

REIMAGINE JUSTICE

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**EXECUTIVE SESSION  
ON THE FUTURE OF  
JUSTICE POLICY**

**OCTOBER 2019**

Abbey Stamp  
Multnomah County  
Local Public Safety  
Coordinating Council

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# **RACIAL JUSTICE IN CRIMINAL JUSTICE PRACTICE**

**The Square One Project aims to incubate new thinking on our response to crime, promote more effective strategies, and contribute to a new narrative of justice in America.**

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The Executive Session was created with support from the John D. and Catherine T. MacArthur Foundation as part of the Safety and Justice Challenge, which seeks to reduce over-incarceration by changing the way America thinks about and uses jails.



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**MEMBERS OF THE  
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**Quanice Hayes, a 17-year-old African American youth, was shot in the chest and head and killed in February 2017 by a white Portland police officer (Sottile 2018). The officer who killed Quanice thought he was attempting to rob a homeless person.**

Early in 2018, I met with Quanice's grandmother, Donna Hayes, who had joined a local group of community members fighting to stop police violence against young black and brown men. Ms. Hayes wanted to know what I was working on as a justice reformer in Multnomah County, Oregon. As we discussed policy work to reduce incarceration and racial disparities in our local system, I described the criminal justice system as "broken." Ms. Hayes was not so sure. Like many in her community, she felt the system was doing much more harm than good, especially for young men of color like her grandson.

Ms. Hayes was right. I felt foolish not integrating my knowledge of slavery, oppression, and incarceration in my analysis of the criminal justice system. When Oregon was granted statehood in 1859, the constitution strictly prohibited any "negro or mulatto" from living, working, or owning property, and African Americans were not legally allowed to move to Oregon or own property until 1926 (Corey N.d.). Into the 1980s and 1990s, Portland continued to be a hub of neo-Nazi and white power activity.

In the present, we see our racist past alive and well. Multnomah County is about 6% African American and its neighborhoods are largely segregated and gentrified (United States Census Bureau 2018; Smith 2018; Barber 2018; and Semuels 2016). Communities of color have been pushed to the outer parts of the county, away from their homes and communities. Traditional African American neighborhoods have turned into unaffordable areas full of skyrocketing real estate, farm-to-table restaurants, and hipster boutiques (Sullivan and Shaw 2011; Gibson 2007).

In 2014, Portland State University and the Coalition of Communities of Color, a local nonprofit, published a report, "The African American Community in Multnomah County: An Unsettling Profile." The report paints a disturbing picture of the contemporary effects of Oregon's racist history (Bates et al. 2014). African American families report approximately half the annual income and homeownership rates as their white counterparts. Half of African American children experience poverty, and African American children are three times more

likely to be placed in foster care than white children. African American children are also more likely to be disciplined in school with expulsion or suspensions than white children, though they do not misbehave at higher rates. African American adults are unemployed at double the rate of white adults and continue to be pushed out of neighborhoods with historically black owned businesses as gentrification continues (Bates et al. 2014; Gibson 2007; *Portland Gentrification Maps and Data*). These are just a few examples of the variety and magnitude of life outcome disparities African Americans face in Multnomah County.

Systemic oppression and racial disparities are also evident within the County's criminal justice system. A 2015 study completed in partnership with the Safety and Justice Challenge, an initiative supported by the John D. and Catherine T. MacArthur Foundation to reduce over-incarceration by focusing on jail populations, identified racial and ethnic disparity at various decision-points within the criminal justice system (Ferguson 2015). The study confirmed that African American adults are four times more

likely than white adults to enter the criminal justice system, seven times more likely to be sentenced to prison, and seven times more likely to receive a parole violation resulting in additional jail time.

America's long history of racial injustice is ingrained in our contemporary criminal justice system. As law enforcement and justice system leaders have acknowledged, our police and prisons have often deepened racial inequalities and undermined the trust of communities of color in public institutions (Western 2006; Wakefield and Wildeman 2013). In my own state of Oregon, our racist past continues its legacy by marginalizing communities of color.

How can those of us who work within the criminal justice system—a system that has historically caused serious harm in black and brown communities—approach our everyday work to reckon with, and reverse, those harms? This paper explores system change efforts that reckon with historical and current manifestations of racial injustice with the goal of eliminating racial inequities. ▣

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# THE OPPORTUNITY: CRIMINAL JUSTICE COORDINATING COUNCILS

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**As a consequence of studies like the 2015 MacArthur Report, Multnomah County justice leaders are becoming more willing to look at and talk about current racial disparities across various sectors of our society. But we have a lot of work to do.**

In this paper, I will describe how Criminal Justice Coordinating Councils (CJCC) provide a unique forum to promote policymaking that reckons with racial inequity (Wickman and Walsh 2015). CJCCs, which emerged in the 1970s, are local councils consisting of a jurisdiction's elected and appointed criminal justice leaders who facilitate and drive system-wide policies and programming. They are tasked with shepherding the collaborative relationships among system actors into policy action. Facilitating interagency work creates immense opportunity to elicit meaningful reform in the criminal justice system and address systemic challenges. This work is most successful with dedicated CJCC staff who are not aligned with any individual justice system actor nor entity.

The CJCC in Multnomah County is called the Local Public Safety Coordinating

Council (the Council). We work to safely reduce the jail population, mitigate gang violence, overcome data-sharing obstacles, divert people from prisons and jails, and provide access to services outside of the justice system for people with behavioral health challenges ("Local Public Safety Coordinating Council"). Throughout all the Council's work, we aim to acknowledge racial and ethnic disparities and eliminate them.

I became the Council's Executive Director in 2013, after two decades working in criminal justice in a variety of capacities, from family therapist to internal investigator for community corrections. Unlike the district attorney or the chief probation officer, both of whom perform specialized roles within the justice system, my role gives me a bird's eye view of the entire justice system, from police contact to reentry. This third-party perspective, along with my prior experience



as a social worker, creates a unique opportunity for me to spur collaborative relationships into policy action and mobilize the Council's efforts to reduce racial disparities in the criminal justice system.

The Council's executive committee is co-chaired by the Multnomah County Chairwoman and the Mayor of Portland and includes traditional justice system actors: the sheriff, district attorney, public defender, judicial leadership, police chiefs, and the community corrections director. In addition to criminal justice leaders, our Council includes public health, behavioral health, child welfare, juvenile justice, and other key system leaders in the broader public safety continuum. The Council executive committee meets monthly, and several topic-specific work groups meet monthly or weekly. When justice policy requires collaborative development, Council staff facilitate the process and help identify other voices critical to the conversations.

The criminal justice policymaking culture in Multnomah County is extremely collaborative and consensus-based. There is very rarely a non-unanimous vote on any policy or recommendation. Rather, policymakers spend hours together in meetings to hash through any disagreements to find common ground prior to vote.

For example, in 2013, Oregon passed legislation to reinvest some of the Department of Corrections' budget into county-based community corrections approaches, in an effort to decrease the growing prison population. Council executives met every Friday morning at 7 AM to develop local justice reinvestment policies and programming. The conversations and negotiations addressing which individuals to divert from prison were both productive and challenging. Some meetings developed into tense conversations about which types of crimes should be eligible, which assessments to use, and interpretations of accountability. The collaborative nature of the meetings, based on trusted relationships, camaraderie, and an agreed upon voting structure, allowed tough conversations to reach consensus rather than incite conflict. The group stayed at the table and hammered out agreements that resulted in the Multnomah County Justice Reinvestment Program. In fact, those 7 AM meetings continue today.

As a cross-sector collaboration, Multnomah County's Council is uniquely situated to mobilize change. As shown through the successful justice reinvestment work, the Council can facilitate massive system reform. Yet, tackling institutionalized racism and the resulting racial disparities is a daunting task, and pushes criminal justice policymaking conversations into new territory. □

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# **CONFRONTING OBSTACLES: RACISM, DISEMPOWERMENT, AND INSTITUTIONAL FAILURES**

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## **Reducing racial and ethnic disparities in the criminal justice system presents policymakers with at least three major challenges.**

First, the heavy footprint of police, courts, and the penal system in communities of color has deep historical roots. Historians find that deep-seated ideas about black criminality have infused the definition and collection of crime data and policy knowledge about crime (Muhammad 2010). A modern history of economic marginalization, residential segregation, and collective violence have often fueled and concentrated crime in communities of color (Sampson 2012; Sampson and Wilson 1995). As a result, criminal justice policy was predisposed to racial control and punishment. Racial disparities in incarceration have endured and increased over the entire twentieth century (Muller 2012). Over centuries, the links between crime, incarceration, and race were not seen as the products of policy choice, but were naturalized. Policymakers and the public dismissed racial disparities as the automatic consequence of disparities in crime. Evidence is needed to show how the criminal justice system itself contributes to the over-representation of African Americans in arrest and incarceration statistics.

Second, because racial disparities are rooted in historic inequalities and seen as the natural result of high crime rates in minority communities, authorities can be slow to recognize racial disparity as a policy problem. Viewing racial disparities as unfair or harmful can put authorities on the defensive. If racial disparity is considered a problem, then the criminal justice system is failing its fundamental mission of fairness. In a system that is meant to help those who have been harmed, even progressive line staff are thereby being charged with harming others. Criminal justice practitioners feel attacked. If the police, courts, and corrections are to be enlisted in an effort to reduce disparities, the process must feel practical and constructive.

Third, disparity is disempowering for communities of color. The great burden of pervasive arrest and incarceration is alienating for community residents, fueling cynicism and estrangement from the political process (Bell 2018). If reducing racial disparity requires community pressure, disparity itself tends to reduce a community's capacity to mobilize and



## THESE CHALLENGES RUN FAR DEEPER THAN SIMPLY REFORMING THE POINTS OF DISCRETIONARY DECISION-MAKING.

protest disparity. Redressing disparity should thus elevate the voices of those most directly affected.

Each of these three challenges—the weight of historic injustice and inequality, the defensiveness of criminal justice practitioners, and the disempowerment of communities struggling with intensive policing and incarceration—makes racial disparity in criminal justice involvement hard to eliminate. These challenges run far deeper than simply reforming the points of discretionary decision-making. A policy process is needed that can meet each of the obstacles to significant reform. It is here that the coordinating council can precisely exercise its leadership and leverage change.

Although Multnomah County has a unique group of actors and history, our experience suggests some general lessons for reducing racial and ethnic disparities. CJCC directors can utilize the following tactics to most effectively reduce racial and ethnic disparities in county criminal justice systems:

- 1** Use history and data to document, recognize, and collectively acknowledge the way that systems have created disparities.
- 2** Frame a response with approaches and strategies that are familiar to criminal justice actors.
- 3** Amplify, integrate, and empower voices of people with lived experiences. ▢

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# TACTICS TO ADDRESS RACIAL AND ETHNIC DISPARITIES

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## 1: USE HISTORY AND DATA TO DOCUMENT, RECOGNIZE, AND COLLECTIVELY ACKNOWLEDGE THE WAY THAT SYSTEMS HAVE CREATED DISPARITIES

As mentioned, the County worked with the Safety and Justice Challenge supported by the MacArthur Foundation in 2015 to create and publish a racial and ethnic study that examined the acuity of disparities at a variety of decision points in the criminal justice system. The outcomes and dissemination of the study re-galvanized our community of justice leaders to more intentionally address disparities. To help guide the work, Council staff completed a literature review to determine which, if any, jurisdictions across the country had successfully reduced racial and ethnic disparity in their criminal justice systems. In adult criminal justice, there were none. We needed to figure out how to blaze a trail.

The literature on racial and ethnic disparity pointed us in an important direction: when general criminal justice reform efforts are deployed, not all communities benefit equally. White populations benefit more than populations of color. A local example is the Multnomah County Justice Reinvestment Program, the prison diversion process previously mentioned. While this program had impressive reductions in prison sentences for all populations,

white people benefited the most. Prison sentences for white people were reduced by 46% and sentences for black people were only reduced by 26% (Bernard et al. 45).

The deep roots of institutionalized racism, implicit bias, and systems that perpetuate racism reveal that achieving equity without intentionality is impossible. For example, most criminal sentencing processes include criminal history as a major decision-making factor. The outcome, then, is harsher for communities that are over-policed (Travis, Western, and Redburn 2014). The literature asserts that intentional and targeted, rather than general, programming and policies toward the populations most impacted are required to reduce and eliminate racial and ethnic disparity. This intentionality is necessary to mitigate the negative outcomes woven throughout criminal systems. Preliminary results of the Multnomah County Justice Reinvestment Program confirm that assertion.

The MacArthur report and literature review enabled the Council staff to help give justice leadership tools to communicate with community members about negative

impacts on communities of color. Council executives and staff pushed out the report in the media and held a community event to discuss the importance of equity in justice reform. The publication and discussion of data showing disparate impact on individuals of color motivated justice leaders to begin to think and act differently.

When Multnomah County began the planning process to apply for the Safety and Justice Challenge grant from MacArthur, data was used to help form the investment request. The report and the literature review prompted planning meetings toward an intentional policy shift. As discussions began about how the County would reduce jail use and support communities most disparately impacted by criminal systems, leadership was open to conversations about race-specific policy interventions, with a focus on reducing racial and ethnic disparity.

Council staff and executives became willing to consider policy development to decrease the harm caused by institutionally racist systems. This willingness also passively acknowledged the deep and entrenched disinvestment in communities of color, redlining practices, gentrification, racial disparities in crime, victimization, and violence. In one meeting, we discussed the negative impacts of the war on drugs on black children, families, and communities. We acknowledged that structural and institutional racism and implicit bias resulted in over-policing, over-prosecution, and too many children placed in foster care. The system perpetuates trauma and disconnection, resulting in more crime, more incarceration, more victimization, and more disparity.

The Council's focus is criminal justice. Conversations about the endemic racial disparities in other systems like education, child welfare, and public health can make criminal justice executives feel overwhelmed about creating positive change. Some meetings result in frustration because of the disparate impacts that adjacent systems (such as child welfare and juvenile justice) have on adult justice system clients and can stymie creativity and optimism. In these meetings, I remind participants of our criminal justice lane and the responsibility to make positive change where we have power. We can then work in concert with other system leaders to influence intentional policymaking to decrease disparities in their systems.

In their 2019 article on race and health outcomes, Williams and Cooper (2019) argue that to improve health outcomes of disadvantaged groups, changing systems with a focus on systematic racism is required. Public health, criminal justice, and other systems can begin to improve outcomes for communities of color and repair historic harm. If done with racial justice as an affirmative goal, targeted policies in any system can have a positive impact on harmed communities. Arguably, as more systems integrate targeted racial justice policies, a virtuous cycle can reduce disparities in all sectors, from violence to health outcomes.

## 2: FRAME A RESPONSE WITH APPROACHES AND STRATEGIES THAT ARE FAMILIAR TO CRIMINAL JUSTICE ACTORS

Multnomah County began efforts to reduce racial and ethnic disparities over two decades ago. Started in the early 1990s, the Multnomah County's juvenile justice department has been engaged in Juvenile Detention Alternatives Initiative (JDAI). JDAI is an iterative process developed by the Annie E. Casey Foundation and the W. Haywood Burns Institute. The iterative process defines decision-points in the juvenile justice system and requires jurisdictions to identify racial and ethnic disparity along the entire justice continuum. Focusing on a particular decision-point (detention intake), the jurisdiction must create a policy change, then reassess racial and ethnic disparity to determine success or failure, and make subsequent changes as indicated by the reassessment ("Juvenile Detention Alternatives Initiative").

Juvenile justice professionals use the decision-point analysis process regularly and are accustomed to the iterative system-change processes. Those leaders with juvenile justice experience leaned on this approach to help move the adult system toward similar work. Through the JDAI process, racial and ethnic disparity reduction became an understandable and familiar problem, best addressed by targeted interventions and policy development. As the Council membership began to discuss racial and ethnic disparity in the adult systems in a variety of meetings, I reminded them of the successes in our juvenile system.



**IF DONE WITH RACIAL JUSTICE AS AN AFFIRMATIVE GOAL, TARGETED POLICIES IN ANY SYSTEM CAN HAVE A POSITIVE IMPACT ON HARMED COMMUNITIES.**



### 3: AMPLIFY, INTEGRATE, AND EMPOWER VOICES OF PEOPLE WITH LIVED EXPERIENCES

When CJCC directors are trusted and not tethered to a specific justice discipline, we can be evocative and ask hard questions elected officials may not feel comfortable asking in a highly politicized environment. To be trusted, we need to be able to understand local politics, political leanings, and motivations; be comfortable with the organic adversarial nature of the criminal justice system; and maintain positive working relationships with each system stakeholder. One of the most important parts of leading a CJCC is to create political will for change. This takes trust, time, and strategic thinking. My staff and I often ponder, “What does [insert justice leader name] need to be able to [insert justice reform action]?”

To show how I used this third tactic to guide local policy discussions, I will highlight the policy processes undertaken to develop and implement two programs: The Diane Wade House (DWH) and Law Enforcement Assisted Diversion (LEAD®). DWH is an

Afrocentric transitional housing program for justice-involved women (“The Diane Wade House”). LEAD®, based on the successful Seattle, Washington model, is a pre-booking diversion program in which individuals who would have been booked and prosecuted on drug possession charges in and around downtown Portland are eligible for referral to services instead of criminal prosecution (“Law Enforcement Assisted Diversion”). While DWH and its application can be understood as a successful example of targeted, race-based justice policy, LEAD® was unable to garner the same support as a targeted program, and instead was applied universally. As a consequence, each program faces distinct challenges and opportunities in its efforts to reduce racial and ethnic disparity.

Image (following page): Members of the Council celebrate the opening of Diane Wade House with employees. Pictured from left to right: Ebony Sloan-Clarke, Multnomah County Mental Health and Addiction Services Director; Nan Waller, Judge, Mental Health Court; Cheryl Albrecht, Chief Criminal Judge; Rod Underhill, Multnomah County District Attorney; Sharon Meieran, Multnomah County Commissioner, District 1; Deborah Kafoury, Multnomah County Chair; Danielle Outlaw, Portland Police Chief; Abbey Stamp, Executive Director, Local Public Safety Coordinating Council; Lori Stegmann, Multnomah County Commissioner, District 4; Erika Preuitt, Director, Multnomah County Department of Community Justice; granddaughter of Diane Wade; Jeff Miller, Lieutenant, Gershman Police Department.







**WHEN CJCC DIRECTORS ARE TRUSTED AND NOT TETHERED TO A SPECIFIC JUSTICE DISCIPLINE, WE CAN BE EVOCATIVE AND ASK HARD QUESTIONS ELECTED OFFICIALS MAY NOT FEEL COMFORTABLE ASKING IN A HIGHLY POLITICIZED ENVIRONMENT.**

## A. DIANE WADE HOUSE

When I convened meetings to discuss how to best use our Safety and Justice Challenge grant opportunity in 2017, I asked policymakers to prioritize reducing racial and ethnic disparities. The framework was not based on implicit bias or training needs and concepts, but rather emphasized non-jail programming. Through a data examination, leadership identified that African American women on probation are sanctioned to jail (and stay longer) than their white and male counterparts. Many attributed some of this disparity to a lack of quality housing and program options for women of color.

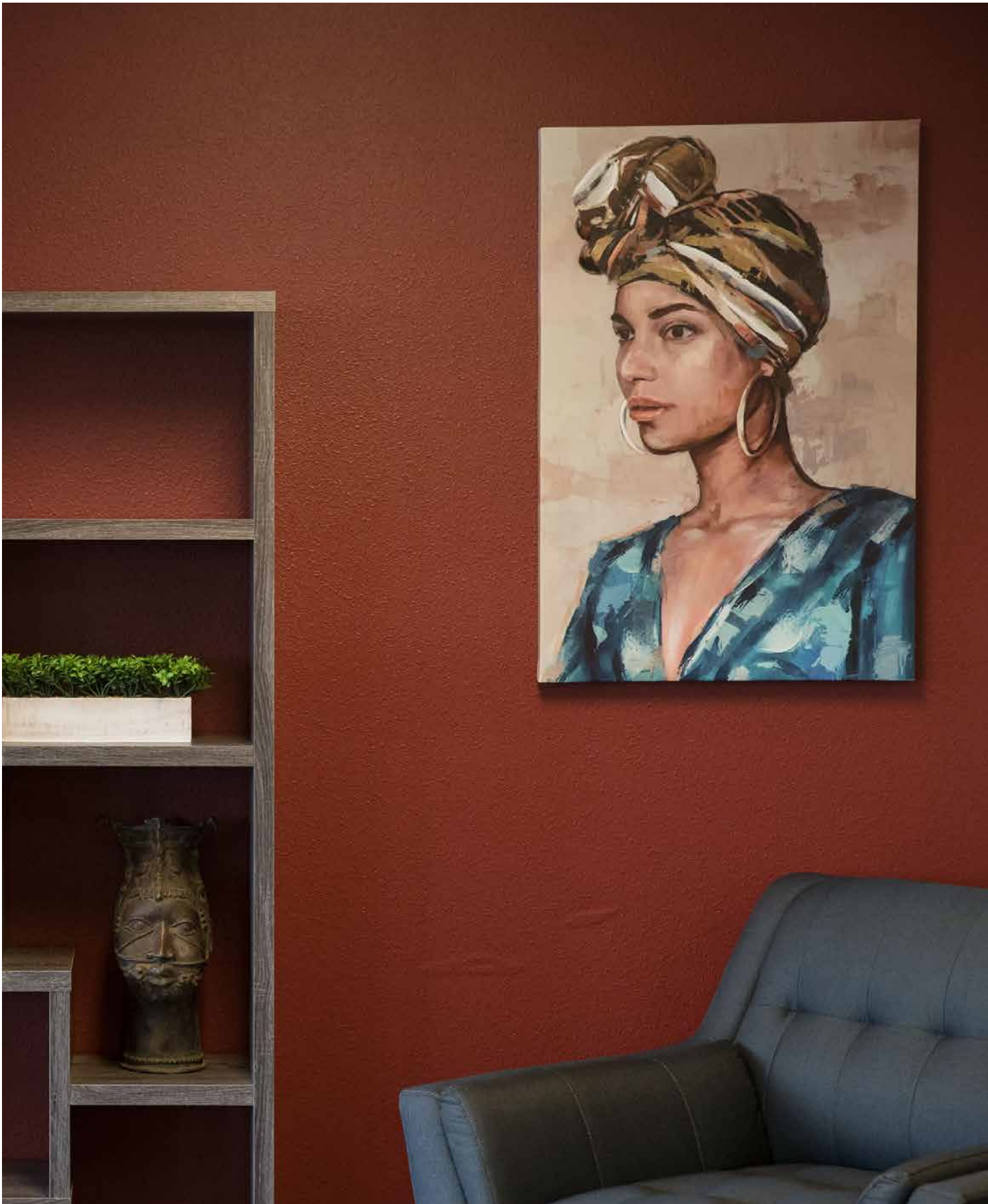
Policymakers and individuals with lived experience co-created a housing program to better support and serve justice-involved women of color: the Diane Wade House (“It’s more than a house’...”). The DWH is afrocentric, intentionally seeking to lift-up the experiences of African American women in Multnomah County.

Referring to our current knowledge base of racial and ethnic disparity from JDAI to the literature review, I pushed for culturally-specific programming for African American women, as people of

color are regularly required to engage in dominant culture programming. The DWH was designed as an alternative that would focus on black women, but would be open to women of all races. Fortunately, the political will was easy to achieve for the DWH because the program did not change any current justice practices, like filing charges or imposing sentences.

To help with the launch of DWH, we added two peers who were directly impacted by the criminal justice system to the planning team, through support from staff at the County’s Office of Consumer Engagement, and hosted a listening session. We catered dinner for 12 current and formerly justice-involved African American women at a community-based agency. A leader in her community and formerly incarcerated black woman facilitated the event. The only white people in the room were two Council staff, the DWH project manager, and myself. We took direction from the facilitator and sat in the back of the room to listen and take notes.

Image (following page):  
The living room at  
Diane Wade House.









**“IF YOU WANT IT TO WORK, YOU NEED US.  
IT’S NOT GOING TO WORK WITHOUT US.”**

The facilitator created a space that allowed the participants to be honest and tell their stories about what they needed in order to be successful on probation. Their truths told a narrative of exclusion, disenfranchisement, and systemic racism. The perspectives articulated during the listening session drove the rest of the policy and program planning:

- “There are minimal places for African American women period. There’s nothing we can say is fully ours.”
- “Don’t try to come to me and try and tell me that you know or understand what I’m saying. If you learned it in a book then you can’t even help me. If they don’t know anything about oppression. What good is it gonna do anybody?”
- “...[In] organizations that aren’t culturally competent, Black women are seen as aggressive, ‘resistant to treatment,’ ‘noncompliant’ and kicked out because they are ‘threatening’ to white residents.”
- “If you want it to work, you need us. It’s not going to work without us. I don’t want help from people who don’t look like me.”

The qualitative data obtained through the listening session helped guide the rest of the program planning. In fact, the housing agency contracted to administer the DWH employed an equity consultant from The People’s Institute for Survival and Beyond to identify how their agency perpetuates structural racism and engaged in anti-racism training. The voices of the women grew the political will to ensure the DWH would support an afrocentric approach. Their voices also affirmed that taking a risk and developing an intentional policy focusing on black women, who are often overlooked in justice policymaking, was the right move.

There were many conversations in our planning about what “afrocentric” means. There are a variety of “afrocentric” definitions, and Multnomah County’s interpretation is to center the needs and wellness of black women, emphasizing African and African American culture. The DWH is staffed by black women with lived justice experience. The interior was designed and decorated by staff. The programming is focused on empowering and healing black women (“Multnomah County Celebrates Opening...”). The County continues to work with local providers and services to bring in culturally-specific services, supports, hygiene products, and food.

Image (previous page):  
The bathroom at  
Diane Wade House.



**THE DWH IS  
STAFFED BY  
BLACK WOMEN  
WITH LIVED  
JUSTICE  
EXPERIENCE.  
THE INTERIOR  
WAS DESIGNED  
AND DECORATED  
BY STAFF.**



## B. LEAD®

Like with the DWH, during the LEAD® policy development process, Multnomah County amplified voices of those with lived experience in the criminal justice system and those with substance use disorders. The County also hosted community events to help educate community members, faith leaders, and neighborhood associations about harm reduction approaches and why LEAD® was chosen as a model. LEAD® is a harm reduction model which refers individuals who could be arrested, booked, and charged with drug possession to case management and services. LEAD® is voluntary, and does not require engagement in treatment. The target neighborhood is downtown Portland and surrounding areas—a part of the city with significant social and public health (homelessness and behavioral health) problems.

Before planning for the DWH, it was philosophically acceptable to discuss targeted approaches, but not practiced. The LEAD planning process, which occurred one year prior to DWH's planning process, illustrated this. At that time, many policymakers were able to comfortably discuss racism and disparate outcomes, but creating a program or policy for one population felt like withholding justice from others, creating another disparity.

I remember one of our first LEAD® policy meetings in 2016 when we discussed the goals of the program. One of the goals was to reduce disparity in prosecuting people of color for drug crimes. I remember feeling proud that leaders in my jurisdiction wanted to name racial disparity as a problem and find solutions. But I also had doubts that these goals would ultimately be actionable.

I was sitting at the end of a long, oval table. I thought about the literature review and the determination that there is a lack of equity found in sentencing outcomes for the Justice Reinvestment Program. I felt myself thinking it was my turn to be provocative. As a non-agency influencer, it is my role to ask the hard and suggestive questions.

At that time, I had been the Council Executive Director for a few years. I felt that I finally had my feet under me and it was time to use my voice and my influence. I remember taking a deep breath and asking, "If our goal is to reduce disparities in possession prosecution, why can't LEAD® be for African Americans?" Citing *targeted universalism*, I facilitated a discussion on how to proceed. *Targeted universalism*, a concept developed by John Powell at the Haas Institute "means setting universal goals that can be achieved through targeted approaches. This approach targets the varying needs of each group while reminding us that we are all part of the same social fabric" (Haas Institute 2017).

Image (previous page):  
Diane Wade House art,  
on loan from Dave Dahl  
(founder of Dave's  
Killer Bread).

By prompting this discussion, I was afraid I was going to make people angry. I was afraid I was going to be seen as a rabble rouser. I knew the question would make people uncomfortable. And they were. Some policymakers in the room quivered in response. They said profiling one population would be unacceptable because it withholds diversion opportunities for some.

The Multnomah County LEAD® program does not adhere to *targeted universalism* philosophy. Instead, my win that day was discovering that application of a non-criminal justice concept can support facilitating challenging conversations about race and justice. The policymakers found resolution and corrected the goal. The program would reduce the *number* (not disparity) of people of color arrested and prosecuted for drug possession. Unlike DWH policy, LEAD® policy did not target a specific population. The conversation was a step in the right direction, but it did not result in taking a political risk to decrease disparity.

Looking back on the LEAD® process, I should have pushed harder on policymakers to intentionally repair some of the harm done by laws and policies from the “War on Drugs” era. For centuries, white supremacy has imprisoned people. It would have been a step toward reckoning with past harm if I had said that the war on drugs created immense harm to communities of color; let’s recognize the harm caused by a history of targeting communities of color with

punitive policies and try to undo that harm by targeting people of color for deflections from booking and prosecution.

Another important strategy I could have suggested to ready the political climate for change is the use of proxies. In criminal justice data analyses, we use a substitute data element (proxy) when another is unavailable. When policymakers decided LEAD® would be for all races, we could have also discussed proxies. Although not the most direct solution to attempt to create equity, proxies can provide cover for making progress in the right direction. Here, a proxy for African American diversions could have been a focus on either cocaine possession (where racial disparities were the worst) or a focus on a specific neighborhood. As a jurisdiction, we were not ready to go down that path—not everyone was ready to take what can be seen as a political risk and target specific populations for diversion.

The Council works best when members are willing to work through conflict and philosophical disagreements. This way, they develop trust, function like a team, and are able to navigate the traditionally adversarial justice system. When they stand at the podium together, they are united, even when one agency is in crisis. Trust and relationship among membership increases the sense of team, accountability, and success. Ultimately, a strong team can support the political will for justice reform through trying times.

## SUCCESSSES AND EXPECTED OUTCOMES

Thus far, the implementation of the DWH to support African American women has been a success. Elected officials and executives speak publicly about the value of the targeted program<sup>1</sup> and acknowledge that the majority of justice programming is white-centric. Openly talking about race, institutionalized racism, and Oregon's past and present has enhanced willingness to right past harms through policies and programming.

The DWH development process and lessons learned through LEAD<sup>®</sup> implementation clearly demonstrate the value of a trusted CJCC and skilled staff who are not embedded in specific criminal justice agencies. CJCC staff should be advocates for change in highly politicized environments. CJCC directors should be willing to name racism as an oppressive force that requires intervention.

From a CJCC staff perspective, success means that these facilitated processes create direction and action. The DWH and LEAD<sup>®</sup> staffing are housed under the County's Safety and Justice Challenge grant. The focus of the grant is to reduce jail use and reduce racial and ethnic disparities. The DWH is just a few months old, but the County is working with national partners to conduct both quantitative and qualitative analyses. While too soon to report on long-term outcomes, it is notable that LEAD<sup>®</sup> participants are being booked into jail less frequently. The biggest local win, however, has been the recognition from all leadership that reducing disparities takes intentional steps and political will. ▣



**OPENLY TALKING ABOUT RACE, INSTITUTIONALIZED RACISM, AND OREGON'S PAST AND PRESENT HAS ENHANCED WILLINGNESS TO RIGHT PAST HARMS THROUGH POLICIES AND PROGRAMMING.**

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# INFLUENCING RACIAL JUSTICE POLICY

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**I continue to carry Ms. Hayes' comments with me. The criminal justice system was intentionally built, and it is our responsibility to dismantle its creation so that justice is not an exception, but the rule.**

CJCC directors should use positions of influence to be daring, increase political will, and repair harm to communities damaged by criminal policy and law. CJCC directors can use data, literature, and relationships with leaders to continue this message, even, and especially, when there is political and executive resistance.

My daily challenge is to capitalize on the system-wide acknowledgement of institutionalized racism and the need for action. In my role, I do not make policy or law. Creating new policies and laws is in the hands of elected officials and agency executives. The approach I suggest here has moved Multnomah County's work forward, but there are limits. While some policy changes have been positive, people of color are still overrepresented in each stage of the justice system. Dismantling generations of racism and harm is slow work.

Yet, as change-agents, CJCC directors should push policymakers and elected officials to have hard conversations about how a fair and equitable justice system should function. We are facilitators of change, and our challenge is to adhere to our values of repairing harm and advancing equity amid the chaos of local government. We will be challenged by colleagues who are concerned about withholding justice and profiling. We will be challenged by politics and shrinking budgets. No matter the chaos, it is critical for CJCC leadership to help shape the future of justice policy and begin to dismantle the racist carceral state.

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## CONCLUSION

The three tactics I suggest are applicable beyond Multnomah County and criminal justice policy. Using history and data to document, recognize, and collectively acknowledge how systems have created disparities de-personalizes racism. Calling a system, rather than people, racist decreases defensiveness and increases willingness to confront institutionalized racism and make changes. Data presents evidence of a problem, giving policy and lawmakers something tangible to respond to and improve.

In any field, introducing a new product or innovation can be overwhelming and frustrating. Framing a response in terms of familiar approaches and strategies decreases system change chaos. Building on past successes can serve as blueprints for future change by helping decrease fear and anxiety and increase buy-in and success. Centering and amplifying voices that are often ignored in structurally racist environments is key to creating meaningful and permanent change in any area of work. Those with lived experiences in public health, education, welfare, and other systems have the expertise and leadership to inform solutions that improve outcomes in their own lives, families, and communities.

Policymakers face deep challenges in their efforts to bend criminal justice in the direction of racial justice. Elevating the concerns of directly impacted communities of color to criminal justice agencies that may feel defensive and skeptical of the standing of community representatives is fraught with risk and generations of trauma and oppression. Most justice policymakers today identify and understand the deep-rooted oppression and intentional incarceration of communities of color. The confusion and frustration come with how to help to fix it. Acknowledgement of the intentional harm caused is a start and can pave a path forward toward reckoning. This acknowledgement also informs a broader conversation—racial justice should be a focus not only for criminal systems, but also for all systems and institutions that have perpetuated oppression. ▣

## ENDNOTES

<sup>1</sup> See the following articles on public support for DWH:

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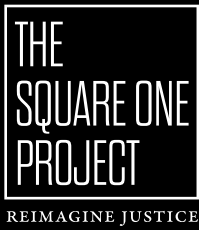
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