

THE PRETRIAL EQUITY TRANSFORMATION (PET) NETWORK

EQUITY through ACTION

A Tool to Action Plan through an Equity Lens



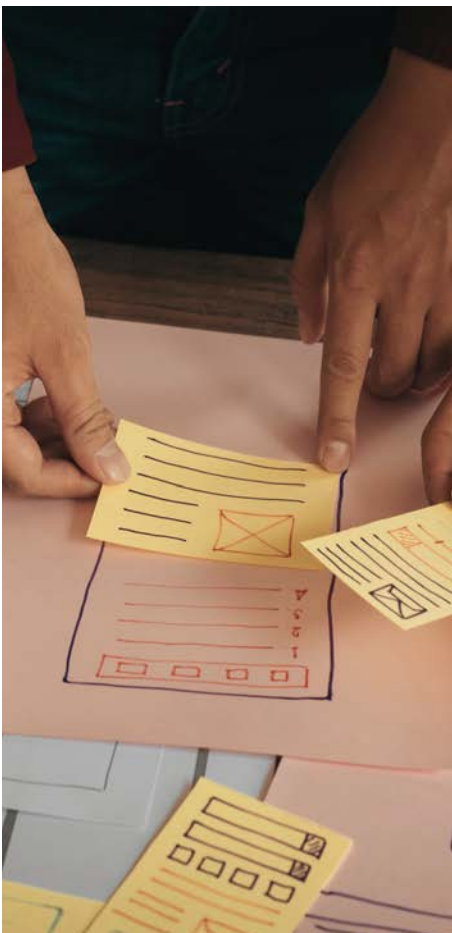
SAFETY+JUSTICE
CHALLENGE

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JUSTICE
SYSTEM
PARTNERS

Action planning through an **equity** lens



Equity through Action

Action plans are like maps guiding implementation of organizational strategies. They outline goals and objectives, make the most of available resources, keep track of progress, and make the organization more effective. Action plans help systems become more purposeful in how they work together and share information. However, rarely are teams trained to take an **equity lens** to their action planning. This tool will help teams prioritize equity conversations throughout the action planning process. Specifically, the tool includes:

- A series of focused questions to support your planning process
- A framework for structuring explicit conversations around increasing equity

Table of Contents

The tool begins by addressing who is involved in the conversation and how to engage a diverse group. Then, shifts to considering how your desired change aligns with your team's equity goals. The next section helps you think about communication changes across stakeholder groups. The last section considers the data needed to inform implementation and evaluation.



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equity through action

Purpose



The power of an equity lens to action planning

Considering equity as part of developing action plans requires organizations to explore the individual, organizational, and systemic factors that create and sustain inequities. In the pretrial context, this includes racialized differences across pretrial release decisions, pretrial supervision decisions, and returns to jail for bench warrants/missing court, and convictions.

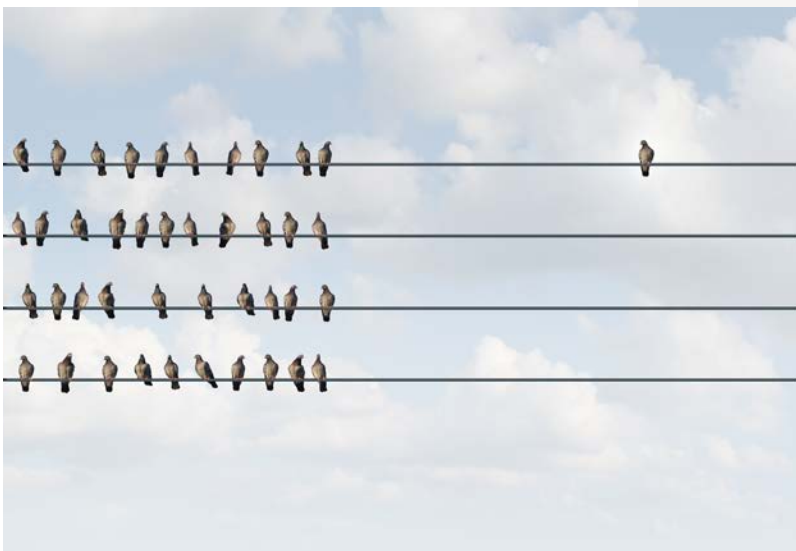
When criminal legal system partners adopt an approach that prioritizes equity in their action planning, it helps them stay focused on reducing disparate treatment and harm across these key outcomes. This approach also recognizes and addresses the assumptions and personal biases contributing to these inequalities. Unfortunately, when stakeholders do not explicitly consider equity during action planning, systems risk sustaining inequities and harm to individuals.

The Tool's Purpose

The purpose of this tool is to support explicit conversations among the planning team about race and other minoritized identities, and its impact on access, harm, and assumptions and biases during the action planning process.

The tool will also help the planning team consider decisions or structures they can and cannot change and explicitly acknowledge the impact of these factors on stated goals and expected outcomes. This tool will help you facilitate critical conversations centering equity not only during the pre-implementation process but throughout implementation, fostering the structural change needed to eliminate harms by the criminal legal system.

Individuals Using this Tool



Party of one? You can still use this tool! You can (1) use the tool to guide you through critical self-reflection about how you engage with your work and those impacted by the criminal legal system; (2) share the tool with your colleagues who are engaged in other planning efforts; and (3) use the questions generally during conversations and meetings to increase attention on equity issues.

equity through action

Section 1

Convening

your action planning

group

- 1 | Diversifying Decision-Makers
- 2 | Community Engagement



Section 1

PROS

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1

Diversifying Decision- Makers

Diversifying Decision-Makers

As you prepare to convene your action planning group, it is imperative that you critically evaluate the group's membership and acknowledge the power distribution within the group.

Traditionally, representatives from oppressed groups (e.g., race/ethnicity, gender identity, disability status) and/or members who have experience with the criminal legal system are historically excluded from these types of decision-making groups. Or, when they are included, their contributions are not equally valued, or they lack influence over final decisions.

Including these voices in the decision-making process can address inequity as people closest to injustice are also those best positioned to raise legitimate concerns and develop creative solutions.

Inclusion requires shared influence over the group's decisions. To share power, you must first understand the concentration of power among members, and understand whose voices have the least influence. Inclusion also requires creating a space where all individuals feel safe to be vulnerable and share their perspectives with other members of the group without judgement.

The planning group and its facilitator must make a conscious effort to establish discussion processes which minimize harm, encourage positive conversations, and cultivate a sense of belonging.

It is important the group understand that often minoritized members disproportionately must educate others on injustices of the system which can add additional emotional burden on these participants.

The larger planning group should allow members to take time to recover and recharge after having challenging conversations. This can include engaging in small group conversations, debriefing with group members, or having some quiet time to reflect. This will help maintain active participation and engagement.

*The people closest to **injustice** are best positioned to raise concerns and develop creative solutions.*

Diversifying Decision-Makers

Questions

As you build your planning group and reflect on its composition, consider the following questions...

INCLUSION

- Who will be involved in the decision-making process in your action planning group?
 - What are the demographics of those involved in the decision-making process (race/ethnicity, gender, disability, sexuality, etc.)?
 - Are there any statutory mandates about who must be part of your action planning group? If so, how might you select this person(s) with diversity of demography in mind?
 - Are any minoritized groups missing from your group?
 - Does the group include individuals with experience navigating the criminal legal system?
 - Does it make sense for your group to include someone with general experience navigating the criminal legal system? Or, should the individual have a specific experience relative to the changes you're making?
 - How are individuals with experience navigating the criminal legal system compensated for their time?

DECISION-MAKING

- How will your group make decisions?
 - Does this process include equal influence over decisions? If not, how is influence distributed across group members?
 - How are marginalized groups and/or people with lived experience included in decision making?
 - Who has final authority on decisions?
 - What processes or strategies does the group use, or can use to monitor individual members' influence on decisions over time?

(continued) Diversifying Decision Makers

CREATING SAFETY

- What processes will your group use to check in on one another during the action planning process? In what ways will the group...
 - Support marginalized members of the group to feel safe to share their opinions during the action planning process?
 - Create a process which recognizes when marginalized members may feel harmed during difficult conversations during the action planning process?
 - Make space for marginalized members to decompress and recharge from difficult conversations during the action planning process?



Dear What
people Are
saying

2

Community Engagement

Community Engagement

Action planning with community members can build cumulative impact on equity. When community members participate in planning and decision-making, the final outcomes of the action planning process (i.e., policy, practice, program changes) will more closely align with the desires of the wider community. With their participation, the group can identify barriers that may be overlooked by system staff, and they can inform more effective strategies for community buy-in during implementation.

Types of Community Engagement

Community engagement may vary in the level of participation intensity depending on factors such as community interest, resources, timing, and more. It can range from minimal participation to active involvement in the implementation process.

Inform

Consult

Involve

Collaborate

Empower

Community Engagement

Types of Community Engagement

Inform

Provide the community with updates about what is happening during implementation (e.g., “Here is what is happening in your community.”).

Consult

Collect community feedback on options, decisions, or analysis and inform the community about how their feedback influenced program/policy decisions (e.g., “Here are some options we are considering, what are your thoughts?”).

Involve

Working directly with community members throughout the process to identify, understand, and incorporate their concerns and ideas (e.g., “Here’s the problem, what ideas do you have?”).

Collaborate

Partnering with the community at each decision point including the development of solutions, alternatives, and the identification of the preferred solution. (e.g., “Let’s work together to solve this problem”).

Empower

Placing final decision-making in the hands of the community (e.g., “You decide how to move forward. Tell us how we can support you”).

Community Engagement

As you consider including the community as part of the action planning group, consider the following questions...

COMMUNITY ENGAGEMENT

- What role does your action planning group want the community to play in your work?
- What role does the community want to have in your work?
 - If you're not sure what role the community wants to have in your work, how do you plan to ask them?
- What level of engagement (inform, consult, involve, collaborate, empower) is realistic from the community for this action planning group?
- What resources can your action planning group leverage to sustain the preferred level of community engagement, i.e., virtual meetings, transportation support, changing locations of meeting spaces etc.?
- How are community members compensated for their time?

Reflecting

on your chosen

change

- 1 | **Aligning Change with Equity Goals**
- 2 | **Aligning Inclusion and Exclusion Criteria with Equity Goals**



Section 2

F O C U S
O N
Y O U R
G O A L S

1

Aligning Change with Equity Goals

Aligning Change with Equity Goals

The action planning process will require the planning group to develop a step-by-step implementation task list for the policy, program, or practice changes. As you build this list, you will need to consider why you've selected this policy, program, or practice and how it will contribute to achieving broader equity objectives.

As you reflect on your change, consider the following questions...

THE CHANGE

- What are you planning to implement?
- What information and data are you relying on to suggest this change is needed in your system?
- What are the intended goals of this change?
 - To what extent does the goal explicitly include reducing inequity (e.g., primary goal, secondary goal, not a goal)?
 - If it is not a goal of the change, why not?

Section 2



2

Aligning Inclusion and Exclusion Criteria with Equity Goals

Aligning Inclusion and Exclusion Criteria with Equity Goals

Exclusion criteria systematically block access to participation opportunities and related benefits. When scholars, practitioners, and advocates describe systematic inequities within criminal legal systems, exclusion criteria sustain these inequities. The action planning group must explicitly discuss the consequences of the selected inclusion and exclusion criteria.



The Harm of Exclusion

Exclusion criteria systematically block access.

Exclusion criteria sustain **inequities** within the criminal legal system.

Aligning Inclusion and Exclusion Criteria with Equity Goals

As you reflect on inclusion and exclusion criteria, consider the following questions...

ELIGIBILITY

- What group of people are eligible to participate in the program/will be the focus of the change?
- Who selected this group as the focus of the new program/practice /policy?
- What data (see data section below) suggests this group would benefit from this program/practice/policy?
- In what ways did the group consider equity in the selection of this eligibility group?
- How does your change consider the language and accessibility needs of the people you serve?

INCLUSION CRITERIA

- What are the inclusion criteria to participate in the program or experience the practice?
 - What impacts do you expect on different minoritized groups (e.g., race/ethnicity, gender identity, sexual orientation, etc.) with the implementation of these inclusion criteria?
 - Which groups will benefit most?
 - Which groups will benefit least?
- How might various minoritized groups experience the program, practice, or policy differentially?
- What might be some unintended consequences for individuals who participate in the program or are impacted by the practice/policy?
 - Postive consequences?
 - Negative consequences?

(continued) Inclusion and Exclusion Criteria

EXCLUSION CRITERIA

- What are the exclusion criteria that restrict access to participate in the program or are impacted by the new policy or practice?
 - Why were these exclusion criteria selected?
 - What data informs the need for this exclusion criteria?
- If you consider "public safety" as part of the exclusion criteria, what does this mean for your jurisdiction? How do you define "public safety?"
- If the presence of a victim is part of the exclusion criteria, how are victims or victims' advocates consulted as part of the development of this criterion?
- Which groups do you anticipate will be more frequently excluded?
 - Why will this group experience more exclusion?
- Which groups do you anticipate will be less frequently excluded?
 - Why will this group experience less exclusion?
- What upstream practices or policies within the criminal legal system contribute to this exclusion?
 - Knowing these upstream factors, why are these exclusion criteria necessary?
- How will you explain this exclusion to the wider community?
 - If you do not intend to explain the exclusion to the wider community, why not?
 - If you do not intend to explain the exclusion to the wider community, how does the choice of who is excluded play a role in your decision to not communicate exclusion criteria?



Communicating

changes and equity

goals

1

Communicating Changes





1

Communicating Changes

Communicating Changes

Staff may meet system changes with resistance; therefore, it is important when engaging in planning work to develop a communication plan for framing and messaging changes. This approach must clearly articulate how the change aligns with goals, motivation for change, the intended change, workload impacts, and expected outcomes. The team must consider *who is best* to communicate these messages.

Selected communication leaders should communicate the importance of a culture of inclusion and a commitment to promoting equity in all aspects of an organization's or system's work. It is important to use inclusive language which is easy to understand and respectful to different cultures, and that equity as a value is front and center in all messaging.



Communicating Changes

Prior to rolling out the changes and communicating these changes to your system, consider the following questions...

MESSAGING

- What is the key message the action planning group wants to share about these changes?
 - To what extent are equity outcomes centered in this message?
 - If not, why not?
- How will the action planning group describe how the expected outcomes from these changes align with the broader system's goals?
 - To what extent will you describe the larger system's equity goals?
 - If your group does not plan to describe the larger system's equity goals, why not?
- Has the group considered how to communicate internally about the implementation process in an accessible way?
 - If not, why not?
- How will the group consider staff who may be resistant to changes (e.g., tailored messaging, follow-up coaching, space to share their concern and feedback about changes)?
 - If the group considers a feedback loop allowing staff concerns to inform a modified version of the change, how will the group notify staff of these modifications?
 - If the group does plan to implement a feedback loop, how does the group plan to make staff feel seen and heard about their concerns?
- Has your group considered how to communicate internally about the implementation process in an equitable way?
 - If not, why not?

Creating more

inclusive

data

1

Building Inclusive Data



Section 4



1

**Building
Inclusive Data**

Building Inclusive Data

The action planning group will develop goals and outcomes related to the policy, program, and practice changes. To understand if these changes reduce disparities requires collecting detailed demographic information and analyzing this data from an intersectional lens (e.g., intersection of race, gender, and sexuality – Black gay men) to understand various experiences. **What** data is collected and **how** it is collected directly reflects *who and what* systems think is important. When systems do not explicitly measure specific demographics, they ignore the potentially differential experiences of certain groups. Therefore, the responses to these questions will directly impact how much a system can increase equity and encourage a culture of equity and inclusion.

*How a criminal legal system collects data about people **directly measures who and what they think is important.***

*When systems do not explicitly measure specific demographics, **they systematically ignore the potentially differential experiences of certain groups.***

Building Inclusive Data

As you build data dashboards or reflect on current measures, consider the following questions...

DATA

- How is demographic data collected in your organization/system (e.g., self-reported, auto populated from criminal legal system databases, "best guess" by staff)?
 - If you plan to use auto-populated data from existing databases, how will this limit what you know about a person's demographics or identity?
 - If the group is unsure about how partner agencies collect the data the group is relying on to measure the change, how will the group go about learning the process the partner agency used to collect the data?
 - If the agency partner uses their "best guess" as to how people identify, how might this impact your ability to understand differences among demographic groups?
 - To what extent do partner agencies allow individuals to select multiple races (e.g., bi- or multiracial)?
 - To what extent do partner agencies collect ethnicity beyond "Hispanic"? Is there the ability to select or identify multiple ethnicities? Does the demography of your population require additional options?
 - How do you plan to fill in the gaps to learn more about the demographics of the individual?
 - If you plan to rely on self-reported data, how will this accommodate people with various needs e.g., spoken language, accessibility etc.?
 - If you play to rely on self-reported data, how will you ensure individuals feel safe to share their identities?



(continued) Building Inclusive Data

DATA

- Which social identities will you collect or do you collect (i.e., race, gender, sexual orientation, disability, immigrant status)?
 - If you do not plan to collect all these listed social identities, why not?
 - What are the implications of not collecting this demographic information?
 - Not collecting comprehensive social identity demographic data will limit your knowledge about which groups are potentially harmed or helped by your changes. What guiding values or assumptions exist about still not collecting this information?
 - If there are concerns about collecting specific demographic data, how have you included community members who identify in ways that are not measured to weigh in on concerns?
 - If you have specific concerns about how asking this information might *harm* individuals, have you included individuals from these communities to weigh in on concerns?

ANALYSIS

- Does your system have a history of disaggregating and reporting data at the intersection of multiple social identities (e.g., Black men compared to white men compared to Black women)?
 - If not, why not?
 - How can you ensure moving forward that data analysis will include an intersectional approach?



(continued) Building Inclusive Data

DATA COMMUNICATION

- How does your team plan to share data outcomes with the public?
 - What modality will you use to share data (e.g., press release, public-facing dashboard, infographics, press conference)?
 - How will you select a messenger or "sponsoring author" agency? How will this selection be responsive to who the community prefers to hear from?
 - How will you ensure the materials you make for the community are accessible (via physical access) to multiple community groups?
 - How will you ensure the materials you make for the community are accessible (via visual, auditory, or language access) to multiple community groups?

Inclusive Data

Not collecting comprehensive social identity demographic data will limit your knowledge about which groups are potentially harmed or helped by your changes.



A photograph of a person at a protest, seen from the side, wearing a blue surgical mask and a dark blue bandana with a white paisley pattern. They are holding a large, rectangular sign made of cardboard with the words "WE REPEAT WHAT WE DON'T REPAIR" written in bold, black, hand-painted capital letters. The background shows a clear sky and a modern building with large windows. The overall scene is bright and outdoors.

WE REPEAT
WHAT WE DON'T
REPAIR



Key Takeaways

Key Takeaways

This tool is a resource for stakeholders engaged in planning processes. It can be used by people at varying levels of authority to facilitate insightful conversations and critically interrogate current systemic policies, practices, and programs in place contributing to harm. Adopting an equity lens as an integral part of planning for change decreases disparate treatment for individuals entangled in the criminal legal system and provides practitioners with a means to ensuring increased equity for all.

Takeaway 1



Those closest to the problem are also closest to the solutions. Individuals and/or communities harmed by the criminal legal system have deep insight into how to create meaningful change. When individuals directly impacted by the system are involved in decision-making and collaborative planning efforts, hold space to ensure they are welcomed and feel emotionally safe to discuss concerns. Given the burden to educate others on historical and present injustices is often placed on minoritized members, provide opportunities for individuals to decompress and debrief following charged discussions.

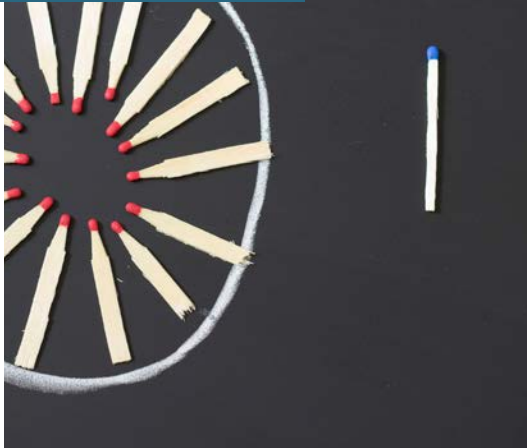
Recognize community engagement occurs across a continuum and wherever your community is along that continuum serves as a starting point for creating pathways for long-term sustainable engagement.

Takeaway 2



(continued) Key Takeaways

Takeaway 3



It is imperative to unpack how existing and/or prospective exclusion criteria of policies, practices, and programs can worsen harm in some circumstances for some groups of people, while providing countless opportunities for other groups.

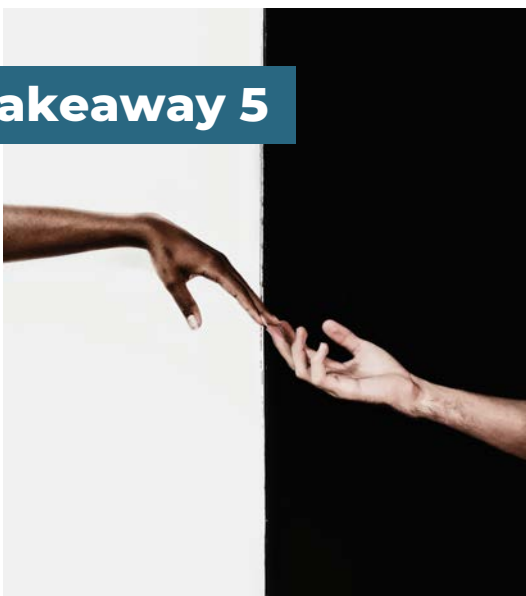
Be intentional when communicating changes to system staff and community members. Leadership should adopt a culture of equity and inclusion that spreads throughout their organizations and is reflected in the language they use and how they engage with individuals impacted by the criminal legal system.

Takeaway 4



Self-reported data collection efforts are small yet empowering gestures for individuals impacted by the criminal legal system to use their voice in the process. Data collection and analysis efforts should take an intersectional approach to understand how various social identities experience the criminal legal system in differing ways.

Takeaway 5



EQUITY through ACTION



Supported by the John D. and Catherine T. MacArthur Foundation

This resource guide was created with support from the John D. and Catherine T. MacArthur Foundation, which seeks to reduce over-incarceration by changing the way America thinks about and uses jails. Core to the Challenge is the need to reduce the over-reliance on jails, with a particular focus on addressing disproportionate impact on low-income individuals and communities of color.

www.SafetyandJusticeChallenge.org

This tool would not be possible without the assistance and feedback of several workshop participants attending Safety+Justice Challenge's Pretrial Equity Transformation (PET) Network series.

