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# **A RACIAL EQUITY TRANSFORMATION: PJI'S RATIONALE**

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JULY 2019

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***“A racially equitable society is one in which neither race nor ethnicity determines opportunity and life outcomes. It is a society in which all groups have the ability to participate, prosper, and reach their full potential.”<sup>1</sup>***

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**There is no pretrial justice without racial justice.** The Pretrial Justice Institute (PJI) is centering racial justice as the foundation of our vision, mission and work to advance pretrial justice in order to end mass incarceration. This document serves to clearly articulate our rationale.

What follows is the origin of PJI’s journey to advance racial equity, primarily so that our staff and Board can reflect back and be re-grounded in our truths and motivations. The decision to share it publicly — in real time — comes from our organizational values of transparency, community, and accountability.

## **EXECUTIVE SUMMARY**

As 2018 turned into 2019, a series of conversations launched PJI’s CEO on an equity journey. After research, more conversations and reflection, the first step was to write a memo to the Board and staff as to why PJI must undertake the journey — and why there was no way to achieve the mission of the organization without it. The result of that effort was the initial version of this paper, and PJI’s full leadership, staff and Board’s commitment. All agreed to undertake a racial equity transformation of the internal workings of the organization and Board, on a path to revising PJI’s external theory of change, engagement strategies, and partnerships.

During the first half of 2019, PJI staff read, thought, talked, learned, and tried to imagine what an equitable and inclusive PJI and pretrial justice “system” would look like. PJI staff identified some within-reach changes that could get at dismantling a dominant narrative culture within the organization. Leadership developed an equity transformation strategic plan that identified resource needs. Collectively, we made a decision to share the journey at our 2019 PI-Con(tinued) Convention — and to document the process in real time from this point forward. This serves as both an accountability measure for PJI, and secondarily, as a possible motivator for other organizations.

## INTRODUCTION

The Pretrial Justice Institute (PJI) was founded in 1977 with a mission to advance pretrial justice in America, grounded in the knowledge that there were “Two Classes of the Accused.”<sup>2</sup> Over our history, we have worked almost exclusively with people who are employed by county or state governments — at jails, in the courts, in supervision agencies, in police precincts, and in elected offices like county commissions and state legislatures.<sup>3</sup>

We have seen some places succeed in maximizing liberty before trial, and some find new policies met with strong opposition. We have worked through the war on drugs and the war on crime. We have worked through crime increases and declines, jail and prison expansions, attempts at all manners of reform in youth and adult justice, and the entrance and exit of investors from the public and private sectors.

One definition of racial justice is the proactive reinforcement of policies, practices, attitudes and actions that produce equitable power, access, opportunities, treatment, impacts and outcomes for all.<sup>4</sup> The pretrial component of criminal justice offers no such thing, and in fact, racial disparity exists in all areas of the justice system.

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Over the decades, the field has shown varying degrees of interest in working to reduce racial and ethnic disparities in the criminal and youth justice systems — most of which have failed. Worse, racial disparities have actually increased in facilities when jail or youth detention numbers have declined. Our work has been no different.

The timeline below starts as we are working in a few jurisdictions across the country on Smart Pretrial.<sup>5</sup>

### 2015-2016

Starting around 2015, three main elements of PJI’s theory of change put us at odds with organizations we considered partners. The first was the creation, validation, and implementation of pretrial assessment tools,

and the second was supervision for many released before trial. Both were means to try to move courts from “resource-based” to “risk-based” decision making, so that more people would be out of jail before trial rather than incarcerated simply due to an inability to post a money bond. We always

**“OUR THEORY OF CHANGE AND METHODOLOGY FOR ENGAGEMENT WAS CRITICIZED AS BEING IGNORANT OF HISTORY, CULTURALLY INCOMPETENT, ASSERTING RACE-NEUTRALITY, AND CREATING THE POTENTIAL FOR MORE PRETRIAL DETENTION, NOT LESS.”**

held both elements (assessment and supervision) as mechanisms to change *system actors’* behavior, knowing from research that most accused people need only what the law states — the “least restrictive conditions.” The tools were meant to show how little risk people posed, and how little supervision was needed for people to return to court without a new arrest. The third was our system-actor focus, which almost never included community engagement.

While PJI may have shared similar goals with many organizations (smaller government, better use of tax dollars, integrity of the justice

system, public safety, equity, etc.), our theory of change was criticized as being ignorant of history, culturally incompetent, asserting race-neutrality, and creating the potential for more pretrial detention, not less.

The series of events that brought pretrial justice reform into the fuller view of civil rights advocates included, but is not limited to: the death of Freddie Gray in Baltimore; the Department of Justice (DOJ) Ferguson Report; the *Pretrial Racial Justice Initiative* led by a PJI Board member; Sandra Bland’s death; Kalief Browder’s death by suicide; lawsuits challenging wealth-based detention and a DOJ amicus brief; the ProPublica articles on risk assessment<sup>6</sup>; the launching of new justice-focused philanthropies; and the introduction of the Laura and John Arnold Foundation’s Public Safety Assessment tool.

## 2017 - 2018

In the fall of 2017, PJI released “The State of Pretrial Justice in America,” a scorecard giving each state a grade based on three criteria: the state’s pretrial detention rate; whether the state had functionally eliminated money bond (meaning it was still legally permissible, just not used); and

the percent of the state's population living in a county with a pretrial assessment tool. The last criterion was met with intense opposition by many advocates and litigators who were wholly opposed to assessment tools. System actors in states with "bad" grades wrote or called to contest their grades, and advocates in states with "good" grades objected to their states getting what felt like unearned praise when they reported different conditions on the ground.

About two weeks after the report came out, PJI hosted a meeting of system actors and advocates coming together to see if an inside/outside strategy could be created. Some in attendance felt blindsided by the report<sup>7</sup>, and the outside facilitator did her best to explore issues PJI could address in future "editions." However, the exclusionary nature of the report's development process would have lasting impacts on PJI's developing relationships with advocates.

It was a tough day, followed by a tougher year. The first half of 2018 was consumed with heavy state legislative activity – bills everywhere, including a very public and messy process surrounding Senate Bill 10 in California. The issues between the advocates and government actors, legislators, and others resulted in a frenzy of social and earned media attention, often framed by reporters as civil rights organizations versus experts, with PJI in the expert bucket and thus not concerned about civil rights. In July, the Leadership Conference on Civil and Human Rights issued "The Use of Pretrial 'Risk Assessment' Instruments: A Shared Statement of Civil Rights Concerns." Well-intentioned liberal white<sup>8</sup> bail reformers (like us) felt like they were being called at worst racist and carceral, and at best insensitive and ignorant.

The first half of the year also included the creation of an Equity and Inclusion Committee. The main purpose, in the mind of PJI's CEO, was to figure out how to increase diversity within the staff and Board. The committee was comprised of a few Board members and a few staff members who had volunteered. Their first meeting was held in June, and the second at the start of September. On that September call, Tenille Patterson (VP) asked the CEO to start off by re-articulating her vision of the committee's work. She did: to increase PJI's diversity.

In that same month, PJI's leadership met to plan for 2019 and calculated that due to lost proposals and unanswered or declined requests for financial support, PJI was facing a significant shortfall. There was an immediate need to cut staff by one-third. It was right before the holidays. Staff being laid off were blindsided and angry, as were the remaining staff.

A few weeks later, the CEO joined fellow Art for Justice Fund grantees at their first-ever convening in New Orleans, where she observed a shared intensity, pain, and resilience in the community-based advocates, activists, and artists who were present. In a room dominated by people with proximity to the issue, she had the experience of knowing she was missing something, but had no idea what it was. She only knew that when people in that room spoke about the connection of slavery to mass incarceration, about liberation and racial equity, she came to realize she was not (as she had presumed) somebody who “got it” — but a woman who had much more listening, learning and self-examination to do. And so the hard work began on the plane ride home.<sup>9</sup>

## 2019

In January, PJI’s now-three leaders — Cherise Fanno Burdeen (CEO), Meghan Guevara (VP) and Tenille Patterson (VP) — met to discuss how to proceed in the aftermath of the layoffs. They agreed upon a new leadership structure for the next iteration of PJI. The three leaders would leave the traditional hierarchy behind and move to a model of shared decision-making, with the commitment that each would be empowered to contribute their strengths across the whole organization.

### THE CHARACTERISTICS OF WHITE SUPREMACY CULTURE

- PERFECTIONISM** SENSE OF URGENCY
- QUANTITY OVER QUALITY **DEFENSIVENESS**
- WORSHIP OF THE WRITTEN WORD** EITHER/OR THINKING
- PATERNALISM** **POWER HOARDING**
- FEAR OF OPEN CONFLICT** INDIVIDUALISM
- PROGRESS IS BIGGER, MORE**
- OBJECTIVITY **RIGHT TO COMFORT**

[LINK ▶](#)

The PJI Leadership Team (LT) then crafted a Statement of Work, Purpose and Values<sup>10</sup> that codified their commitments to each other and to the staff. In many ways, this was both a prelude to the successful launch of an equity transformation, and the manifestation of a commitment to equity and inclusion. From there, a discussion of and commitment to launching an equity transformation was proposed to the Executive Committee of the Board of Directors, readily accepted, and then proposed to and accepted by PJI’s full Board of Directors.

At the April staff retreat, we declared this as a permanent shift in our world, that participation in equity transformation was mandatory. Influenced by PJI’s first black woman in a leadership role, the new shared leadership model, and the CEO’s new understanding that equity and diversity were not equivalents, the Equity and Inclusion Committee was relaunched as the

Equity Transformation Committee. It is comprised of the LT, three non-managerial staff, and three Board members (including the Board Chair). We began curating a list of readings, whereby anyone who reads something would summarize it for other staff and if comfortable, share their personal take-aways.

We began naming and addressing elements of job descriptions, recruiting, and internal cultural items that were characteristic of white supremacy culture, such as perfectionism, sense of urgency, paternalism, objectivity, and the right to comfort.<sup>11</sup> Cherise shared her personal journey with staff at the staff retreat and the full team talked through what undertaking this effort would mean for them. The LT also attended Interaction Institute for Social Change's "Advancing Racial Justice in Organizations" training. This training helped the LT to complete a project outline in May of what an equity transformation would look like for us, over what time period, and at what cost, in order to begin to search for funder support.

In June, realizing that it would be months before an organizational consultant could be retained, we contracted with an independent race equity consultant to create a two-part course for staff. We will follow that with bi-monthly affinity group sessions led by facilitators, and all staff will complete Race Forward's "Building Racial Equity" training by December.

For PJI's organizational work, we have asked racial equity organizations to help us with three overall steps. First, we will start with a Racial Equity Organizational Assessment and use the recommendations to begin a journey as a group.

Second, we will undertake a learning process to cultivate equity competencies, skills, and shared values. This includes knowledge that translates into our programmatic work and behaviors we want to practice creating an inclusive organizational culture. PJI will offer a wide range of learning opportunities and professional development — from small learning groups to formal trainings. We will integrate these competencies and skills into job descriptions and performance reviews as part of our commitment to racial equity. PJI strives to be a values-driven organization, and while equity is currently a component of our organizational "values cloud," it has not been universally prioritized. Our equity transformation process will require a hard look at our current values and which perpetuate a culture of white supremacy, as well as an exploration of the current team's commitment to elevating equity in our value structure.

Third, we will do organization-wide planning. Based on the assessment findings, we will identify goals, success measures, and the organizational activities that will help us achieve them. Our team will integrate activities into their work plans toward achieving our goals. Any necessary changes to policies and practices will be included in that process.

## IN CLOSING

We are excited, nervous, determined, and ready to go. We look forward to partnership and discomfort with our colleagues and communities, in support of equity and inclusion, and justice that honors and protects all people.

For more information about why we are starting with race, how we think this will help us accomplish PJI's mission, or if we are changing our mission, see Key Questions. For updates on our progress, follow us on social media or subscribe to our newsletter.

## KEY QUESTIONS

### *Why have we started with race?*

Black people comprise only 13% of the US population but 40% of the criminal justice population. People of color are disproportionately impacted by bail policies and practices. We have long been trying to help places change their practices so no one was detained simply because they could not post a monetary bond.

So we can no longer make decisions about how to achieve our mission without recognizing that race shapes the entirety of our organization's being and actions, and that actually it's our *whiteness* that is the blind spot, letting us feel like good people doing good work. Internally, we are focusing on race because our organizational culture has been an extension of the life experiences of its leaders — who have all been white.

**“...RACE SHAPES THE ENTIRETY OF OUR ORGANIZATION'S BEING AND ACTIONS, AND THAT ACTUALLY IT'S OUR WHITENESS THAT IS THE BLIND SPOT...”**

We have had little experience successfully recruiting and retaining people of color at PJI. The CEO thought equity and inclusion meant diversity. A read of the characteristics of white supremacy culture<sup>12</sup> showed that many of the things we felt were the right ways to be at work are actually experienced as exclusionary or oppressive to people of color. We have been able to notice some and refer to the suggested antidotes in the article, but it will take intentionality and vigilance.

We also learned the constant sense of urgency we feel in the nonprofit space and the norm of working really hard<sup>13</sup> — which we named at PJI as an element of our “pretrial ninja-ness” — is part of a dominant cultural narrative. We even learned that “ninja” was a word that had meaning in the black community — and while there was not an assumption that whites would have known this, it was symbolic of the fact we were a predominantly white staff. We dropped the “ninja” mascot.

We are now committed to exploring how white privilege has played out in our organization and funding mechanisms, how the dominant culture of whiteness<sup>14</sup> has impacted everything from our hiring practices, to our organization’s cultural norms, to our model for a “reformed” pretrial justice system. And we absolutely desire to engage in a journey that enables us to more authentically and effectively support the work of community-based organizations in the decarceration of our communities.

### ***What about other group identities?***

PJI includes many people who have devoted their careers to fighting injustice, and so we understandably can be uncomfortable or resistant to identifying ourselves as part of a dominant group and acknowledging our privilege. The desire to shift focus to other group identities is sometimes — not always, but sometimes — a resistance response. Yes, class is intertwined with race and equity. We will get there as well. We also are well aware of intersectionality<sup>15</sup> — the framework for thinking about people as affected by their membership in more than one identity group. Internally, we will have “race and gender,” “class and gender,” and “race, class and gender” — all adding complexities to what might seem like an easy group of people to do equity work with!

**More than a black-white story.** America’s racial past and present have always been more pluralistic than our dominant historical narrative suggests. The next phase of our learning process must include readings and discussions on the unvarnished history and current political context for Native Americans, Latinx, and others. In addition, it is important to acknowledge that civil rights reform and our immigration laws — and the incredible events since 2016 — have created dramatic shifts in our native communities and communities of color over the past two generations. The political significance of how new immigrants identify with (and are externally identified by) these traditional American categories is a rich and evolving issue. Therefore, we know our organizational work must ultimately be inclusive of all races and ethnicities.

**More than a cis gender, heteronormative, neuronormative, able-bodied issue.** We also believe that it is important to understand how power dynamics of dominance and subordination function with group identities such as gender, orientation, and abilities. For example, while women have increased their economic power since the 1960s, their rate of growth in the arrested and jailed population has grown quite significantly.<sup>16</sup> There are also abhorrent and often tragic consequences for how LGBTQI and people with developmental differences (visible and invisible) are treated in courts and jails. Again, our organizational work will ultimately be inclusive of all differences, even as we primarily focus on race.

Most “other” identity groups are at the mercy of the dominant cultural narrative to which they are excluded. We are choosing to focus on race first, but our learning will expand after a foundational understanding of racial hierarchy and racism has been set. We are grateful there are organizations focusing on these issues, and we will ensure we are educated.

***Why can't PJI achieve its mission without doing this?***

We work at the “front end” of the system — reducing arrests, replacing financial conditions of release, restricting detention (and conditions of supervision), and raising equity throughout. A deeper understanding of institutional and structural racism doesn't just equip us to focus on communities of color. It helps us better understand what we have already identified as problems contributing to mass incarceration.

We considered the risks here. A decade ago, “they” said we could not talk about eliminating money bond. Some will likely say we cannot talk about racial justice. However, a deeper understanding of the historical privilege of white-led organizations, of the “white savior complex,”<sup>17</sup> and other things we don't even know about yet will help us advance equity and inclusion, and live the value of centering the “voices with impact” at the heart of solutions. We also hope to make a difference with our white colleagues in the field.

***“HOW COULD WE CREDIBLY TALK ABOUT EQUITY TRANSFORMATION WITH OTHERS WITHOUT HAVING DONE IT OURSELVES?”***

Any criminal justice reform organization is by default working on racial justice — and for the good or not. They are inseparable efforts given our nation's history and present usage of the law. How could we credibly talk about equity transformation with others without having done it ourselves?

***Will PJI change its mission / become a “racial justice organization?”***

Our mission is to advance pretrial justice, and we believe that this work will ground us in a firm context of our political responsibility<sup>18</sup> to dismantle institutional and structural racism such that we can legitimately claim to be an organization committed to racial justice.

We are not viewed (nor do we assert ourselves) as a civil rights organization, but we believe we have always been committed to racial justice given we have viewed reducing disparities as an integral part of justice reform. We recognize that part of our role in dismantling the white dominant culture is letting go of our entitlement culture, one that had us feel entitled to resources, attention and deference. We are working on shifting that to a focus on how we can contribute in the space between the inside and outside strategies for reform/liberation. We know there is even more than the persistence of institutional and structural racism — white amnesia disconnects some of us from our own pasts, presents, and ability to even see what there is to see.

The journey on which we have embarked does not have a predetermined outcome. We don't have our measures of success identified yet. We hope that some of the experts we will engage over the remainder of this year will help us set metrics and goals so we know if we are making progress. This path is intended to bring forward our team's best thinking to build an organization where staff and partners experience equity and inclusion, and where people and places we support in the field can best achieve equity in their communities.

## CITATIONS

1. Ani Turner, *The Business Case for Racial Equity: A Strategy for Growth*, WK Kellogg Foundation (2018).
2. The title of the 1979 book “Two Classes of Accused: A Study of Bail and Detention in American Justice,” Dr. John S. Goldkamp.
3. In this work, we will refer to people who work in or for the criminal justice system or government as “system actors” and a strategy to get them or other policy makers to change as the “inside” strategy.
4. Soya Jung et al., *Catalytic Change: Lessons Learned from the Racial Justice Grantmaking Assessment*, Philanthropic Initiative for Racial Equity and Applied Research Center (2009).
5. For information on Smart Pretrial, [visit here](#).
6. <https://www.propublica.org/article/machine-bias-risk-assessments-in-criminal-sentencing> and <https://www.propublica.org/article/bias-in-criminal-risk-scores-is-mathematically-inevitable-researchers-say>
7. PJI had been at a convening of advocates just a month prior, but neither the report nor its scoring criteria were shared.
8. We are focused on “whiteness” as the “that” to be studied for its role in institutional and structural racism. The term “white” appears many more times than “people of color” or “black.” Thus, we have chosen to not capitalize either white or black in this document.
9. For those interested in following Cherise’s personal journey, visit her personal blog via [cherisefb.blog](http://cherisefb.blog).
10. The original version was later edited through an equity lens. See Appendix on page 12.
11. <https://www.showingupforracialjustice.org/white-supremacy-culture-characteristics.html>
12. See <https://www.showingupforracialjustice.org/white-supremacy-culture-characteristics.html>
13. See <http://interactioninstitute.org/confronting-the-white-supremacishyper-capitalist-frenzy-of-the-activist/>
14. See [http://www.racialequitytools.org/resourcefiles/2\\_Gulati\\_AB3.pdf](http://www.racialequitytools.org/resourcefiles/2_Gulati_AB3.pdf)
15. Williams, Kimberlé Crenshaw. “Mapping the Margins: Intersectionality, Identity Politics, and Violence Against Women of Color”. In: Martha Albertson Fineman, Rixanne Mykitiuk, Eds. *The Public Nature of Private Violence*. (New York: Routledge, 1994), p. 93-118.
16. Wendy Sawyer, *The Gender Divide: Tracking Women’s State Prison Growth*, Prison Policy Initiative (2018).
17. [https://en.wikipedia.org/wiki/White\\_savior](https://en.wikipedia.org/wiki/White_savior)
18. Clarissa Rile Hayward, *Responsibility and Ignorance: On Dismantling Structural Injustice*, *The Journal of Politics* (January 2017).

## APPENDIX

**Pretrial Justice Institute  
Leadership Team  
Original February, Edited July 2019**

Who We Are

We are a leadership team that is fiercely protective of **how we show up for each other, our teams, and our colleagues. We set the standard and tone for who we are as an organization:** our culture, our values, and our **pivotal** place in the movement. We are deeply committed to the mission of PJI and are passionate ambassadors of PJI's goals, both professionally and personally. We believe in the skills and abilities of our team and are dedicated to the team's individual and our collective successes. We embody the qualities of innovative creativity, the willingness to take risks and make mistakes, and the unshakeable belief that we will achieve our goals.

**Through the lens and filter of raising equity, w**We are partners in the work of reducing arrests, replacing cash bail, **and** restricting detention and supervision. **and as an all-encompassing value, raising equity.** We **are always** looking toward the future while honoring **and critically examining** the past. **and o**Our strategies build bridges for system actors, **fund**ers, and local partners to re-imagine and re-engineer pretrial justice.

What We Will Do

A leadership team that can be counted on to:

- Pursue and develop work **and partnerships** that **are** in alignment with our mission **and values.**
- Deploy the right resources- time, talent, and dollars- that will uphold standards of high-quality, impactful engagements, and products.
- ~~Assess opportunities for partnership against our core values and mission.~~
- Provide consistent and clear communication to staff regarding our activities, strategic development, and the overall status of the organization.
- Recruit and retain staff who enhance our team with their skills and values, with a strong commitment to diversity, equity and inclusion **of people proximate to our mission.**
- Provide responsible stewardship of financial resources, anticipate funding trends and create new funding opportunities.
- Ensure that PJI is a "great place to work" and people thrive in terms of salaries, benefits, professional development and growth, and supportive structures - a place where differences are celebrated and "characters are welcomed."
- Hold ourselves accountable to the Board, **fund**ers, and the staff for effective governance and sound fiscal practice.
- Welcome honest communication from staff, hearing them out and creating space for their ideas and critiques.
- Model our culture and values, specifically **equity**, self-awareness, personal accountability, innovation, and being countonable.
- **Maintain up-to-date knowledge and analysis of the issues.**
- Remain on the forefront of the system-led pretrial justice **movement, movement,** ~~including strategic engagement with partners and champions, maintaining up-to-date knowledge and analysis of the issues, and confronting~~ **challenging** the status quo, **institutional and structural racism, and strategically engaging with government partners. We respect our place in the movement, know our strengths, and value other leaders and partners.**
- Provide clear directions and definitions for the intention of every project, complete with expectations, timelines, and review process.
- **Lead, step aside, or uplift other partners as we reconcile our place in the movement with those best situated.**

Leadership Structure (How We Work)

- We will put the mission of the organization first, always.
- **We will let nothing fester, not speak ill of one to the other, and respect each other's strengths, understanding we are better doing this job together than any one of us alone.**
- **We will trust each other, believing the best of intention behind each action.**
- We will work together as partners, with shared decision making and accountability. ~~for PJI.~~
- We will challenge each other's ideas and hold each other accountable for the work and how we show up while doing it.
- While we have specific accountabilities, we will support and participate in the full scope of **PJI's** work together, irrespective of whose "job it is."
- **We trust each other.**
- We **will** meet and engage regularly, to care for each other, think strategically, and set and manage priorities.