

**Statement from Chief Judge Carol Kuhnke on behalf of the Court
“A Step by Step Plan to Work toward Racial Equity”**

The court very much appreciates the work that the [Citizens for Racial Equity in Washtenaw](#) (CREW) has dedicated to producing this important report. We take the concerns raised by the report seriously and are committed to working collaboratively with our partners in the justice system and the community to address them. The court will look back with a critical eye on our own performance and will not hesitate to take all steps necessary to make sure that everyone in our community is treated equally, not just in our courts but throughout Washtenaw’s justice system.

While we want to quickly reach our shared goal of racial equity, the path to achieving that goal is not easy and demands both difficult decisions and willingness to implement a comprehensive plan. The court has identified five steps we are taking immediately:

1. **DIALOG.** Step one is for our bench and key staff to sit down with CREW to drill into the report. In particular, we want to understand the data and ask questions about aspects of the report that don’t sync with our understanding of how our court operates. We also note, as does CREW, essential data that is missing in the analysis.¹
2. **DATA.** Step two is taking the same data that CREW used and putting our team to work to see whether we can recreate their results. We will also supplement that dataset with critical information regarding sentencing guidelines scoring and sentencing agreements, especially regarding the specific cases that CREW has identified as sources of concern. The court is dedicating all necessary resources to undertake this examination of the data and to collect additional data, if necessary. In addition, court IT staff is working with our case management system provider to build new data fields into the court’s existing programming. With this enhancement, we can make sure that in the future, equity issues can be monitored in real time.
3. **TRAINING.** Step three is education and training in implicit bias. In this regard, the court has already been in communication with Washtenaw County’s Racial Equity Officer (Alize Asberry Payne) and the Michigan Judicial Institute to begin planning for the implementation of implicit bias training. This training cannot be limited to the judges

¹ As two examples, CREW excluded cases for which no race was recorded, and CREW did not have access to prior criminal history, an essential element of our system of progressive discipline. Our additional analysis will target these areas of concern so that the community can be assured that the findings and recommendations are the result of statistically sound data analysis. There are also issues that are hard to quantify but are important to understanding the complete picture of judicial decision-making, such as Victim Impact Statements.

and court staff and must include all of our justice partners. The court understands that such training is different for different players, but we also plan for the training to encompass the entire justice system and the community. By learning together we will achieve equality together.

4. **COLLABORATION.** Step four is our plan to reinstate the Criminal Justice Collaborative Council (CJCC).² Created to foster cooperation and innovation to enhance the fairness and effectiveness of criminal justice agencies in Washtenaw County, a newly constituted CJCC can play a key role in bringing people together to address common concerns, whether identified in the CREW report or elsewhere. Rather than creating a new collaborative body, we believe that CJCC is ideally suited to encourage and nurture a community conversation about racial equity and to solicit creative ideas for policy and programming.
5. **FUNDING.** Step five is identifying and applying for sources of funding to implement strategies to achieve racial equity both in our justice system and in other institutions across our county. While public sources of funding are very limited, there are many philanthropic sources in Michigan and nationwide that could potentially support our work.

To be clear, these steps, while substantive and far reaching, are only a beginning. The court is open to hearing from other justice system partners and most importantly from the community. As we move along this collaborative path, we must be flexible and open to other ideas and opportunities for change. Ultimately we recognize that the CREW report is the result of passionate work by the grassroots in our community. Achieving our goal of racial equity demands the same kind of effort that reflects a community-wide commitment to change.

² The CJCC shall be comprised of 17 members appointed by the Washtenaw County Board of Commissioners representing the following categories: Circuit Court Chief Judge, District Court Presiding Judge, County Prosecutor, Public Defender/Defense Attorney, Chair of the Community Corrections Board, County Sheriff, Trial Court Administrator, Department of Corrections Probation, City or Township Chief of Police, County Administrator, Chair of the Board of Commissioners, City Mayor or Township Supervisor, Clerk of the Court, Bar Association, Community Mental Health Representative, and two general public-at-large positions. <https://secure.ewashtenaw.org/bocdob/bocdobSubmit.do?boardid=14>