

Exploratory Phase: Understanding the Problem

Before designing a new initiative or changing an existing policy, communities first need to understand the problem that they want to fix. This involves identifying the key issue they intend to address and the root causes of that problem. It is easy for planning teams getting started in this work to become overwhelmed without a clear sense of where to start. Communities can benefit from a data- and community-driven process to build a deeper understanding of issues driving racial inequities in their criminal justice and behavioral health systems. With this knowledge—which may include a clearer sense of what is still unknown, such as gaps in data—communities can begin the work of narrowing expansive goals into manageable pieces, identifying key decision points for policy action and potential interventions to address target issues. Examples of issues to address include racial disparities in who is referred for behavioral health diversion, bias in implementation of screening tools, and data availability and integrity limitations.

Strategies to Consider

- **Acknowledge the cumulative nature of racial disparities.** Some jurisdictions have passed resolutions or formalized commitments to advancing racial equity broadly or in their justice systems. Public acknowledgement of how the criminal justice and behavioral health systems have contributed to overincarceration of Black, Indigenous, and People of Color (BIPOC) people and under-resourcing of their communities can lend credibility to the initiative by beginning to build trust through accountability.
- **Understand and utilize appropriate terminology when discussing racial inequities.** Language has the power to build or hinder anti-racism efforts when galvanizing community engagement and support. Words have different meaning to different people based on their lived experiences. Equipping practitioners with the right tools to facilitate these critical conversations should be a preliminary step toward change.²

Questions to Ask Yourself

- How do community members define the issue areas or challenges driving racial inequities in the criminal justice and behavioral health systems? What suggestions or strategies have community members identified to address the racial inequities they define? If you don't know, how can you find out?
- What are the root causes of the issue your initiative is working to address? What other social determinants of health are involved?
- Do you have data demonstrating the extent of the issue you are trying to address? Is data disaggregated by race, gender, and ethnicity? Considering intersectionality, are there other demographic factors for disaggregation that would help get to the root causes of the issue? What does qualitative data demonstrate about community needs?
- How can prior efforts (successful and unsuccessful) inform today's attempts to solve problems and change the system?
- What specific decision points¹ drive racial inequity through their susceptibility to implicit bias or reinforcement of the status quo? How are those decisions made, by whom, and where might there be an opportunity to test a new strategy?

1. "Decision points" refers to the many junctures in the criminal justice system where people with discretionary authority determine a person's trajectory in the system. Race plays a role in discretionary decision-making. These points can be assessed for disparate outcomes, which can help focus an initiative's actions.

2. MP Associates, Center for Assessment and Policy Development, and World Trust Educational Services, "Racial Equity Tools Glossary," Racial Equity Tools, accessed June 1, 2021, <https://www.racialequitytools.org/glossary#racial-equity>.

- **Conduct focus groups, surveys, community meetings, or interviews** with people with lived experience in the criminal justice and behavioral health systems, as well as organizations serving the communities most impacted by racial inequities, to understand what communities perceive the issue area or challenge to be. Use these insights to better define the problem and identify the types of solutions communities want.
- **Explore if, how, and how well your community is collecting race and ethnicity data**, and analyze the available data to identify disparities. Keep in mind that self-identification of race and ethnicity is the ideal way to obtain accurate data.
- **Understand how decisions at different points in the system lead to disparate outcomes** for BIPOC people.³ Some communities may engage in a system mapping process—such as a Sequential Intercept Model⁴ mapping—with a racial equity lens to pinpoint where to target their efforts.

Community Spotlight — Pennington County, South Dakota

In 2015, Pennington County joined the first cohort of Safety and Justice Challenge (SJC) sites, which aimed to address the disproportionately high rate of Native Americans in jail. Native Americans made up only 10 percent of the population in Pennington County, but 66 percent of the daily jail population in 2016.⁵ Due to historical mistrust between the Indigenous communities and local government, county leaders focused first on building relationships and trust with Native American community members.⁶

To facilitate this foundational work, Pennington County leaders supported the creation of a Tribal Outreach Team made up of both community and justice system members to act as the principal liaison to the local Tribal community.⁷ The team included staff from I. Am. Legacy,⁸ a local Native-led nonprofit organization, as well as a community engagement coordinator and attorney liaison/legal advocate who are both members of the Oglala Lakota community.⁹ The Tribal Outreach Team **led outreach and engagement efforts with the neighboring reservations**. Participating in community events, meetings, culturally specific ceremonies, and local Pow Wows, they discussed the purpose of the MacArthur SJC efforts and the goal of reducing disparities within the justice system and gathered input from Indigenous community members.¹⁰

This engagement helped county leaders better understand how to address the overrepresentation of Indigenous people in the county jail and **shaped the reform strategies they pursued**. Based on community input, Pennington County leaders opted to focus their SJC efforts on warrant resolution and adult diversion, both of which had widespread support from Indigenous community members, over other strategies they had initially identified.¹¹ These and other efforts, such as partnering with a local consulting firm, Benchmark Data Labs, **to analyze decision points where disparities exist** in the county's justice system, have been imperative for meeting the county's SJC goals.¹² Between January 2018 and January 2021, Pennington County saw a reduction in Native Americans being referred to jail by 22 percent.¹³

Key Resources from across the SJC Network

- **[Building the Table: Advancing Race Equity in the Criminal Legal System](#)**, JustLeadershipUSA and Association of Prosecuting Attorneys
- **[Executive Session on the Future of Justice Policy: Racial Justice in Criminal Justice Practice](#)**, The Square One Project

3. Risë Haneberg and Kate Reed, *Applying the Stepping Up Framework to Advance Racial Equity* (New York: The Council of State Governments Justice Center, 2023), <https://csgjusticecenter.org/publications/applying-the-stepping-up-framework-to-advance-racial-equity/>.

4. Policy Research Associates, *The Sequential Intercept Model* (New York: Policy Research Associates, 2018), <https://www.prainc.com/wp-content/uploads/2018/06/PRA-SIM-Letter-Paper-2018.pdf>.

5. Kierra B. Jones, Paige S. Thompson, and Marina Duane, *Strategies for Safely Reducing the Jail Population: Implementation Lessons from Pennington County, South Dakota* (Washington, DC: The Urban Institute, 2022).

6. Liz Hassett, email message to author, August 9, 2023.

7. Kierra B. Jones et al., *Strategies for Safely Reducing the Jail Population*.

8. "I. Am. Legacy," I. Am. Legacy, accessed August 14, 2023, <https://www.iamlegacyblackhills.org/>.

9. Kierra B. Jones et al., *Strategies for Safely Reducing the Jail Population*.

10. Ibid.

11. Liz Hassett, email message to author, August 9, 2023.

12. Kierra B. Jones et al., *Strategies for Safely Reducing the Jail Population*.

13. "Pennington County, SD," Safety & Justice Challenge, accessed August 14, 2023, <https://safetyandjusticechallenge.org/our-network/pennington-county-sd/>.

