

# **Reducing Racial and Ethnic Disparities in Safety and Justice Challenge Implementation Sites**

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## Table of Contents

<b>I.</b>	<b>INTRODUCTION AND OVERVIEW .....</b>	<b>3</b>
<b>II.</b>	<b>SJC RACIAL AND ETHNIC DISPARITY (RED) GOALS: WHAT DOES A SUCCESSFUL SITE LOOK LIKE? .....</b>	<b>4</b>
<b>III.</b>	<b>PROCESS FOR IDENTIFYING RACIAL AND ETHNIC DISPARITY TARGETS.....</b>	<b>6</b>
	<b>BACKGROUND.....</b>	<b>6</b>
	<b>STEP 1. IDENTIFY OR CREATE A WORKING GROUP OR WORKING GROUPS TO FOCUS ON RACIAL AND ETHNIC DISPARITIES .....</b>	<b>8</b>
	<b>STEP 2. ANALYZE DISPARITIES ACROSS THE CRIMINAL JUSTICE SYSTEM .....</b>	<b>8</b>
	<b>STEP 3. DEVELOP OR ADJUST STRATEGIES TO INCORPORATE A FOCUS ON DISPARITIES .....</b>	<b>10</b>
	<b>STEP 4. DEVELOP GOALS FOR REDUCING RACIAL AND ETHNIC DISPARITIES.....</b>	<b>10</b>
	<b>STEP 5. MONITOR AND EVALUATE IMPACTS .....</b>	<b>10</b>
<b>IV.</b>	<b>DOCUMENTATION OF RED WORK.....</b>	<b>11</b>
	<b>BACKGROUND.....</b>	<b>11</b>
	<b>STEP 1: IDENTIFY OR CREATE A WORKING GROUP OR WORKING GROUPS TO FOCUS ON RACIAL AND ETHNIC DISPARITIES TEMPLATE .....</b>	<b>13</b>
	<b>STEP 2: ANALYZE DISPARITIES ACROSS THE CRIMINAL JUSTICE SYSTEM TEMPLATE.....</b>	<b>14</b>
	<b>STEP 3: DEVELOP OR ADJUST STRATEGIES TO INCORPORATE A FOCUS ON DISPARITIES TEMPLATE .....</b>	<b>16</b>
	<b>STEP 4: DEVELOP GOALS FOR REDUCING RACIAL AND ETHNIC DISPARITIES TEMPLATE .....</b>	<b>17</b>
	<b>STEP 5: MONITOR AND EVALUATE IMPACTS TEMPLATE .....</b>	<b>18</b>

## **I. Introduction and Overview**

This document was developed to provide a framework for Safety and Justice Challenge (SJC) implementation sites to understand the key characteristics of jurisdictions that are successfully addressing racial and ethnic disparities (RED) and to document their efforts to achieve the SJC goal of reducing racial and ethnic disparities in their criminal justice system.

The document was developed through a collaborative process and reflects input and guidance from the John D. and Catherine T. MacArthur Foundation and the SJC partner organizations, including: Center for Court Innovation; CUNY Institute for State & Local Governance; Everyday Democracy; Justice Management Institute; Justice System Partners; Nexus Community Partners; Policy Research, Inc; Vera Institute of Justice; Urban Institute; Bennett Midland LLC; and the W. Haywood Burns Institute.

The first section of the document highlights characteristics of jurisdictions that are successfully addressing RED and includes benchmarks and indicators to measure their progress. The second section outlines process steps to help sites identify and set RED targets. The process steps describe how jurisdictions should build an infrastructure to support and sustain the RED work, collect and analyze quantitative and qualitative data across the justice system using a decision point analysis, develop goals for reducing disparities and to regularly monitor and evaluate these goals, and use communications strategies to share RED plans with the community. The final section provides templates for jurisdictions to document and track their RED progress.

The Foundation recognizes that not all SJC sites are in the same place when it comes to addressing racial and ethnic disparities in their justice systems. In some communities, this work started before the SJC; in others, stakeholders are trying to figure out where to begin. As such, there is no one-size-fits-all model for advancing this work. Nevertheless, as with their jail reduction efforts, all sites must develop concrete and measurable goals. This guide is designed to help sites implement a process for setting those goals and memorialize their efforts to reach them.

## II. SJC Racial and Ethnic Disparity (RED) Goals: What does a successful site look like?

Characteristics of successful SJC jurisdictions	Indicators/Benchmarks
1) Leadership in the jurisdiction is committed to a process that seeks to achieve measurable reductions in racial and ethnic disparities in the criminal justice system and is willing to be held publicly accountable for the results of this work.	Key leaders in the jurisdiction have made internal (e.g. to staff) and public statements owning responsibility for reducing racial and ethnic disparities and the goals that will be set. They have expressed commitment to using a data-driven and transparent process.
	Strategies to reduce racial and ethnic disparities have been allocated the resources that are needed to be successful.
	Leadership has committed to giving the public access to regularly updated information about the site’s progress towards their goals.
2) Developed a structure for collaboration and action to address racial and ethnic disparities that includes both government and community members. The group responsible for this work is able to sustain an on-going process of system improvement working towards the goal of a fair and equitable justice system. <sup>1,2</sup>	Site has integrated community members, including community members of color and those with lived experience with the justice system, into a planning and decision-making body that is tasked with addressing disparities and jail population reduction.
	Site has created processes to ensure that everyone who is a part of the decision-making structure has what they need to participate effectively, which may include compensation, child care, transportation, access to information, and training.
	Group meets regularly to plan, implement and review progress of strategies to address racial and ethnic disparities using data (see 2 below).

<sup>1</sup> Community membership should be broad-based and include communities affected by the criminal justice system; individuals with lived experience; civic organizations; community-based service or activist organizations; business owners; front-line professionals in law enforcement, courts, defense or prosecution, probation, etc.; and elected and appointed officials.

<sup>2</sup> Characteristics of successful collaborative decision-making bodies include (but are not limited to): formal by-laws, support staff, dedicated representatives with decision-making authority.

Characteristics of successful SJC jurisdictions	Indicators/Benchmarks
3) Gathered quantitative and qualitative data identifying racial and ethnic disparities across justice system decision points and potential drivers of those disparities.	<p>Implemented processes for collecting quantitative data about race and ethnicity in the jail and local justice system and made improving data collection a priority.</p> <p>Used qualitative information from those with deep knowledge of the system, especially community members of color and people with lived experience, to inform the analysis of quantitative data and identify specific targets for reform.</p> <p>Analyzed the data collected to understand where and why disparities exist across the justice system.</p>
4) Implemented strategies that are informed by robust quantitative and qualitative data and that purposefully seek to increase racial equity in the criminal justice system.	<p>Designed strategies that target the specific drivers of incarceration and inequity for people of color as identified through the quantitative and qualitative analysis of the jurisdiction's data across system decision points.</p> <p>Used data to understand the potential impacts of the strategies on disparities in the targeted areas of the criminal justice system.</p> <p>Set quantitative baseline(s) and goal(s) for targeted strategies.</p> <p>Implemented strategies that target the decision point/s in the site's criminal justice system where significant disparities exist for people of color.</p>
5) Achieved measurable reductions in racial and ethnic disparities in the criminal justice system by reducing the system involvement of people of color.	<p>Documented reductions in the system involvement of people of color and reduced disparities.</p> <p>Established mechanisms for regular review of the data to track progress, identify what works and what doesn't, and develop new strategies as needed.</p> <p>Identified how the site will sustain efforts to reduce racial and ethnic disparities in the criminal justice system.</p>
6) Developed a plan to maintain efforts to reduce racial and ethnic disparities on an ongoing basis.	<p>Documented how the site will keep the community and stakeholders engaged and informed about ongoing work to reduce racial and ethnic disparities.</p>

### III. Process for Identifying Racial and Ethnic Disparity Targets

#### Background

A central pillar of the Safety and Justice Challenge (SJC) is to reduce racial and ethnic disparities (RED) in sites' criminal justice systems. As work in the SJC implementation sites has proceeded, it has become clear that many jurisdictions have struggled to make progress towards this goal or, in many cases, to identify how to make progress. All implementation sites set numerical benchmarks for jail population reductions and were able to identify strategies with clearly designated target populations that could help them reach those benchmarks. However, no such structure was created for reducing racial and ethnic disparities. As the Foundation and its partners have revisited this goal and tried to define what success would look like, it was evident that in addition to implementing key process metrics, using quantitative and qualitative data to set and achieve measurable goals must be critical components of sites' efforts to address RED.<sup>3</sup>

What follows is step-by-step guidance on how to use data to define measurable RED goals, which should then be the focus of targeted strategies. The steps focus first on gathering data on racial and ethnic disparities across your justice system, starting with the key decision points that are the focus of the SJC's jail reduction targets. The information should then be used to understand how disparities occur at each decision point, and, from there, develop priorities for reform.

The extent to which disparities exist at each decision point in the justice system will look different from jurisdiction to jurisdiction, as will the data available to determine the degree of disparities, and the strategies that are developed to address the disparities. This guide makes suggestions on what data can be used but each site will need to determine what they have available and work with their site coordinators and partner agencies to determine what analysis will best suit their needs. During the process, you should engage community members, local stakeholders, and organizations that work with individuals affected by the system (such as behavioral health and education experts) to identify the populations most disparately impacted, the system points at which the greatest disparities exist, and the policy levers that might be used to achieve a more equitable system.

Additionally, you should begin to think about communication strategies at the onset of this work, considering messaging to both to internal stakeholders (staff, etc.) and the community at large. Reinforcing the importance of data-informed decision-making, ensuring that community members are at the table early in the process, and identifying and supporting community members as communication partners are all key practices that will support sites' communication efforts in this work. M+R Strategic Services will work with your site to

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<sup>3</sup> See characteristics 1 and 2 in the "SJC RED Goals: What Does a Successful Site Look Like?" table for key process metrics.



develop RED related communications plans, support stakeholders and community members with messaging, and assist sites with ongoing communication efforts.

SJC sites should be aware that this important work will require comprehensive system change. You should work with your site coordinators, the W. Haywood Burns Institute, Institute for State and Local Government (ISLG), Nexus Community Partners, Everyday Democracy, and M+R Services as appropriate, to put into place the systems and practices that will set their efforts up for success.

## **Step 1. Identify or create a working group or working groups to focus on racial and ethnic disparities**

SJC sites should identify or create a working group that will focus on developing new and/or enhancing existing strategies to address RED in their criminal justice system. Each site should determine whether the disparity work aligns with the goals of an existing committee or working group (e.g. Criminal Justice Coordinating Council, Policy Committee or RED Working Group). If not, sites will need to create a working group that is committed to developing strategies and goals to reduce racial and ethnic disparities.<sup>4</sup> The working group should include community members.

Working groups should not be siloed but rather involved in the decision-making and implementation processes of existing workgroups that are tasked with overseeing SJC strategies. This integration could take the form of: cross-membership between the RED working group and groups overseeing specific strategies; joint working group meetings; RED working group led reviews and recommendation processes for strategies; or other procedures that ensure the demonstrable influence of the RED group before, during, and after SJC strategy implementation.

## **Step 2. Analyze disparities across the criminal justice system**

To analyze disparities across the criminal justice system, sites will need data broken out by race and ethnicity for each decision-point.<sup>5</sup> This data will be used to 1) identify whether and to what extent racial and ethnic disparities exist at key decision-making points; and 2) target specific drivers of justice system involvement for people of color. Sites should collect as detailed as possible information about race and ethnicity in a consistent manner across criminal justice agencies.<sup>6</sup> At a minimum, the data should reflect the categories in the monthly report that sites submit to ISLG (Black, Latino, White, and Other).<sup>7</sup>

Ideally, SJC sites will conduct a decision point analysis across the seven SJC decision points in their criminal justice system. If a decision point analysis will be too difficult to conduct due to data limitations, you may consider alternatives such as gathering information about the top ten most serious charges resulting in admission to the jail disaggregated by race and ethnicity as a starting point. **Data limitations should not stop your site from moving forward with RED work.** Sites should work with their site coordinator to identify data capacity constraints and determine which alternative best suits their needs.

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<sup>4</sup> It is recommended that sites determine which key stakeholders should be brought to the table and engage them, along with community members, in advance of convening the working group/s. Doing so will give sites the opportunity to discuss the purpose of the work and learn where stakeholders stand on the issue, what their concerns are, and etc.

<sup>5</sup> The seven SJC decision points include: Arrest, Prosecutorial Charging, Assignment of Counsel, Pretrial Release, Case Processing, Disposition and Sentencing, and Post-Disposition Community Supervision.

<sup>6</sup> To identify which populations are coming into contact with the justice system, it is critical to develop and implement a clear and consistent process across agencies to identify and record the racial/ethnic identity of individuals coming into contact with the system. Central to this process is asking people to self-identify their race/ethnicity rather than having it identified for them.

<sup>7</sup> Jurisdictions should breakout any group from the "Other" category that comprises 5% or more of the jail population (e.g. Native Americans, Asian and Pacific Islander, and etc.)

There are a number of options available to sites to compile the data. Sites can collect the data needed and conduct the decision point analysis themselves, ask ISLG to create the measures necessary for such an analysis from the case-level data the site submits and conduct the decision point analysis on their own, or request that the Burns Institute conduct the analysis either with aggregate data provided by ISLG or by the site.

Once you have completed the decision point analysis and used the results to determine where the biggest disparities exist in your system (and for which racial and ethnic groups), to the extent possible they should carry out deeper analysis of the data at those system points to better understand what is driving the disparities. Specifically, each site should break down disparities at each system point of focus to identify specific target populations where they are the highest. Target populations can be defined using a range of factors, including charge type, bail amount, the presence/absence of open cases, and probation/parole status, among others.

Additionally, it may be helpful to analyze other operational decisions that contribute to broader disparities at these system points. For example, at the pretrial release point, looking at the prosecutor's bail request in addition to the release decision may lend additional insight into drivers of disparities that can be addressed through targeted strategies.

Each site should supplement the quantitative analysis with qualitative data to enhance your understanding of observed racial and ethnic disparities. SJC's community engagement partners are developing material to help sites understand the types of qualitative data that can be collected from community members and how it can be used by the site to address RED. Additionally, sites may request assistance from Everyday Democracy or Nexus Community Partners to ensure that their engagement efforts are equitable and to find ways to engage the community around qualitative analysis.

Sites should also identify opportunities within their existing data capacity to use data to inform ongoing planning and action as it relates to the SJC. Examples include but are not limited to data that is: program specific (e.g. demographic information about the individuals referred to an SJC supported diversion initiative), centered on populations involved with the criminal justice system (e.g. feedback from individuals/families involved in an SJC supported treatment option), and/or system centered (e.g. length of stay disparities by race).

It is important to note that data analysis should be a continual process to monitor trends over time, account for jail population changes, allow for revalidation of strategy impact, and so on. Before the initial data analysis is complete, each site should develop a plan for using the results of the analysis to reduce racial and ethnic disparities (with the understanding that the plan may need to be revised as the analysis continues) and develop a plan for ongoing analysis of RED in their site. The plan should include information about how the site will inform the stakeholders and the community about RED work.

### **Step 3. Develop or adjust strategies to incorporate a focus on disparities**

Using the results of the disparities analysis, the site should determine whether current jail reduction strategies will target specific drivers of justice system involvement and incarceration that disparately impact people of color. If existing strategies do not target these drivers, the site will need to develop additional strategies or adjust current strategies to incorporate this focus.<sup>8</sup>

### **Step 4. Develop goals for reducing racial and ethnic disparities**

Sites should work with their site coordinators, the Burns Institute, and ISLG, as appropriate, to develop realistic goals for reducing the drivers of justice system involvement and/or incarceration that disparately impact people of color for each of the strategies that are developed in Step 3. These goals may include numeric targets.

### **Step 5. Monitor and evaluate impacts**

Sites should develop mechanisms to monitor the impacts of their strategies, including those developed to target the drivers of inequity. All strategy specific implementation monitoring measures should be disaggregated by race and ethnicity.<sup>9</sup>

Examples of strategy specific measures may include:

- Process measures that monitor the steps implemented towards a discrete outcome (e.g. implementing a call/text notification program for court hearings).
- Intermediate outcomes that allow for tracking the short-term impact a policy or practice is having on achieving the desired outcome/s and assess the difference it is having over the short and medium terms. Some examples of short and medium-term outcomes are reducing failure to appear warrants and bookings for people of color.
- Trends that allow sites to examine whether process measures and outcomes change over time and whether the strategy is having the intended impact (e.g. reducing and maintaining reductions in bookings for failure to appear warrants).

The steps described above must be part of a process of continuous system improvement. Racial and ethnic disparities will not be eliminated through implementation of one or two strategies but will require ongoing efforts over time. Therefore, at the same time that sites are implementing and monitoring specific strategies, they must also work to institutionalize the use of data for regular and ongoing review of disparities in their systems.

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<sup>8</sup> In addition to modifying existing strategies to ensure reforms are focused on drivers of system involvement for people of color, sites should identify process and impact measures for existing strategies to monitor the impact of SJC strategies for people of color.

<sup>9</sup> Sites may choose to examine the impact of their strategies in additional ways such as gender, offense type, age, and etc. However, sites must, at a minimum, disaggregate impacts by race and ethnicity.

## IV. Documentation of RED Work

### Background

A central pillar of the Safety and Justice Challenge (SJC) is to reduce racial and ethnic disparities (RED) in sites' criminal justice systems. As the work in SJC sites has proceeded, it has become clear that many jurisdictions have struggled to make progress towards this goal, or even to identify how to make progress. All implementation sites set numerical benchmarks for jail population reduction and were able to identify strategies with clearly designated target populations that could help them reach those benchmarks. However, no such structure was created for reducing racial and ethnic disparities. As the Foundation and its partners have revisited this overall goal and tried to define what success in sites would look like, it was evident that, in addition to implementing key process metrics, using quantitative and qualitative data to set and achieve measurable goals are critical components of sites' efforts to address RED.<sup>10</sup>

The following templates were developed for Safety and Justice Challenge (SJC) Implementation sites to help you document your racial and ethnic disparity (RED) efforts. The templates ask questions pertaining to the 5 steps of a general process that you can work with your site coordinator to use to develop strategies and goals for reducing RED. The 5 steps include:

1. Identify or create a working group or working groups to focus on racial and ethnic disparities;
2. Analyze disparities across the criminal justice system;
3. Develop or adjust strategies to incorporate a focus on disparities;
4. Develop goals for reducing racial and ethnic disparities; and
5. Monitor and evaluate impacts.

Project directors, in coordination with site stakeholders, should electronically fill out the information requested for the step that reflects where you are at in your efforts to address RED. A copy should be shared with your site coordinator once the information has been entered.

Sites should begin to think about communication strategies at the onset of their work, considering messaging to both to internal stakeholders (staff, etc.) and the community at large. Reinforcing the importance of data-informed decision-making, ensuring that community members are at the table early in the process, and identifying and supporting community members as communication partners are all key practices that will support sites' communication efforts in this work. M+R Strategic Services will work with sites to develop RED related communications plans, support stakeholders and community members with messaging, and assist sites with ongoing communication efforts.

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<sup>10</sup> See characteristics 1 and 2 in the "SJC RED Goals: What Does a Successful Site Look Like?" table for key process metrics.



Sites should be aware that this important work will require comprehensive system change. SJC sites should work with their site coordinators, the W. Haywood Burns Institute, Institute for State and Local Government (ISLG), Nexus Community Partners, Everyday Democracy, and M+R Services as appropriate, to put into place the systems, practices, and routines that will set their efforts up for success.

Any questions about the process, information that is being requested, or requests for clarification should be directed to your site coordinator.

## Step 1: Identify or Create a Working Group or Working Groups to Focus on Racial and Ethnic Disparities Template

*The following set of questions ask for information about the working group/s responsible for addressing racial and ethnic disparities work in your jurisdiction.*

1. Does your jurisdiction have a working group whose exclusive role is to focus on racial and ethnic disparities and ensure that strategies are being implemented with a race and ethnicity equity lens?  Y  N
2. If your jurisdiction does not have a working group exclusively dedicated to focusing on racial and ethnic disparities, what group/s will be tasked with this work?
3. Describe the working group or committee that will be responsible for this work, what their role is in SJC related decision-making processes, and whether leadership within your jurisdiction is represented. Please include information about the membership of the group (e.g. name, title, and agency of each member).
4. Are community members represented on the working group, including people of color and individuals with lived experience in the justice system?  Y  N  
If no, describe how you plan to add community representation to the working group.
5. Do members of the group have experience working on system change efforts?  Y  N  
If so, please describe.
6. How frequently does the working group meet?
7. How does this committee shape decision-making? Please describe how input is collected, discussed, and reflected in implementation.
8. What resources, including funding, does the group have to identify and implement strategies to reduce racial and ethnic disparities?
9. What resources does the group need to implement strategies to reduce racial and ethnic disparities?

## Step 2: Analyze Disparities across the Criminal Justice System Template

*The following set of questions ask for information about how your site will analyze quantitative and qualitative data regarding disparities across your jurisdiction's criminal justice system.*

1. Describe your jurisdiction's ability to identify whether and to what extent racial and ethnic disparities exist at key decision points:
  - Are data at key decision points disaggregated by race/ethnicity available?  Y  N
  - Has your jurisdiction used data to identify whether and to what extent racial and ethnic disparities exist at key decision-making points?  Y  N
  - Has your jurisdiction completed a decision point analysis?  Y  N
  - If you checked yes, when was the decision point analysis completed and who did the analysis (e.g. Burns Institute, analysts in your site, etc.)?
  - If you checked yes and the analysis is older than one year, do stakeholders feel confident that the data used in the analysis is still valid?  Y  N  
Why or why not?
2. What is your jurisdiction's strategy for using existing and additional data analysis to reduce racial and ethnic disparities?
  - What opportunities has your jurisdiction identified to use currently accessible data to inform decision-making and how will this take place?
  - How will your jurisdiction use expanded and additional data analysis to reduce racial and ethnic disparities?
3. What kind of other analyses have been conducted in your jurisdiction to understand racial and ethnic disparities (e.g., law enforcement contact analysis, survey of defendants and staff, etc.)?  
For each previous analysis, please describe:
  - How rigorous or reliable was the study? Please include information about the research design.
  - When was the study completed?
  - What were the findings?
  - How were the findings presented and to whom were they presented?
  - How did stakeholders, including the community, respond to the findings?
  - Were any policy or practice change implemented as the result of the analysis?

Previous Analysis One:

Previous Analysis Two:

Previous Analysis Three:

4. Based on the analysis of the quantitative and qualitative data from your jurisdiction, please describe the disparities you identified and the areas of the system where they are most pronounced.
  - Has the group identified the potential drivers of disparities?  Y  N  
If so, please describe.
  
5. Has your jurisdiction identified a target population or populations?  Y  N
  - If you checked yes, please list the population/s.
  - If your jurisdiction has identified a target population or populations, what method/s were used (see below for examples)?
    - High volume of people of color have become system-involved for low level offenses at a key decision point.
    - Greatest disproportion of people of color as compared to population or total proportion at a key decision-making point.
    - Highest rates per capita at a key decision-making point for people of color.
    - Higher rates than a prior decision-making point for people of color.
    - Greatest disparity gap (relative likelihood of system involvement for people of color compared to whites) per capita.
    - Greatest disparity gap per prior decision-making point.
  
6. If your jurisdiction has answered no to any of the previous questions, please note your plan (including methods) for analyzing data regarding system disparities and areas where you need assistance.
  
7. Has your jurisdiction collected and analyzed qualitative information about racial and ethnic disparities in the justice system, including perspectives from system actors, community members, and incarcerated individuals?  Y  N
  - If yes, please describe.
  - If no, please describe how you will incorporate feedback from a variety of stakeholders, including community members, to supplement the quantitative information collected.

### Step 3: Develop or Adjust Strategies to Incorporate a Focus on Disparities Template

*The following set of questions ask for information about how the strategies in your jurisdiction that target RED were developed.*

1. Do your jurisdiction's existing strategies target specific drivers of incarceration and inequity for people of color (as indicated by the data from Step 2)?  Y  N
  - If so, please list the strategy (or strategies), area of the system, and population/s they target to reduce disparities.
  
2. Did your working group create new strategies to target racial and ethnic disparities in your jurisdiction's criminal justice system?  Y  N
  - If yes, please describe the strategy (or strategies), areas of the system, and the target population(s).
  
3. Did your working group adjust existing strategies?  Y  N
  - If yes, please describe the strategy/ies and how they were adjusted, including the target population(s) and area of the system they address.
  
4. Please describe how the qualitative and quantitative data gathered in Step 2 informed the strategies that were developed.

#### **Step 4: Develop Goals for Reducing Racial and Ethnic Disparities Template**

*The following set of questions ask for information about your site's RED goals and how they were developed.*

1. For each strategy (or components of a broader strategy) listed in Step 3 that focus on reducing racial and ethnic disparities, please note the targeted drivers, populations targeted, and numerical goals (if developed).
2. Describe how your goals were developed, including who participated in the process (e.g. working group, site coordinator, Burns Institute, ISLG, etc.) If you set numerical targets, describe how you determined these targets.

## Step 5: Monitor and Evaluate Impacts Template

*The following set of questions ask for information about your site's plans to monitor the impact of RED strategies and make adjustments as needed.*

1. What agency or agencies will be responsible for coordinating data collection?
2. What agency or agencies will be responsible for conducting the analysis?
3. What performance measures were developed (please list by strategy)?
4. Are all performance measures disaggregated by race and ethnicity?  Y  N
  - If no, which strategies are not disaggregated by race and ethnicity and why?
5. How frequently will your jurisdiction review performance measure data that is disaggregated by race and ethnicity?
6. Will stakeholders review the preliminary data?  Y  N
  - If you checked yes, which stakeholders will review the data?
7. Which committees or working groups will be provided with the final report?
8. In what form will the final information be provided to stakeholders (e.g. report, dashboard, etc.)?
9. Will the information be publicly available and, if so, how will it be shared (e.g. online dashboard, online links to reports, etc.)?
10. Who will be tasked with adjusting existing or developing new strategies (as needed)?
11. How will your jurisdiction adjust strategies if outcome information indicates adjustment is necessary?
12. How will adjustments to existing strategies be communicated to other stakeholders in your jurisdiction (e.g. other working group members and community members)?
13. How will your jurisdiction institutionalize the use of data to monitor and reduce racial and ethnic disparities?