



COMMITTEE ON RACIAL AND ETHNIC FAIRNESS IN THE RHODE ISLAND COURTS

Fourth Quarterly Report: December 31, 2023

On October 20, 2020, Chief Justice Paul A. Suttell issued Executive Order No. 2020-15 establishing the Committee on Racial and Ethnic Fairness in the Rhode Island Courts. The Committee is charged with identifying and confronting areas where racism, inequality and discrimination may exist in our judicial system and being the driving force of change within the Rhode Island Judiciary. Executive Order No. 2020-15 further provides that “the committee shall seek to identify and remediate bias and prejudice, both conscious and unconscious, in the administration of justice in this State. It should also work to develop programs and protocols for education and training with respect to racial justice, unconscious bias, and fairness, and make recommendations regarding the impact of race on various court processes.”

The following mission statement has guided the Committee’s work since it was established in 2020:

To enhance public confidence in the independence, integrity, and impartiality of the Rhode Island Judiciary, and to promote a fair and bias-free justice system by: 1) engaging in self-examination, education, and public outreach; and 2) identifying areas of systemic racism, unconscious bias, disparate impact, and socioeconomic and other inequities; and 3) taking affirmative steps to self-monitor and combat inequities, so as to ensure a system that is accessible to all and treats all persons equally.

The Chief Justice initially designated twelve (12) judicial officers, representing each court within the unified judicial system, to be the inaugural members of this important body.

Hon. Paul A. Suttell, Chief Justice (ex officio), R.I. Supreme Court

Hon. Melissa A. Long, Associate Justice, R.I. Supreme Court*

*Chair

Term: October 20, 2020 – October 19, 2023

Hon. Edward C. Clifton, Associate Justice (ret.), R.I. Superior Court
Term: October 20, 2020 – October 19, 2023

Hon. Luis M. Matos, Associate Justice, R.I. Superior Court
Term: October 20, 2020 – October 19, 2023

Hon. Christopher K. Smith, Associate Justice, R.I. Superior Court
Term: October 20, 2020 – October 19, 2023

Hon. Lia N. Stuhlsatz, Associate Justice, R.I. Family Court
Term: October 20, 2020 – October 19, 2023

Hon. Edward H. Newman, Magistrate, R.I. Family Court
Term: October 20, 2020 – October 19, 2023

Hon. Alberto Aponte-Cardona, Magistrate, R.I. Family Court
Term: October 20, 2020 – October 19, 2023

Hon. Pamela Woodcock Pfeiffer, Associate Judge, R.I. District Court
Term: October 20, 2020 – October 19, 2023

Hon. Melissa DuBose, Associate Judge, R.I. District Court
Term: October 20, 2020 – October 19, 2023

Hon. Keith Cardoza, Jr., Associate Judge, R.I. Workers' Compensation Court
Term: October 20, 2020 – October 19, 2023

Hon. Susan Pepin-Fay, Associate Judge, R.I. Workers' Compensation Court
Term: October 20, 2020 – October 19, 2023

Hon. Alan R. Goulart, Magistrate, R.I. Traffic Tribunal
Term: October 20, 2020 – October 19, 2023

All currently active judicial officers have indicated an interest in continuing to serve beyond the expiration of the first term. Additionally, the Hon. Edward C. Clifton continues to engage in the work of the Committee in an informal capacity. The Committee is exceedingly grateful to Judge Clifton for his dedication to the Committee's mission, as well as for his guidance and invaluable insights over the last three years.

The Committee is pleased to welcome the participation of the Hon. Colleen M. Hastings, Associate Judge, R.I. District Court, and looks forward to expanding outreach efforts in Newport County. The Committee continues to invite the engagement and input of all judicial officers in its important work. To that end, on October 24, 2023, the Committee hosted its third reception for new judicial officers, thereby recognizing the Hon. Christopher Smith and the Hon. J. Patrick O'Neill for their elevation to Associate Justice of the Rhode Island Superior Court and Associate Judge of the District Court, respectively; and welcoming Superior Court Justice Associate Justice Joseph J. McBurney, District Court Associate Judge Nicholas J.

Parrillo, District Court Associate Judge Debra A. Saunders, and Workers' Compensation Court Associate Judge Moria E. Reynolds.

The Committee is honored that the United States District Court for the District of Rhode Island has accepted an invitation to join our work. On November 16, 2023, the Chief Judge of the U.S. District Court for the District of Rhode Island issued a General Order Regarding Appointment to the Committee on Racial and Ethnic Fairness in the Rhode Island Courts and subsequently appointed three judicial officers to serve as full members of the Committee for staggered three-year renewable terms.

Hon. John J. McConnell, Jr., Chief Judge
Hon. Mary S. McElroy, District Judge
Hon. Patricia A. Sullivan, Magistrate Judge

Relatedly, as Executive Order No. 2020-15 authorizes invitations to members outside of the Committee to participate in its work, the Committee has begun holding joint meetings, on quarterly basis, with the Committee on Diversity, Equity and Inclusion (DEI) of the Rhode Island Bar Association. The two Committees collaborate on projects aimed at addressing areas of disparate impact and inequities in our legal system.

The following Rhode Island Judiciary staff continues to work with the Committee:

Julie P. Hamil, State Court Administrator
Kathleen Kelly, General Counsel
Alexandra (Lexi) Kriss, Assistant State Court Administrator
Sara Gilkenson, Diversity Coordinator

Committee Activities

As discussed in the Third Quarterly Report dated September 30, 2022, the Committee began streamlining and consolidating its initiatives more than a year ago. Several of the themes and ideas that emerged at the Community Engagement Symposium for Justice, held on December 8, 2022, inspired the Committee's activities, projects and collaborations for 2023, including during the fourth quarter. The Committee has continued to prioritize education and training; community engagement and collaborations; and data collection and analysis as a means of identifying inequities and areas of disparate impact. Additionally, with respect to

self-examination and policy initiatives, the Committee has continued to explore options for broadening the diversity and inclusivity of Rhode Island's jury panels; it has also begun to focus on identifying aspects of the justice system that negatively impact the well-being of families, particularly for families in communities of color.

Education and Training

The Rhode Island Black Heritage Society's exhibit *Before Malcolm & Martin: The Fight for Civil Rights in RI (1865-1968)* relocated to the Rhode Island Traffic Tribunal for the final months of 2023. The exhibit explores the seminal role that Rhode Islanders, including Reverend Mahlon von Horne and restaurateur George T. Downing, played in advocating for civil rights for people of color in Rhode Island for the period after the Civil War until the mid-twentieth century.

Hispanic Heritage Month, Lunch & Learn

The Committee, in collaboration with the Judiciary's Diversity Office and the Community Outreach and Public Relations Office, co-hosted the second Lunch & Learn event in celebration of National Hispanic Heritage Month on October 11, 2023. This year's virtual event featured guest speaker, Marta V. Martínez, Executive Director of the R.I. Latino Arts, Director and Founder, Nuestras Raíces: Latino Oral Histories of Rhode Island. Ms. Martínez spoke about the history and contributions of Latino Rhode Islanders.

New England Bar Association Annual Meeting

The 2023 Annual Meeting of the New England Bar Association was held in Salem, Massachusetts on November 2-4, 2023. Justice Long, alongside the Hon. Scott L. Kafker of the Massachusetts Supreme Judicial Court, the Hon. Christine E. Keller (ret.) of the Connecticut Supreme Court, the Hon. Tina Nadeau (ret.) of the New Hampshire Superior Court, and the Hon. John R. Treadwell of the Vermont Superior Court, participated in a panel discussion, "*Restorative Justice | A View from Courts of New England.*" Justice Long discussed the restorative justice aspects of the Caring Dads program, an evidence-based course for fathers identified as having engaged in family violence. The program considers the past trauma of participants as a foundation for teaching different behavior strategies relative to overcoming family violence.

Native American Heritage Month, Lunch & Learn

On November 16, 2023, the Committee, the Diversity Office, and the Community Outreach and Public Relations Office co-hosted the Judiciary's first Lunch & Learn event in honor of Native American Heritage Month. Lorén Spears,

Executive Director of The Tomaquag Museum and member of the Narragansett tribe was the guest speaker and presented an informative webinar focused on the history of the intersection of indigenous people and Rhode Island law.

Blueprint for Racial Justice – Education Workshop for Racial Justice

As part of Phase 2 of the *Blueprint for Racial Justice*, the National Center for State Courts (NCSC) Institute for Court Management is developing an in-person Education Workshop for Racial Justice to expand, strengthen and improve DEI training in state courts nationwide. NCSC has explained that it aims “to build a national cohort of knowledgeable and skilled judicial faculty” by inviting three-person teams from 15 states to attend the workshop.

[The Education Workshop for Racial Justice] will provide a substantive examination of racial justice issues as they arise in the court context as well as the skills and knowledge judges need to teach and facilitate discussion on racial justice issues with their peers. The capacity-building event is envisioned to serve as a team building, learning, and networking opportunity for current and up-and-coming judicial faculty.

The Institute for Court Management has assembled an advisory committee to assist with planning the workshop, to be held April 29-30, 2024 in Phoenix, Arizona. Justice Long and representatives from seven other states serve as advisory committee members and are working expeditiously to identify participating teams, as well as to develop the workshop agenda and content. Initial planning meetings occurred on November 17, December 4, and December 18, 2023; the Institute will extend invitations to court administrators in 15 states in early 2024.

Community Engagement and Collaborations

Listening Session – Economic Progress Institute

The previously-planned Listening Session with representatives from the Economic Progress Institute, scheduled for November 6, 2023, was postponed due to scheduling conflicts. The Committee hopes to meet in-person with the authors of the March 2023 Criminal Justice Report Policy Recommendations to Reduce the Disproportionate Impact of the Criminal Justice System on Black Rhode Islanders to discuss the findings contained in the March publication.

New York State Courts Office for Justice Initiatives

On November 6, 2023, NCSC researcher/consultant Dr. Andrea Miller, who conducted the year-long Bias and Cultural Sensitivity Assessment and Training

Project, reached out to the Committee on behalf of the Hon. Edwina G. Richardson, Deputy Chief Administrative Judge for Justice Initiatives of the New York State unified court system. Judge Richardson sought contact with other courts that had conducted independent reviews of their court systems for bias and prejudice to share thoughts, ideas and resources related to combatting those problems. Justice Long, Judge Richardson, and staff from the Office for Justice Initiatives met via WebEx on December 21, 2023, to discuss information sharing, collaboration and capacity building in 2024.

“A Matter of Truth”

On November 10, 2023, members of the Committee attended the opening of “A Matter of Truth,” an art exhibit of the Rhode Island Black Heritage Society at the Rhode Island State House, sponsored by Secretary of State Gregg M. Amore. The exhibit, based on the book with the same name, chronicles the struggle of African heritage and indigenous people for equal rights in Rhode Island. The exhibit runs through January 2024.

Nathanael Greene Middle School Career Fair

Members of the Committee were invited to participate in a career fair at Nathanael Greene Middle School on November 17, 2023. Sixth-, seventh-, and eighth-graders at the school, which serves primarily students of color who live in the city of Providence, had the opportunity to learn about pathways to becoming judges, attorneys and other professions within the legal field.

Rhode Island Bar Association Committee on DEI

The two Committees continue to work collaboratively toward expanding civics outreach and education (1) to foster better understanding of civic rights and responsibilities and (2) to encourage greater civic participation. The Sandra Bornstein Holocaust Education Center has invited the Committees to present to students in its Leadership Initiative For Teens (LIFT) program in January 2024. LIFT uses lessons learned from the Holocaust and other genocides to promote human dignity and justice. With the creativity and invaluable assistance of the Executive Director and staff of the Rhode Island Bar Association, the Committees have worked this fall to develop “Upstanders: Why We Need Them and How to Be One” and will engage with LIFT students over two evenings in January.

Rhode Island Ministers Alliance

On November 14, 2023, members of the Committee attended the monthly meeting of the Rhode Island Ministers Alliance. The ministers invited the Committee to speak about our work and to discuss ways we may collaborate on

outreach and other efforts related to improving the diversity of Rhode Island's jury panels.

Data Collection

Following upgrades to the court management system, the District and Superior Courts have initiated a soft launch of the demographic data collection forms proposed by the Data Governance Committee. Specifically, the forms are available in two pretrial courtrooms in the District Court as well as the pre-arraignment calendar in courtroom 5D of the Superior Court. The Committee applauds this important first step toward robust demographic data collection, which is critical to identifying inequities and areas of disparate impact in our court system.

The Committee also looks forward to a presentation of the results of the 12-week Access & Fairness Survey that was spearheaded by the Access to Justice Office earlier this year.

Self-Examination & Policy

The General Counsel continues to evaluate the feasibility of presenting statutory changes to the General Assembly to promote greater jury diversity. This includes working with the Department of Human Services to create legislation that adds individuals on public assistance to the jury roles. Also, the Office of General Counsel is currently researching methods utilized in other jurisdictions to improve the number and diversity of potential jurors, including increasing jury compensation, paying jurors minimum wage, and offering employer tax credits.

The pilot program initiative Caring Dads, a group-based intervention for domestic violence-involved families with children open to the Department of Children, Youth & Families (DCYF) is up and running. This service is being rolled out in Rhode Island as the result of a collaboration among the Family Court, DCYF, the Domestic Violence Coalition, and two agencies, Family Services and Children's Friend. The goal is to address domestic violence, present in so many cases heard in Family Court and throughout our system, with a different service approach which emphasizes confronting this issue from the vantage point of parenting, rather than a focus on partner conflict. The initial group was established and began meeting weekly in November, consisting of eight participants who have engaged with the meetings with perfect attendance to-date. Weekly feedback sessions from the group coordinators confirm that the group dynamic is exceeding expectations, with real rapport and participation on the part of the enrolled fathers. Plans to train more

service agencies to be able to deliver this seventeen-week evidence-based curriculum are underway with the hope to go beyond the pilot and make this service option more widely available throughout the state in 2024.

On a related front, the Committee is also supporting an initiative to establish a similar evidence-based alternative to the Batterers' Intervention Program. The Strength at Home program, already used in the Veterans Court, seeks to be able to offer a version of its curriculum to defendants sentenced on our regular criminal calendars. Discussions concerning how to offer this as a sentencing option, as well as the ability to require payment on a sliding scale, are underway, with the hope of a pilot program beginning in 2024.

A Look Ahead

- On-boarding new Committee members: date TBD.
- Quarterly meeting with the DEI Committee of the Rhode Island Bar Association on January 9, 2024.
- Also on January 9: Judge DuBose will welcome to her courtroom students from Esek Hopkins Middle School, a Providence public school that serves primarily students of color.
- *Turning Pages*: The third season kicks off on January 11, 2024, with discussion of A Raisin in the Sun, by Lorraine Hansberry. Judicial officers will also read and discuss additional works that illuminate the struggles of historically excluded groups for inclusion and fair treatment, including Go, Went, Gone, by Jenny Erpenbeck; and Made in Dagenham, a film directed by Nigel Cole. The final selection is A Fever in the Heartland: The Klu Klux Klan's Plot to Take Over America, and the Woman Who Stopped Them, by Timothy Egan.
- Rhode Island Ministers Alliance Annual Martin Luther King, Jr., Scholarship Breakfast on January 15, 2024.
- “Upstanders: Why We Need Them and How to Be One” – a joint presentation with the DEI Committee of the Rhode Island Bar Association to the LIFT program: January 22 and 29, 2024.

- Physicians from Brown University visit the arraignment calendar at Rhode Island District Court on January 29, 2024.
- Collaboration with the Rhode Island Secretary of State regarding the Civic Leadership initiative: This program will provide Rhode Island high school students the opportunity to participate in a robust and interactive deep dive into the role and function of Rhode Island's Judicial Branch.

Conclusion

The Committee wishes to thank the Chief Justice for identifying the need for this important work and his commitment to ensuring that the Committee will succeed in its mission. The Committee looks forward to reporting its progress in the next quarterly report, due on March 31, 2024.

Respectfully submitted,

The Committee on Racial and Ethnic Fairness in the Rhode Island Courts

December 31, 2023