon) created the video with funding from both OJD and the federal courts in Oregon.



Excerpt from the “Oregon Unconscious Bias Video”

Watch the video here:

<https://www.courts.oregon.gov/how/Pages/jury.aspx>

Opportunities to Engage



A Conversation on "Breaking Chains: Slavery on Trial in the Oregon Territory"



Gregory Nokes

Join Gregory Nokes, author of *"Breaking Chains: Slavery on Trial in the Oregon Territory,"* to discuss *Holmes v Ford*. In 1844, Missouri slaveowner Ford promised Mr. and Mrs. Holmes, and their children, freedom if they traveled with him to the Oregon Territory to start a farm. But in Oregon, Ford changed his position. He claimed rights to the Holmes' children. Mr. Holmes obtained a lawyer. A 15-month court case ensued over custody of Holmes children. This famous case, and other Black experiences in the Oregon Territory, are highlighted.



Rakeem Washington

Deschutes County Circuit Court Judge Raymond Crutchley and Portland State University Instructor and co-owner of Engage to Change Rakeem Washington will explore with Mr. Nokes the significance of the Holmes' story and slavery in Oregon, including infamous Black exclusion laws, and the current state of Blacks in Oregon.



Hon. Raymond Crutchley

Thursday, February 24, 2022

12:00 - 1:15 P.M.

Register [here](#) for the webinar

(Applying for CLE credits)



For more information or questions, please contact Valerie Colas at Valerie.Colas@ojd.state.or.us.

Opportunities to Engage: Building Connections

- Recognition of Heritage Months
 - Created banners and posters retrospective of Black Judges and Legal Professionals in Oregon for courts to celebrate Black History Month
 - Working to create a retrospective to recognize Asian American, Native Hawaiian, and Pacific Islander Judges and Legal Professionals in Oregon
- Community Engagement and Outreach
 - Black History Month Webinar (Breaking Chains: Slavery on Trial in the Oregon Territory)
 - Yamhill County Circuit Court Outreach
- EDI Committees

Lessons Learned and Sharing Our Experiences



Meaningful Strategies to Combat Systemic Racism in Trial Courts– Part III September 24, 2020



Tribal, State, Federal Court Forum

The Tribal, State, and Federal Court Forum's purpose is to create and institutionalize a collaborative relationship between judicial systems in Oregon, identify cross-jurisdictional legal issues affecting the people served by those systems, and improve the administration of justice for all our peoples.

Past and current projects

- Obtained grant funding to develop a training curriculum including a video, a brochure, and a field guide to explain the requirements of full faith and credit and give law enforcement concrete procedures to follow to ensure that full faith and credit is being followed
- Fostering the relationship between OJD and the nine federally recognized tribes in Oregon
- Full Faith and Credit Education Materials for Tribal Protection Order



19-member Forum that includes participation from the following:

- 9 state court judges
- 9 tribal court judges from the federally recognized tribes
- 1 federal court judge

Co-chaired by:

- Chief Justice Martha Walters, Oregon Supreme Court
- Chief Judge William Johnson, Confederated Tribes of the Umatilla Indian Reservation

National Efforts

- Blueprint for Racial Justice (created by the Conference of Chief Justices (CCJ) and the Conference of State Court Administrators (COSCA), with support from the National Center for State Courts (NCSC))
 - Workgroups
 - Equity and awareness
 - Systemic change
 - Communication and implementation
 - Increasing the diversity of the bench, bar, and workforce
 - Projects
 - Listen, Watch and Read
 - Webinars on EDI and Racial Justice
 - Development of materials for national circulation and use
 - Resolutions and recommendations for racial equity and justice
- National Association for Presiding Judges and Court Officers (NAPCO)
 - Presented on Oregon's efforts to combat systemic racism in trial courts.
 - Meaningful Strategies to Combat Systemic Racism in Trial Courts – Part III – September 2020
- National Association for Racial and Ethnic Fairness in Courts
 - Oregon Supreme Court Council on Inclusion and Fairness and Tribal, State, Federal Court Forum participated in the 2022 conference in Grand Fork, North Dakota.

Questions?

If you have additional questions, please contact:

Valerie Colas

Access to Justice Counsel for EDI

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