

## Utah Judicial Council creates new office to tackle racism and bias in court system

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SALT LAKE CITY, Utah (ABC4 News)

– As part of an effort to reduce racism and bias in the state’s court system, the Utah Judicial Council is establishing a new Office of Fairness and Accountability to look into this issue and make recommendations for improvement.

“The work of the courts is to provide an open, fair, efficient, and independent system to advance

access to justice under the law. Fairness is the basic premise of our system of justice. The goal is a fair process that produces a just result. The goal cannot be achieved in a system tainted by racism or any other form of bias,” according to a press release issued Thursday.



Sen. Todd Weiler, of Woods Cross, is one of the lawmakers who has been working towards improving Utah’s criminal justice system for years. He explained that racism and bias can exist in different forms through the court process.

“It can be the way the judge treats someone, more in particular, the way the judge sentences someone. But other concerns are when they walk into the courthouse and they try to file a document by themselves, how are the clerks treating them? How are the security guards treating them?” said Sen. Weiler, who is also the Chair of Utah Senate Judiciary Committee.

He said during his time being a part of a work group during the 2017 legislative session for H.B. 239 with Rep. Lowry Snow, they found through the Pew Research Center that there was a disparity in sentencing and outcomes for juveniles based on the color of their skin.

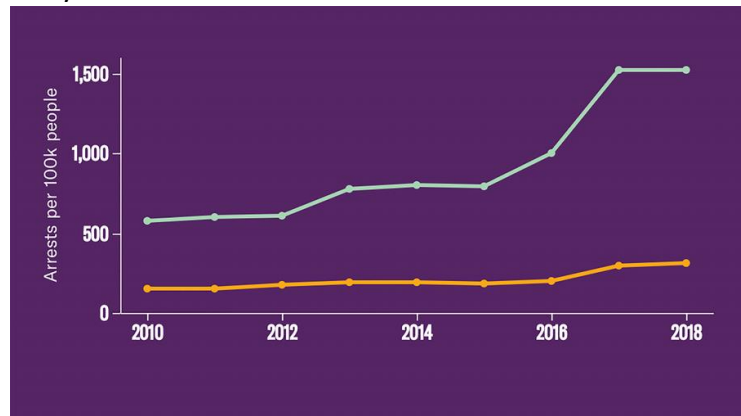
According to the Utah Sentencing Commission, 43 percent of Utah’s prison system consists of minorities, when people of color only make up 20 percent of the state’s population. Legal experts said understanding these racial disparities will require better data collection from the court system.

“It’s something we’ve been beating our drum about since we started our campaign here in Utah in 2018. I think it really speaks to a lot of the issues that we know are going on. But we don’t have a way to access the way it manifests in our criminal justice system,” said Jason Groth, SMART Justice Attorney for the ACLU of Utah.

Groth said the ACLU's national team conducted a study that found Black Utahns are 4.9 times more likely to be arrested for marijuana possession than their white counterparts, although the usage amount is similar between the two groups.

The national average is at 3.6 times, making Utah the 11th worst state in the nation for this disparity. However, it is unknown how many of these arrests lead to convictions.

"That tells us that there might be more stop and frisk interactions with law enforcement here in Utah when somebody is stopped. Not because there's reasonable suspicion or there's a crime occurring, but because of the color of their skin," he said.



*Black arrests (green) v. white arrests (orange) (Courtesy: ACLU)*

All these reasons are part of why the Utah Judiciary Council said they made the decision to establish the Office of Fairness and Accountability.

"The Utah judiciary understands the public's trust and confidence in the courts require us to identify any part of our process or outcomes that contribute to or cause the unequal treatment of individuals based on factors such as race, ethnicity, socio-economic status, sexual orientation, or gender," the press release stated.

Both Sen. Weiler and Groth said they hope to see people of color at the table and included in discussions about systemic racism and bias.

"The people that haven't experienced it are usually surprised that these things occur. But the people that have experienced it, the impacted communities, can really tell you what rocks to look under to go find those racial disparities and racial bias in the system," said Groth.

Geoff Fattah with the Utah State Courts declined media interviews on behalf of Chief Justice Matthew Durrant with the Utah Supreme Court. But referred ABC4 News over to their press release which outlined preliminary information about the new office.

The strategic plan of the Office of Fairness and Accountability is to:

- Identify and address racism and other forms of bias within the judicial system
- Connect with community organizations that work with marginalized communities
- Establish a collection system for data and research
- Provide implicit bias training and education for judges and court employees
- Recruit and encourage more people of color to apply for job openings within the judicial system

Sen. Weiler said the plan is a good start, but tackling the problem of systemic racism and bias in the criminal justice will entail layers of other issues as well. He said there is a “dearth of minority judges in the state including zero black district court judges right now out of about 130.”

“That’s not the judicial branch’s fault. There’s a number of reasons for this. You have to be a licensed attorney to apply to become a judge. We do have a number of Black and African American attorneys but not many of them want to become judges because you cannot speak out on issues that have political implications,” he said. “Judges are well-paid in Utah, but if you’re a partner at a law firm, you might be taking a pay cut.”

The Office of Fairness and Accountability’s plan includes developing a speakers bureau to reach out to K-12 schools statewide. Sen. Weiler recommends targeting minorities in high school, encouraging them to go to law school, and perhaps becoming a judge someday.

Groth said he hopes to see outreach include grassroots organizations such as Black Lives Matter Utah, Utah Against Police Brutality, and Utah Prisoner Advocate Network who work closely with marginalized communities.

“We have to be mindful that this isn’t going to be an easy process. It’s probably going to be pretty messy. It’s going to be very uncomfortable for a lot of people that are in the criminal justice system. But it’s something that needs to happen. It needs to happen sooner than later,” he said.

Officials said additional details about the office will be released at a later time. Currently, they are searching for candidates to take on the role of director for the office.