

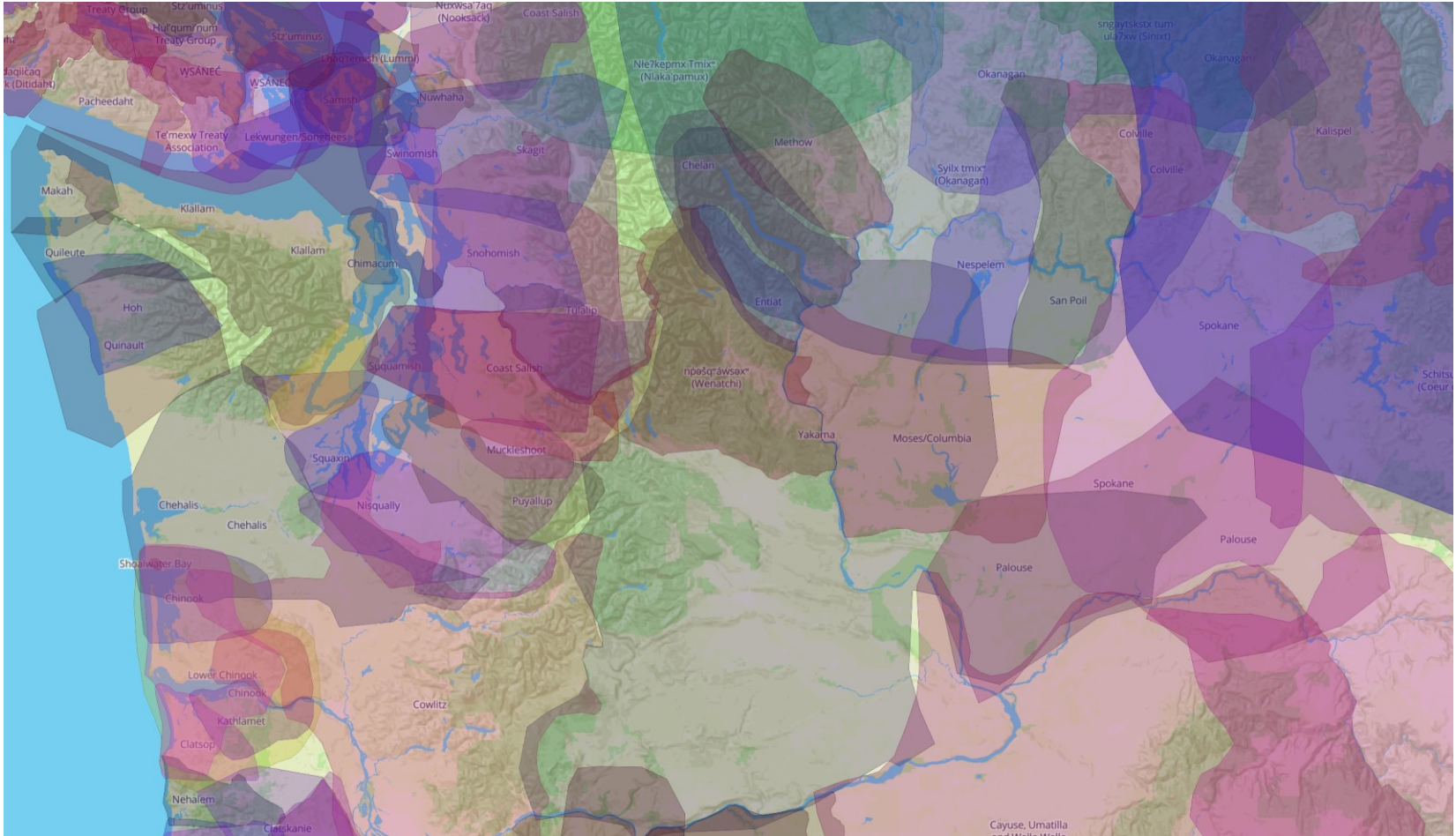
# RACE EQUITY TRAINING

## Administrative Law Conference 2020

July 2020



# STOLEN AND OCCUPIED LAND



# TODAY'S AGENDA

1. Provide an overview of key concepts and related to equity and structural racism, to identify racialized patterns of inequity in our societal systems.
2. Explore the work the Washington Race Equity and Justice Initiative (REJI) and the commitments REJI Partners have made.
3. Discuss what it means to have a racial equity mindset

## Speakers:

- Omid Bagheri Garakani, Director of Equity & Community Partnership, JustLead Washington





# Covid-19's devastating toll on black and Latino Americans, in one chart



# TIME

Opinion: U.S. Must Avoid Building Racial Bias Into COVID-19 Emergency Guidance More Shows & Podcasts

## As Coronavirus Spreads, So Does Xenophobia and Anti-Asian Racism



### Coronavirus batters the Navajo Nation, and it's about to get worse

The fear of what's ahead is based on precedent. During the swine flu epidemic of 2009, Native Americans died at four to five times the rate of other Americans.

### The Navajo Nation's COVID-19 Death Toll Is Higher Than That of 13 States Combined

**yahoo!**life

# COLORLINES

## Senators to DOJ: Police are Criminalizing Black People for Living

Black Doctors Say Pandemic Reveals  
Enduring Racial Inequity Medicine Alone  
Cannot Fix



Farmworkers Are Among Those at Highest Risk for  
COVID-19, Studies Show

How the coronavirus is surfacing  
America's deep-seated anti-Asian biases



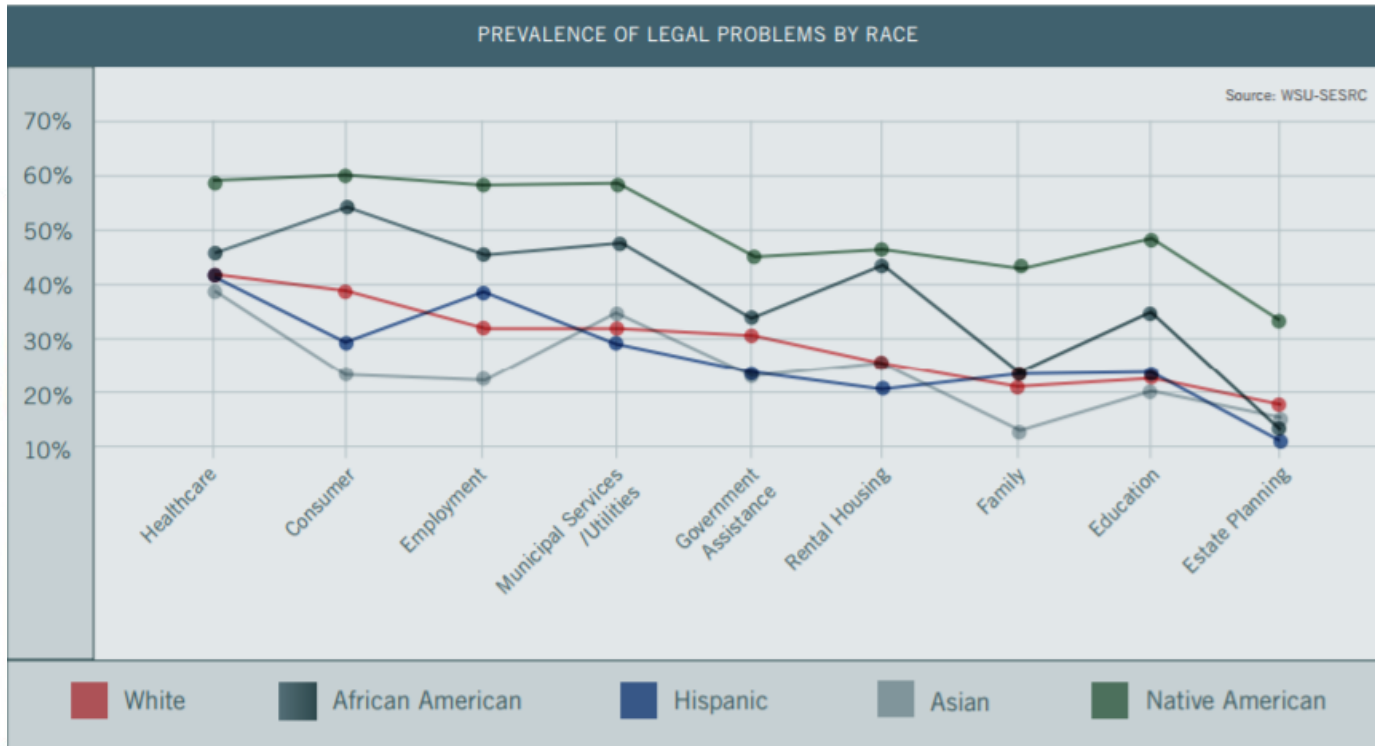
COMMUNITY MEMBERS EXPOSE HARMFUL, RACIST  
COVID-19 RESPONSE IN WASHINGTON PRISONS

Why Coronavirus Is Killing African-  
Americans More Than Others



Native Americans being left out of US  
coronavirus data and labelled as 'other'

# RACISM & POVERTY



## 2015 WASHINGTON STATE CIVIL LEGAL NEEDS STUDY UPDATE

Civil Legal Needs Study Update Committee  
Washington State Supreme Court - October 2015

The Supreme Court  
State of Washington

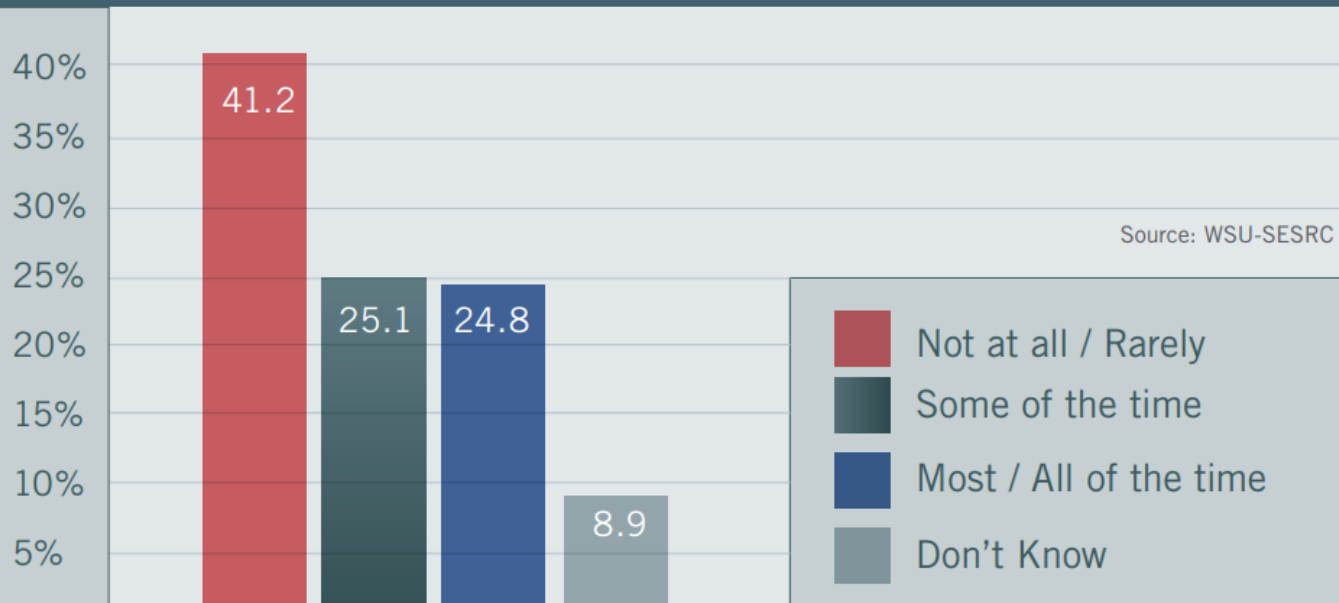


June 4, 2020

As judges...we can develop a greater awareness of our own conscious and unconscious biases in order to make just decisions in individual cases, and we can administer justice and support court rules in a way that brings greater racial justice to our system as a whole

# RACSIM & POVERTY

**PEOPLE LIKE YOU:** HAVE THE ABILITY TO USE COURTS TO PROTECT YOURSELF AND YOUR FAMILY OR TO ENFORCE YOUR LEGAL RIGHTS



2015 WASHINGTON STATE

## CIVIL LEGAL NEEDS STUDY UPDATE

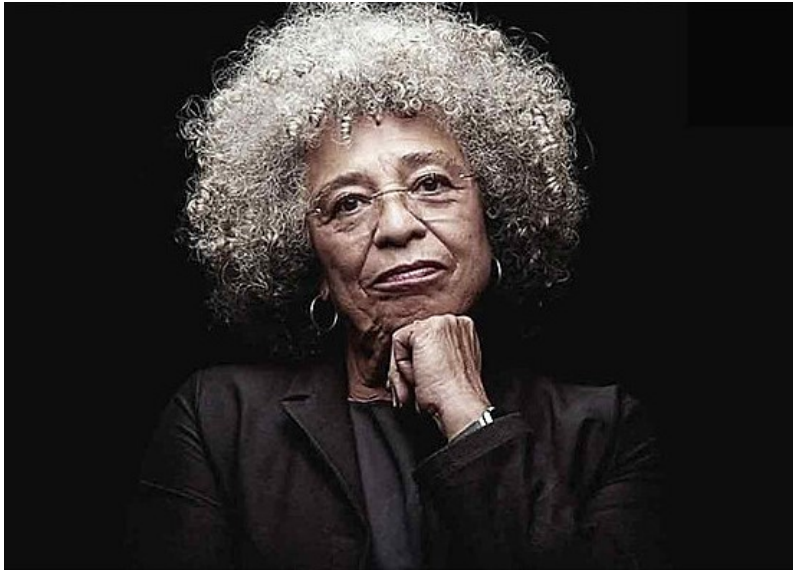
Civil Legal Needs Study Update Committee  
Washington State Supreme Court - October 2015



**TIME** Why The Killing of George Floyd Sparked an  
American Uprising

**THE  
Nation.** You Can't Police Your Way to  
Public Health

Black Lives Matter May Be the  
Largest Movement in U.S. History  
**The New York Times**



"We are in the midst of the most intense expression of anti-racist collective sentiment this country has ever seen. We've seen 11 days of massive demonstrations & marches of all kinds."

**Angela Davis**, author, scholar, feminist, abolitionist, long-time activist

June 6, 2020,

CONSIDER...



How does an intentional focus on equity and anti-racism benefit my work?

# WASHINGTON RACE EQUITY & JUSTICE INITIATIVE

## VISION + FRAMEWORK

We share a vision of a community **free from bias, systemic unfairness and oppression**, where everyone is treated with dignity and respect.

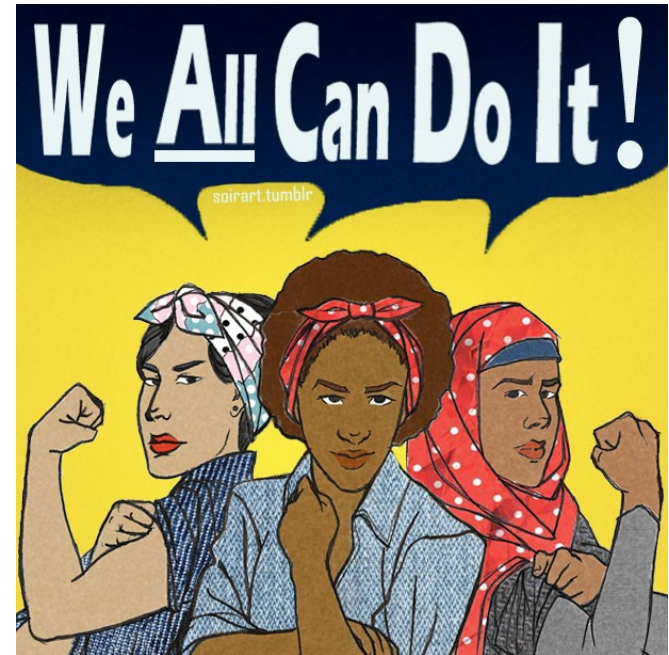
We recognize that our social, economic, legal, civic, and political structures reflect, **produce and maintain racialized outcomes**, meaning that the structures and systems we have created systematically bar certain racial groups from fully participating in society, target them for discrimination, and take away power and resources. **Our work is about ending these historic patterns.**

# WASHINGTON RACE EQUITY & JUSTICE INITIATIVE



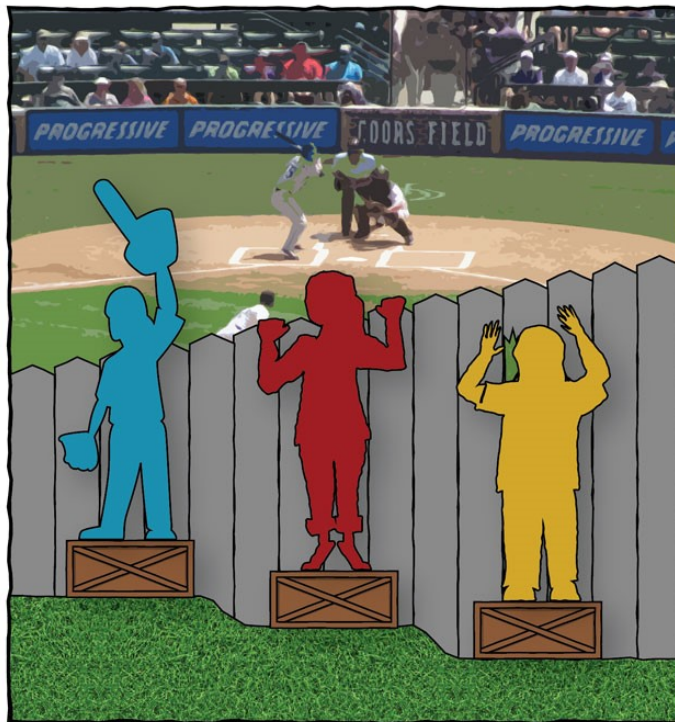
# RACIAL EQUITY

When **race no longer determines one's outcomes**. Proactive reinforcement of policies, practices, attitudes and actions that produce **equitable power, access, opportunities, treatment, impacts and outcomes for all**.

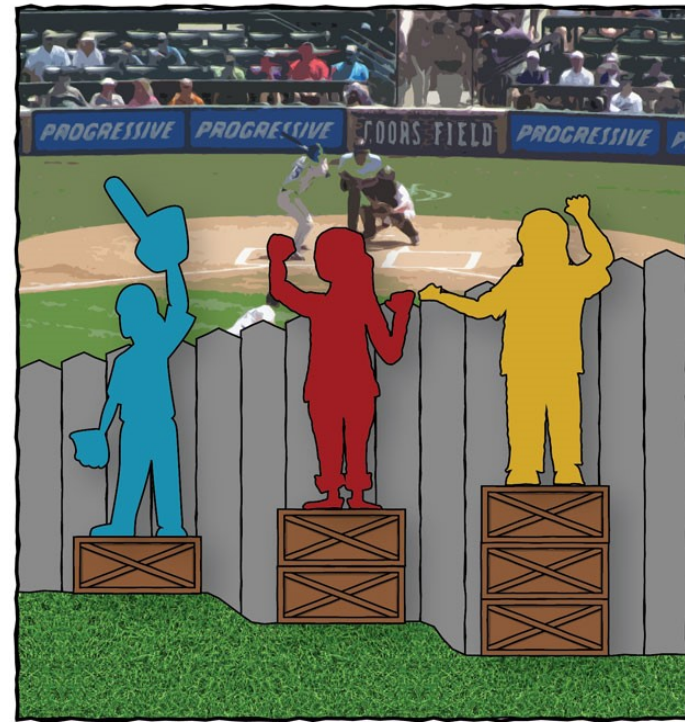


Source: [Soirart.tumblr.com](https://soirart.tumblr.com)

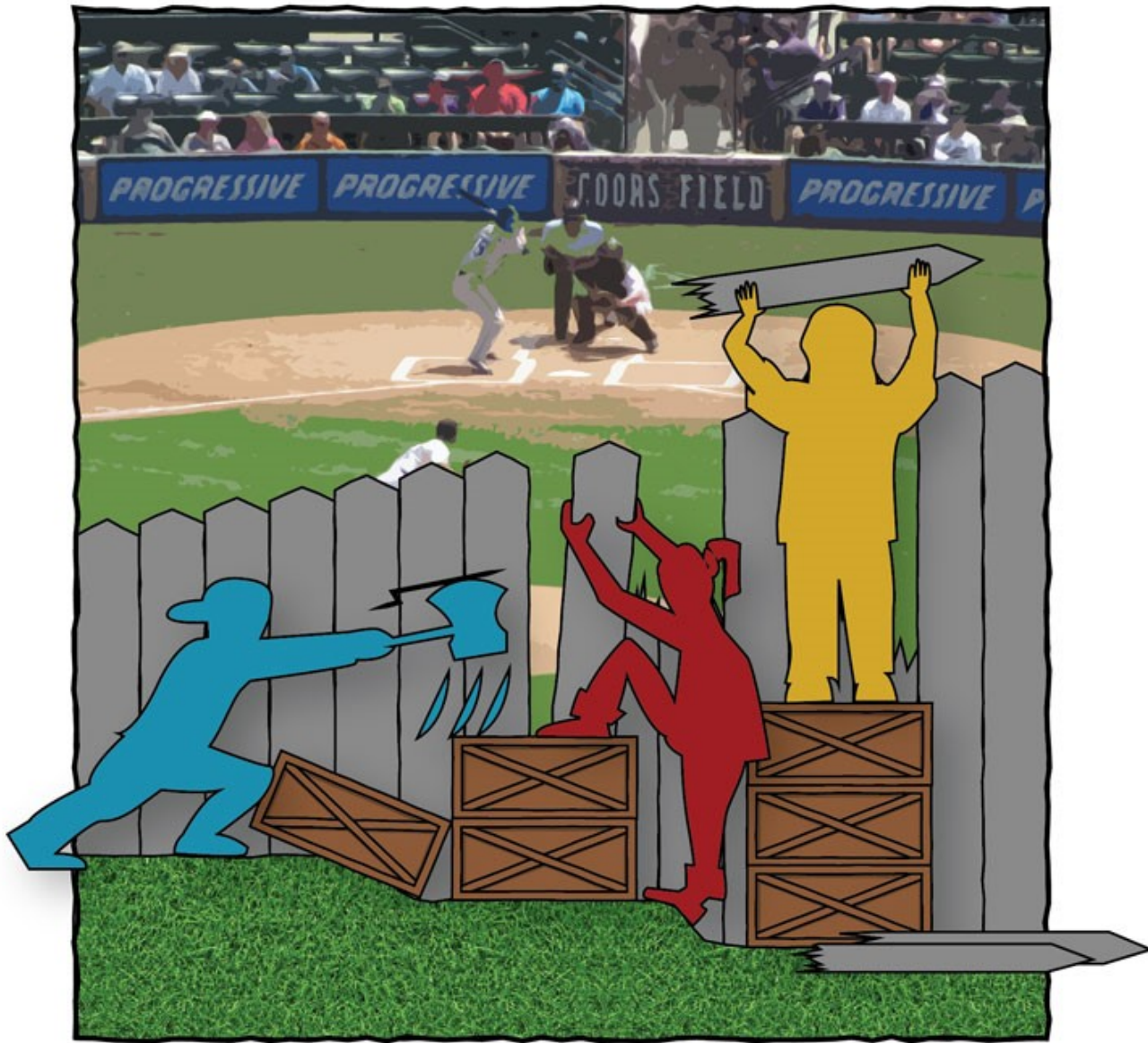
**EQUITY** ≠ Equality  
**INEQUITY** ≠ Inequality  
Disparity



**EQUALITY**



**EQUITY**

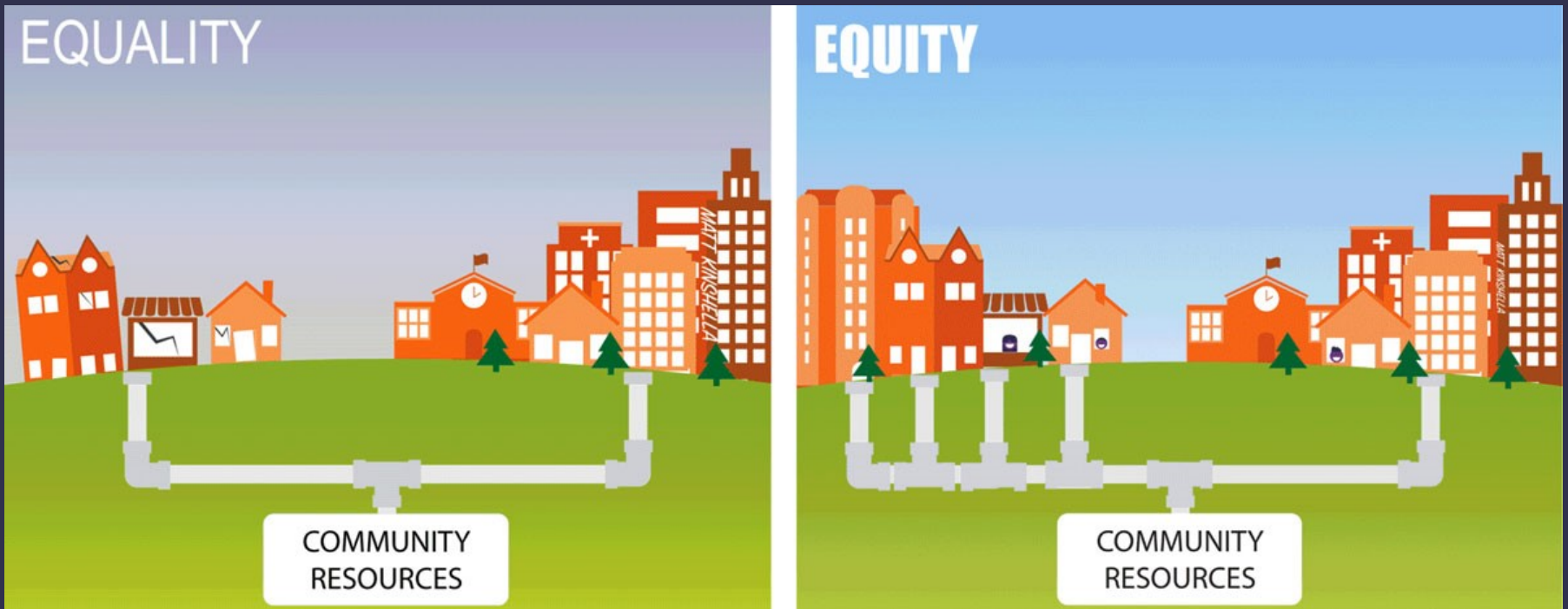


**JUSTICE**

**EQUITY** ≠ Equality  
**INEQUITY** ≠ Inequality  
**Disparity**

**Equality** means providing every person the *same resources*

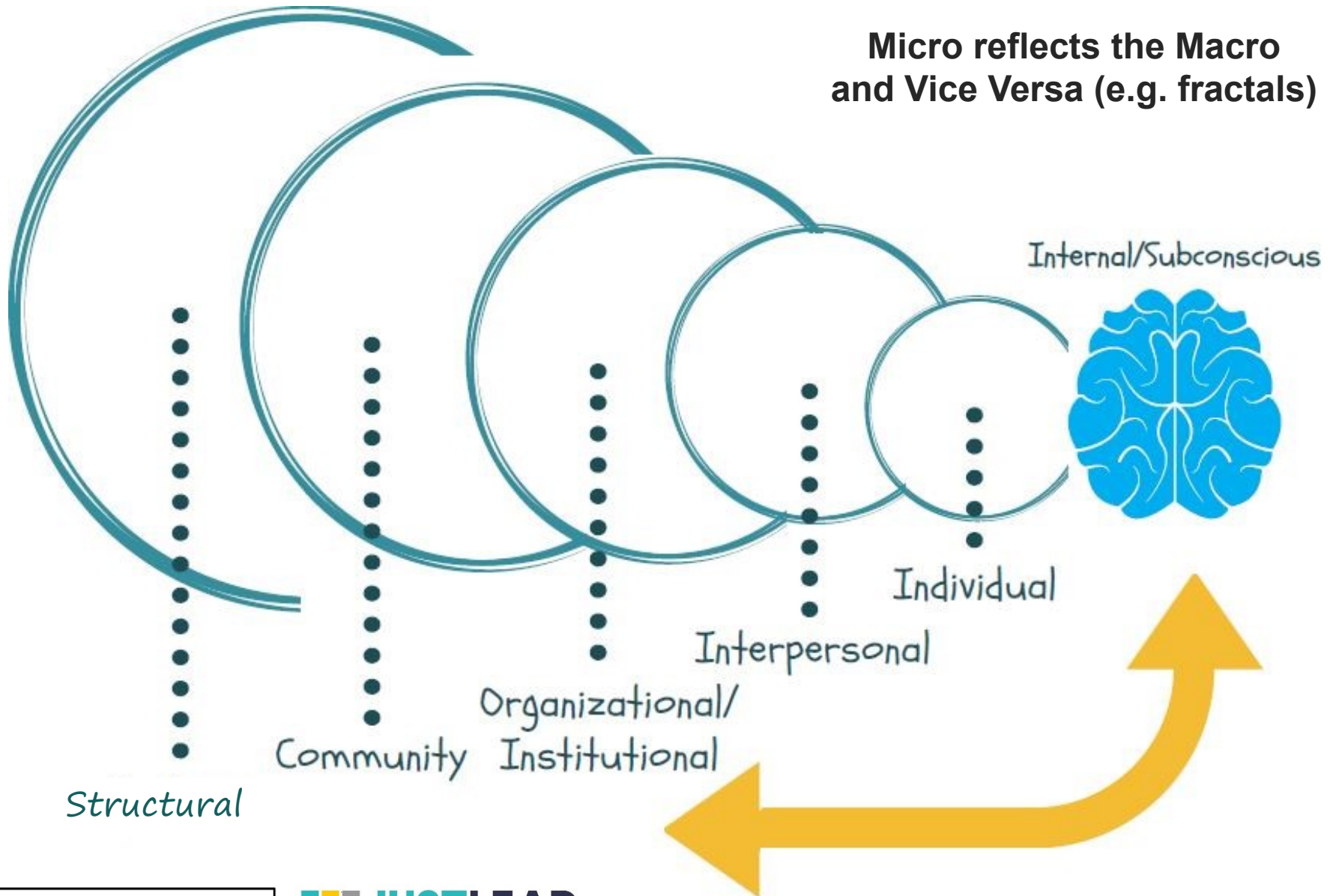
**Equity** means ensuring every person has the resources they need to produce outcomes and opportunities and build power



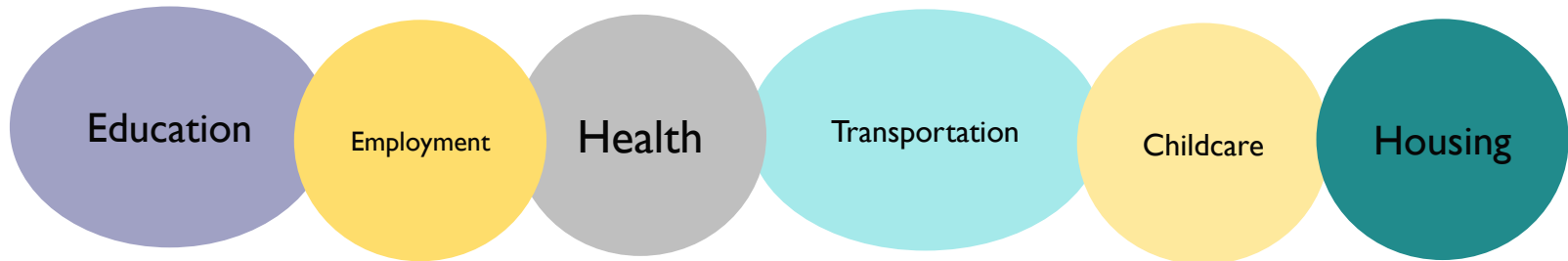


# Levels of Equity Work

Micro reflects the Macro and Vice Versa (e.g. fractals)



# STRUCTURAL RACISM



- Structural racism (i.e. white supremacy) refers to the ways in which the **joint operation of institutions produce racialized outcomes (e.g. racial inequities)**.
- **Structures matter and are not neutral.** They unevenly distribute benefits, burdens, violence, and power.

Bias **FOR** white people and whiteness

Bias **AGAINST** Black, Indigenous, and People of Color

# STRUCTURAL RACISM

...is **NOT** biology

...is **NOT** racial slurs

...is **NOT** good/bad intentions

## IT IS...

- Structural and Institutionalized
- Cultural
- Internalized (i.e. implicit racial bias, subconscious, acted out unintentionally)

= **Chronic Stress, Injury, Harm, Death**



EDUCATION



# Why White School Districts Have So Much More Money

February 26, 2019 · 2:00 PM ET

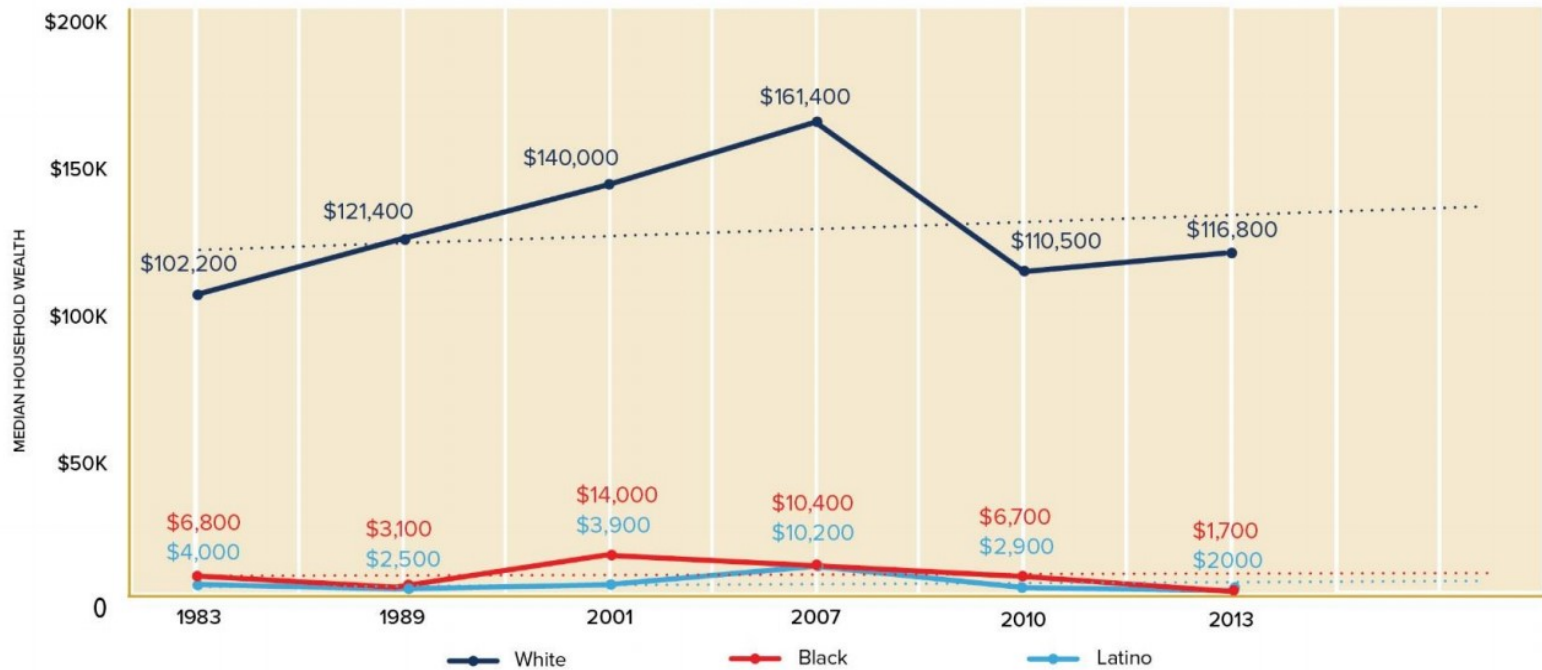
**\$23 billion**  
*more funding goes to school districts that serve predominantly white students compared with districts that serve mostly students of color (EdBuild, 2019).*



**1954. Brown versus Board of Education**  
Did we reach educational equity?

# WEALTH *INEQUITY* by RACE

The Ever-Growing Gap: Black, Latino and White Household Wealth, 1983-2013



Source: Edward N. Wolff: "Household Wealth T... TABLE 3: Home Ownership Rates and Median Equity in Own Home P... are in 2013 dollars and exclude durable goods.

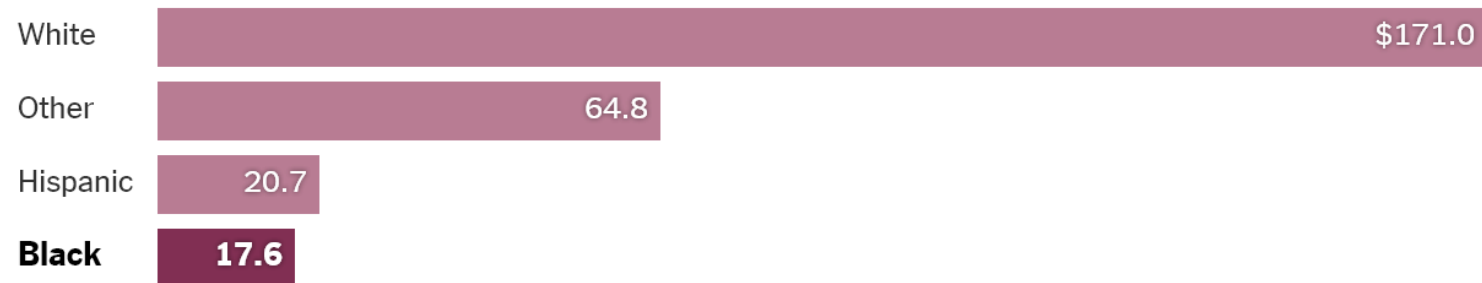
	Year		
	2005	2009	2011
<b>Own Home (%)</b>			
<b>Total</b>	62.8%	62.2%	61.3%
<b>White</b>	69.0%	69.3%	68.4%
<b>Black</b>	44.1%	43.3%	41.9%
<b>Asian</b>	59.5%	57.1%	58.6%
<b>Hispanic</b>	47.1%	42.7%	43.0%

# UNEMPLOYMENT

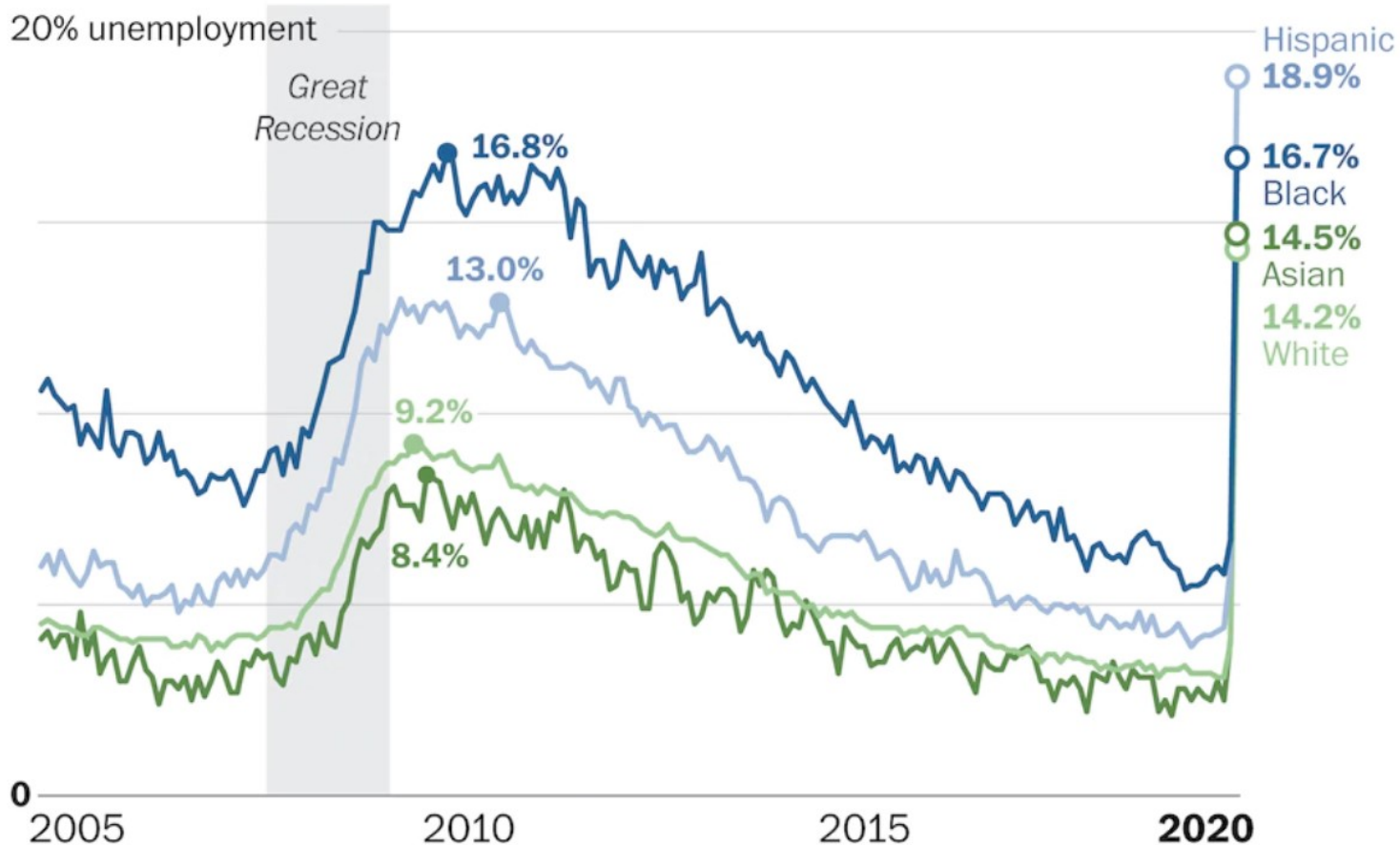
## Low Wages Mean a Thin Wealth Cushion

In part because they make less, black workers accumulate less wealth over time. The end result is that they have less money in their bank accounts to make it through extended economic weakness, as the United States could face in recovering from the pandemic. The typical black household has one-tenth the wealth of a typical white household, according to Federal Reserve data.

**Median household net worth in thousands by, race and ethnicity**



# UNEMPLOYMENT RATES BY RACE



Note: For civilian Americans, seasonally adjusted. White, black and Asian categories are not exclusive of Hispanic ethnicity.

Source: Labor Department

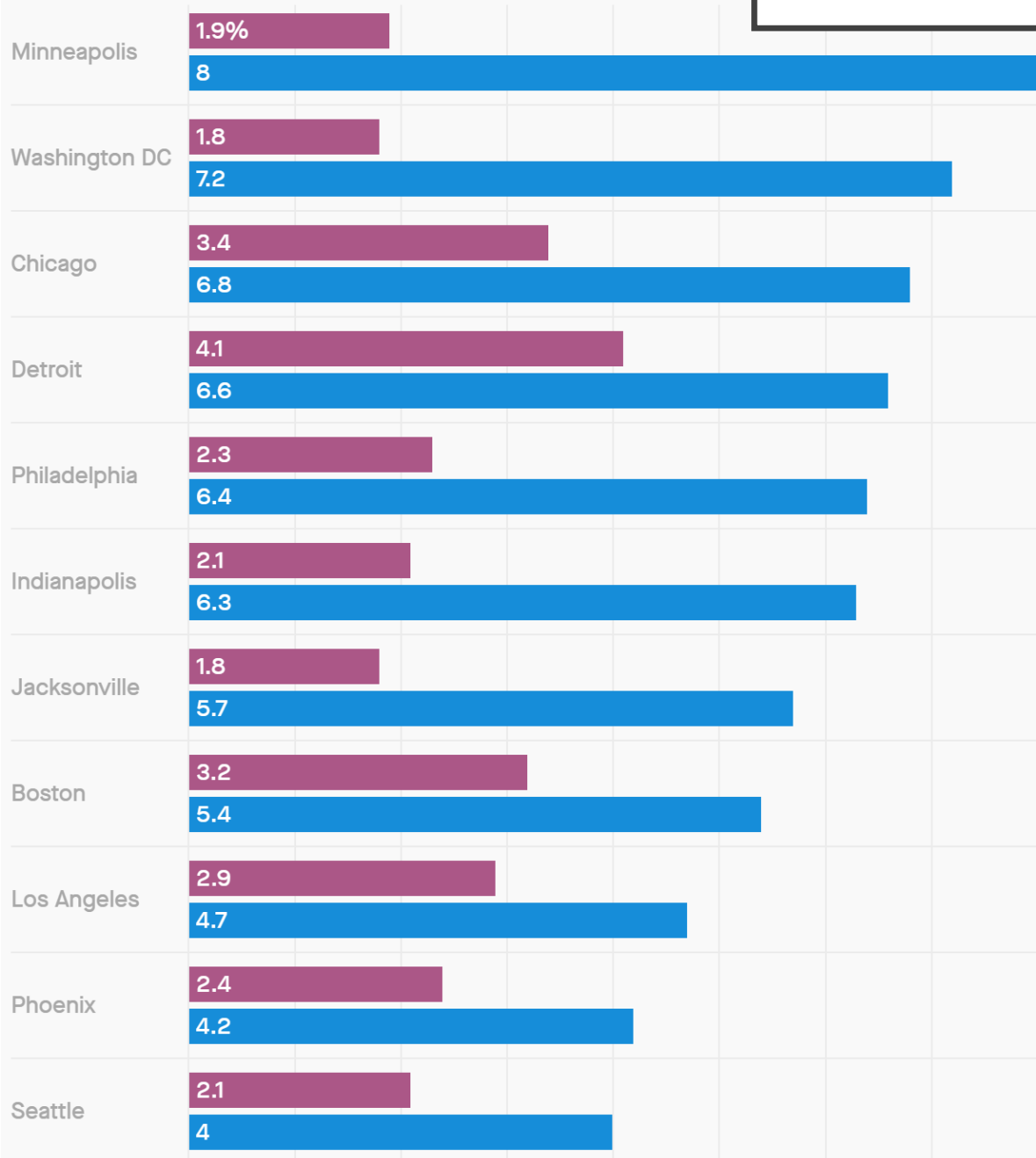
THE WASHINGTON POST

# Unemployment rates in major US cities, 2018

White unemployment rate Black unemployment rate

# UNEMPLOYMENT RATES

## BY CITY & RACE





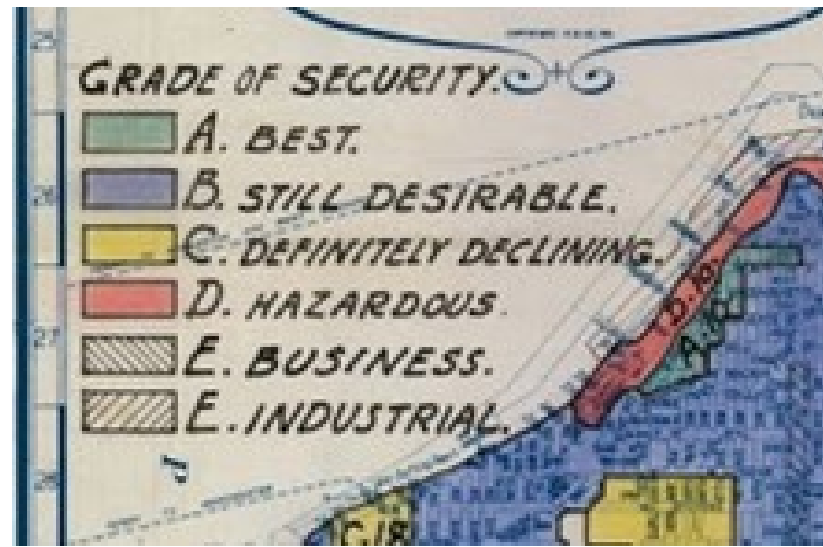
# EXAMPLE: RESIDENTIAL SEGREGATION

**Redlining (1934 - 1968)** – Began with the creation of the Federal Housing Administration, now HUD (U.S. Dept. of Housing and Urban Development).

- involved marking maps with “red lines” to indicate neighborhoods where mortgages and home purchases were denied to communities of color to keep them out of white neighborhoods.

**Racial Covenants (1920 - 1948)** – Used “white-only” clauses on house deeds to ensure people of color did not own/live property

**= Affects the social determinants of health and well-being**



## RACIAL COVENANTS

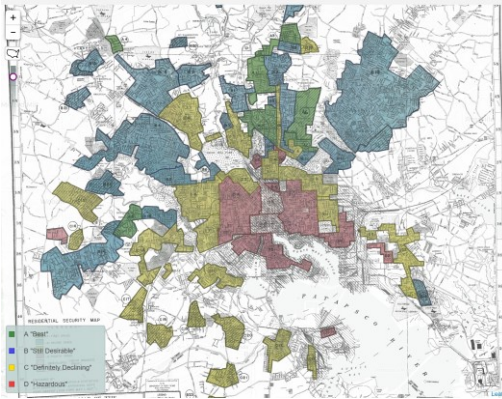
### **Comstock Park neighborhood; Spokane County, Spokane, WA**

**No race or nationality other than the white race shall use or occupy any building on any lot, except this covenant shall not prevent occupancy by domestic servants of a different race or nationality employed by an owner or tenant.**

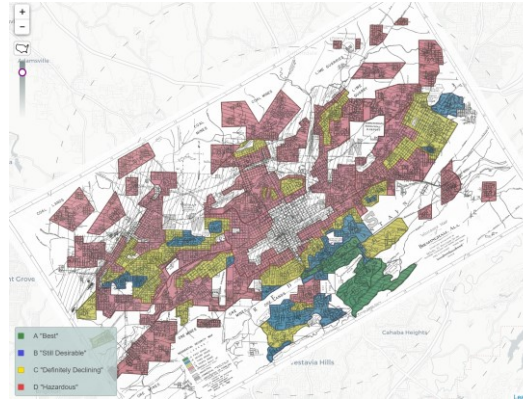
### **Edgemoor neighborhood; Whatcom County, Bellingham, WA**

**“agrees that said premises shall be owned and occupied only by persons of the white race except that this covenant shall not prevent occupancy by domestic servants of a different race or nationally employed by an owner or tenant.**

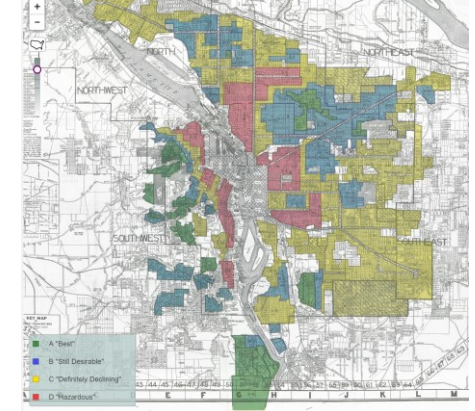
# BALTIMORE, MD



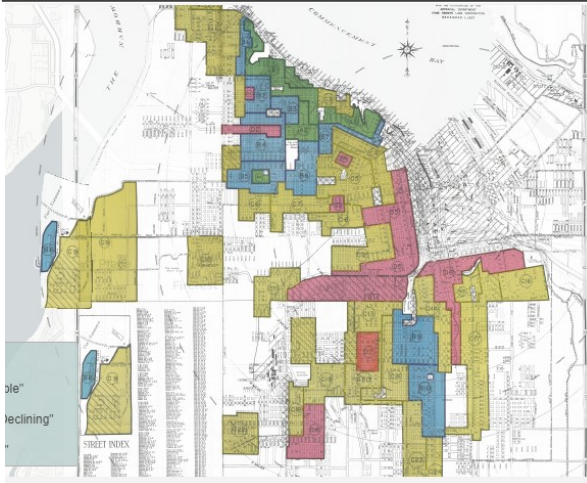
# BIRMINGHAM, AL



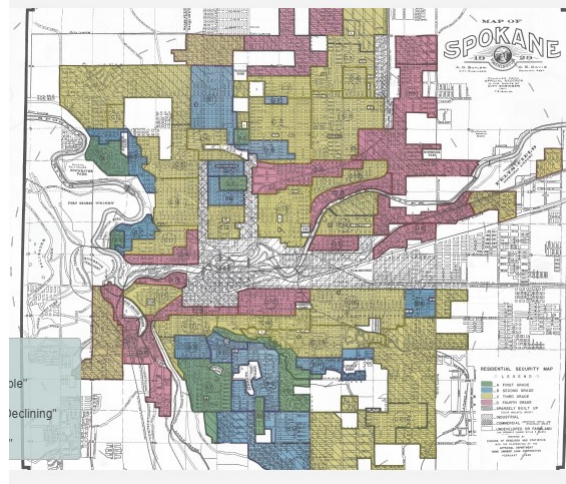
# PORTLAND, OR



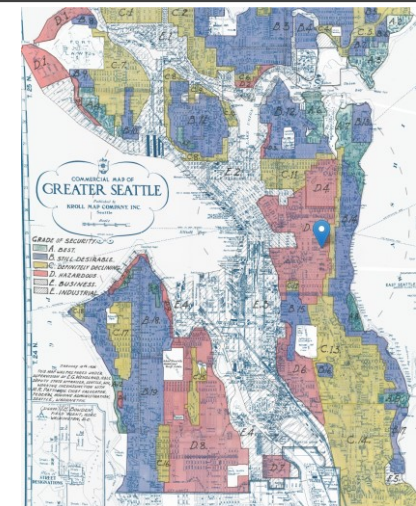
# TACOMA, WA



# SPOKANE, WA

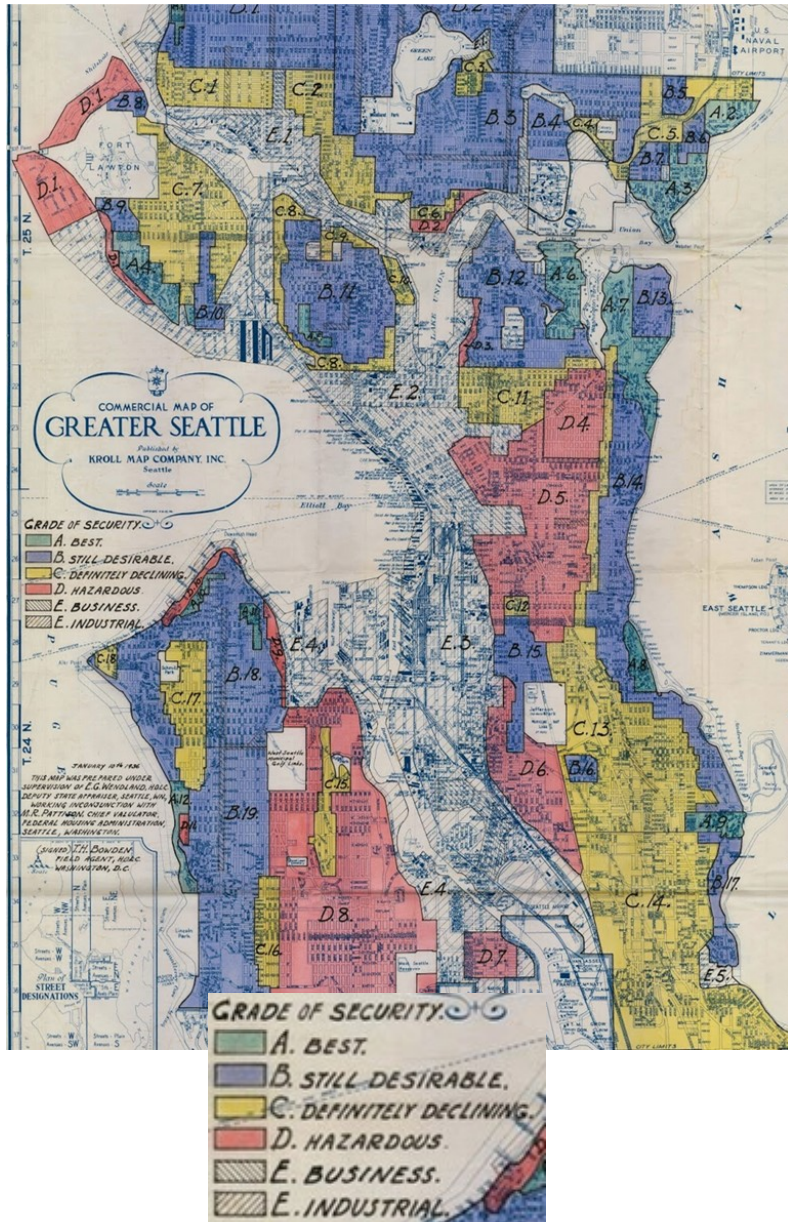


# SEATTLE, WA



MAPPING INEQUALITY Redlining in New Deal America

1936



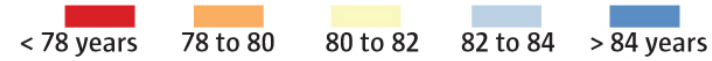
2010 census by race



# King County's lifespan gulf

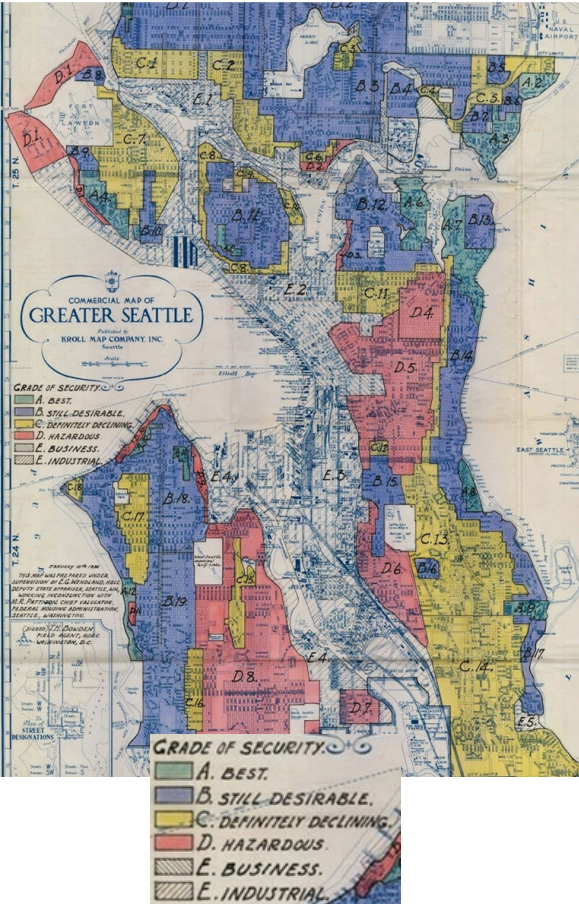
Residents of West Bellevue can expect to live about 10 years longer than those of South Auburn.

**LIFE EXPECTANCY** (By county health-reporting area)

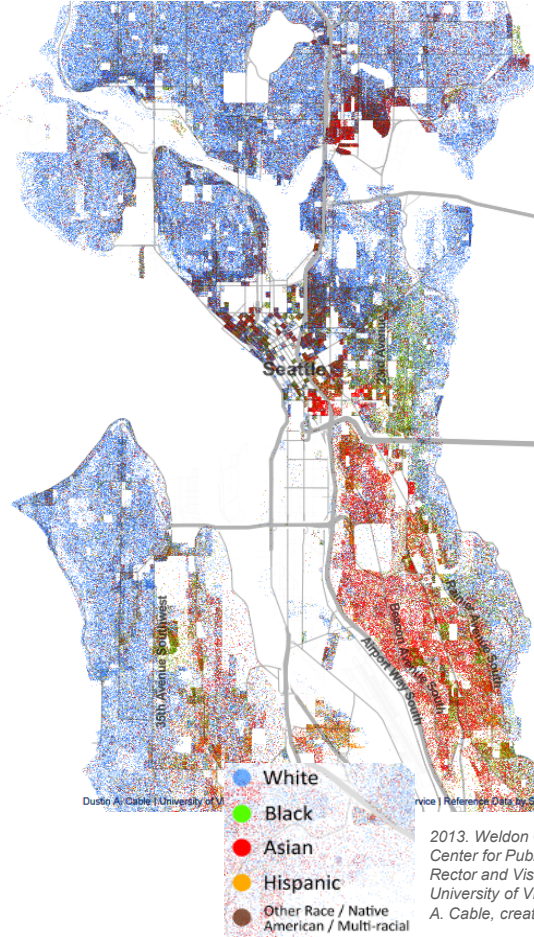


Source: Public Health–Seattle & King County

1936

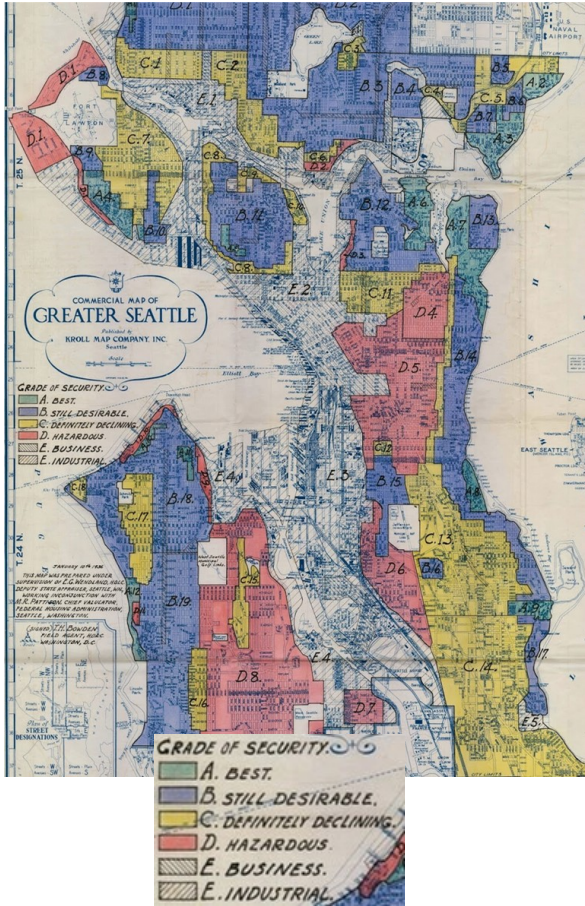


2010 census by race

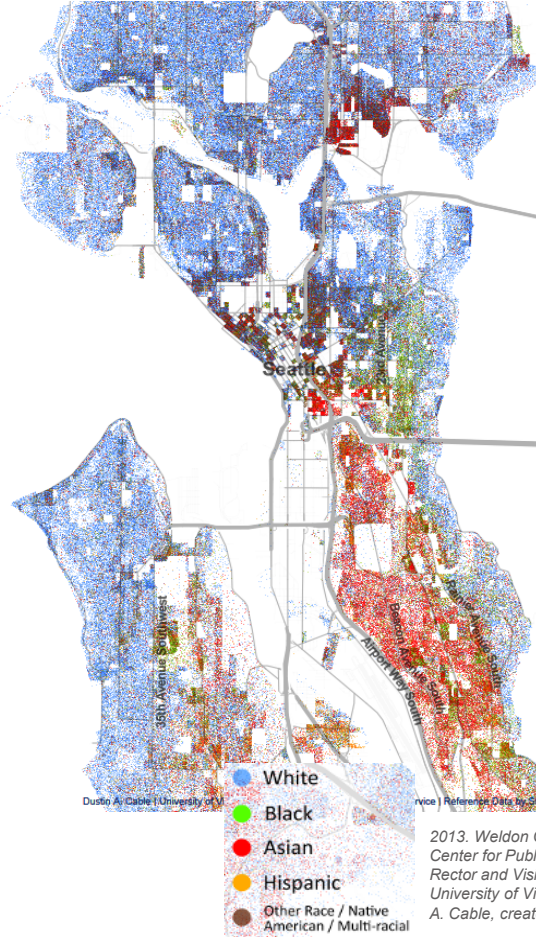


2013. Weldon Cooper Center for Public Service, Rector and Visitors of the University of Virginia (Dustin A. Cable, creator)

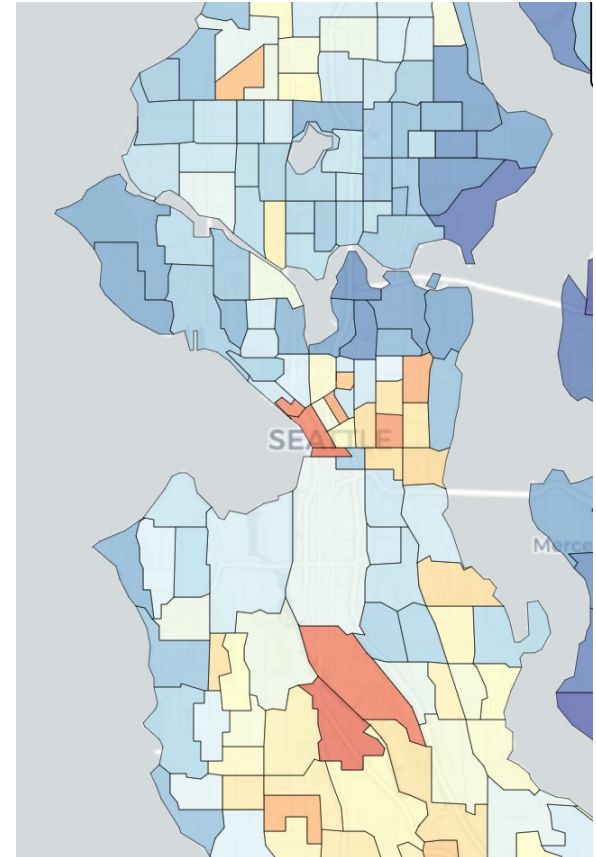
1936



2010 census by race



2014



2013. Weldon Cooper Center for Public Service, Rector and Visitors of the University of Virginia (Dustin A. Cable, creator)

Life expectancy varies by up to 18 years in King County

# HEALTH IMPACT OF RACIAL SEGREGATION

## Public Health is Studying Structural Racism

Influences health by **concentrating poverty**, environmental pollutants, infectious agents, and other adverse conditions (Gee and Payne-Sturges, 2004; Williams and Collins, 2001).

Segregation **increased the risk** of cancer related to air pollution. (Morello-Frosch and Jesdale, 2006)

**Positive association** between residential segregation and infant and adult mortality rates (Kramer & Hogue, 2009).

**In one analysis**, it was estimated segregation is responsible for 176,000 deaths annually (Galea, Tracy, Hoggatt, DiMaggio, & Karpati, 2011)

# Acknowledgment 1



**In America, policies, structures, and systems exist that deny individuals and communities of color what is necessary for a full and fair life. Since their inception, these structurally racialized systems have been marked by conscious and unconscious racial bias that pervades our society, to the benefit of white people and to the disadvantage of Black, Indigenous, and people of color.**

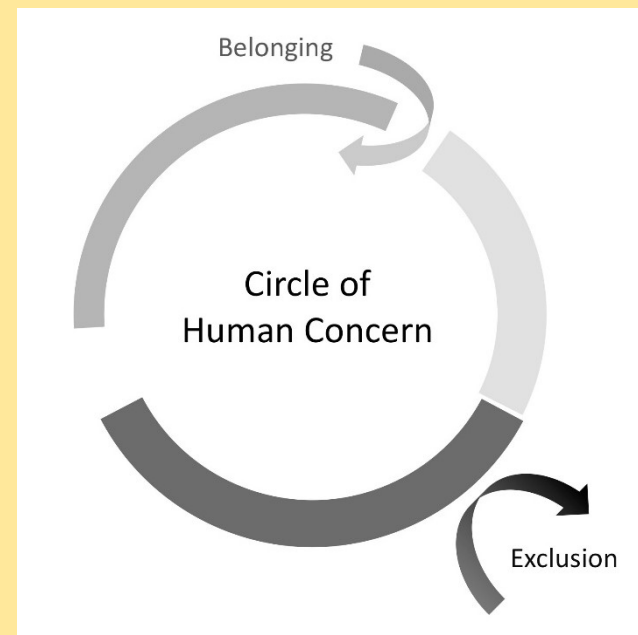


# Acknowledgment 2



**These racialized systems work to keep communities of color outside of the Circle of Human Concern and perpetuate harm.**

**Examples of how laws, rules, and norms operate today include disproportionately pulling members of communities of color into the civil, juvenile & criminal justice systems; zoning and forcing communities into substandard and unaffordable housing; denying adequate health care, education, and jobs; seizing familial and community land and wealth; threatening personal and physical safety; and isolating communities of color from social, economic and political power.**



## Acknowledgment 5-6



**Progress toward equity and justice has largely come from the wisdom and courage of people from communities most harmed by bias and systemic oppression.** Thus, race equity work must be pursued in direct solidarity with, and guidance from, communities of color and community-based movements.

**True justice cannot be achieved until the legal and justice systems and all who work in these systems are conscious of and able to counter the impact of racialized systems, racialized structures and bias.** Doing so requires acknowledging that different groups are situated differently, and that targeted, intentional approaches may be needed to reach just and equitable outcomes.

*The Supreme Court*  
*State of Washington*



June 4, 2020

It is the collective product of each of our individual actions—every action, every day. It is only by carefully reflecting on our actions, taking individual responsibility for them, and constantly striving for better that we can address the shameful legacy we inherit. We call on every member of our legal community to reflect on this moment and ask ourselves how we may work together to eradicate racism.

## Commitments 1 & 2



**Work together with, take guidance from, be part of, and hold ourselves accountable to community-based movements in communities most affected by structural racialization and structurally racialized systems.**

**Change structures, policies, processes, and practices in the law, legal profession, and justice system that allow harm and disparate outcomes for Black, Indigenous, and communities of color to continue unabated.**

## Commitments 4 & 7



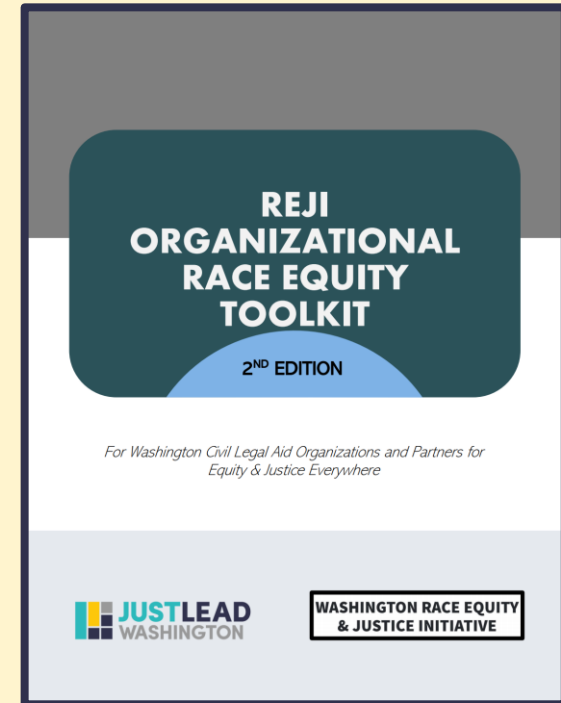
**Continuously examine whether we and the organizations we work with operate in ways that align with the race equity and justice values and goals we support.** This commitment includes ensuring that race equity is reflected in policies and practices for recruitment and hiring, work acceptance, priority-setting, governance, organizational culture, communications, and community partnerships and accountability, particularly with low-income communities of color.

**Ensure our organizations invest in active, ongoing learning that will teach us to see, reveal, and transform structures that create racialized outcomes and push communities of color outside the circle of human concern.** This commitment requires that we help members of our organizations and communities to actively and expressly challenge the use of racist language and behaviors, openly listen when we ourselves are challenged, and learn techniques and tools for reducing and eliminating implicit and explicit bias.

# REJI Organizational Race Equity Toolkit

Designed to help organizations, particularly equity and justice-oriented legal organizations, understand and incorporate race equity into their work.

[View & Download at:](https://justleadwa.org/learn/rejitoolkkit)  
[justleadwa.org/learn/rejitoolkkit](https://justleadwa.org/learn/rejitoolkkit)



**Includes the REJI Organizational Assessment focusing on:**

- **Organizational Commitment**
- **Equitable Organizational Culture**
- **Recruitment, Hiring, & Retaining a Diverse Workforce**
- **Accountability To and Partnerships with Communities of Color**
- **Anti-Racism in Programs, Advocacy & Decision-Making**

# RACIAL EQUITY MINDSET & DIMENSIONS OF EQUITY WORK

Dimension	Examples
Organizational & Leadership Commitment to Race Equity	Incorporated into mission/vision/values, resources allocated to work, leadership and stakeholder groups reflective of communities most impacted
Creating an Equitable Organizational Culture	Intentional space for discussing race, trainings available, awareness of cultural 'norms' of the organization, POC feel valued and respected, ideas encouraged from all levels
Recruiting, Hiring, & Retaining a Diverse Workforce	Policies to promote recruitment and retention of diverse staff/volunteers/board, priorities incorporated into reviews, professional/leadership development opportunities
Developing Accountability to & Partnership with Impacted Communities	Relationships with organizations and communities of color, impacted communities participate in decision-making, mechanisms for responding to community needs
Applying an Anti-Racism Lens to Programs, Advocacy, & Decision-Making	Policies and practices to encourage participation in decision-making; disaggregated data; consideration in decisions about impact on communities of color

# RACIAL EQUITY MINDSET

**The law is not neutral. In fact, neutral is harmful. When you receive your case, you are also receiving the political, social, and historical context of systemic marginalization.**

- **What is the work?** The goal is to have all the information available related to race equity to make the best decisions possible as administrative law judges. This will allow expanded capacity to disrupt, interrupt, and counter racialized dynamics and power arrangements.
- **How?** Consider your choice points – opportunities to implement anti-racist interventions, ensure public trust and confidence, and ensure the fair administration of justice. The cumulative impacts of many small choices can be as significant as the impacts of big decisions.

**And...** Interrogating our racial biases and self-study supports our ability to disrupt racism. This is the personal work we must do.



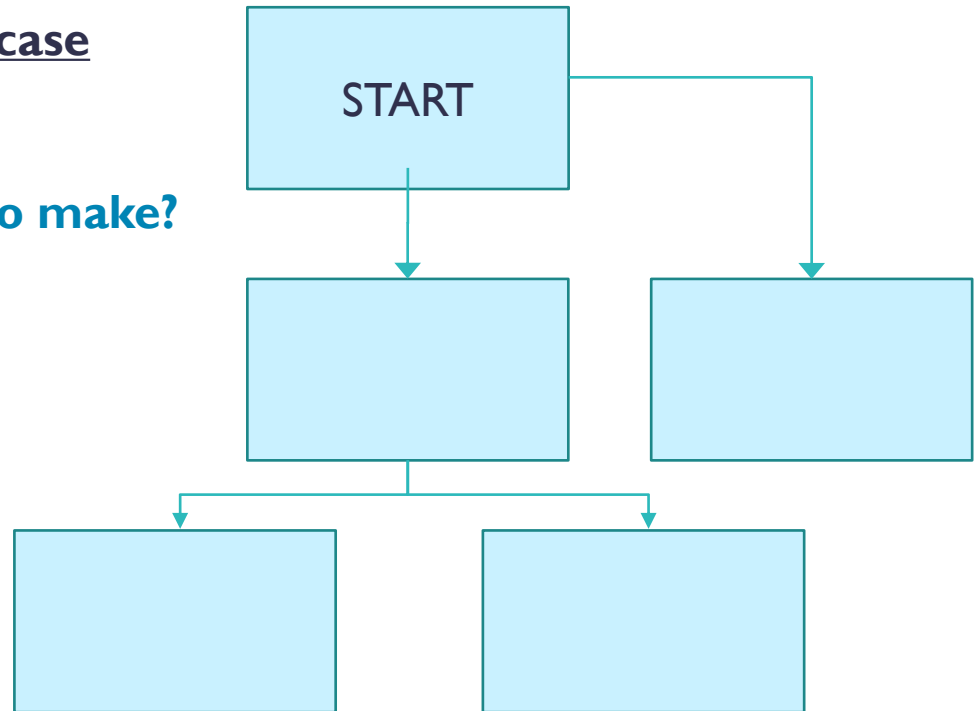
# SYSTEMS THINKING & CHOICE POINTS

**START** – What is the typical life of a case

After it begins, what is next?

What is the first decision you need to make?

1. ...
2. ...
3. ...



**Of the choice points you have with your client, where could racialization occur?**

## Behavior & Practices

An iceberg floating in a light blue ocean under a sky with white clouds. The tip of the iceberg is above the water line, while the much larger base is submerged. The water line is marked with a white wavy line. To the left of the water line, the word 'OBSERVABLE' is written in bold black text. Below the water line, the words 'NOT observable' are written in black text. On the submerged part of the iceberg, a list of terms is enclosed in a black bracket: 'Perceptions', 'Attitudes', 'Beliefs', and 'Values'. A small blue rectangular object is floating on the water's surface to the right of the iceberg.

**OBSERVABLE**

NOT observable

Perceptions  
Attitudes  
Beliefs  
Values

Our work as individuals is to expand our capacity to identify, disrupt, and **counteract** racialized patterns and **interrupt** our own internalized biases before it affects our decision-making.

# IMPLICIT BIAS

Attitudes or stereotypes that **affect our understanding, actions, and decisions in an unconscious manner**, activated without awareness/ intentional control.

## System 1

Unconscious,  
automatic,  
fast, and  
effortless.



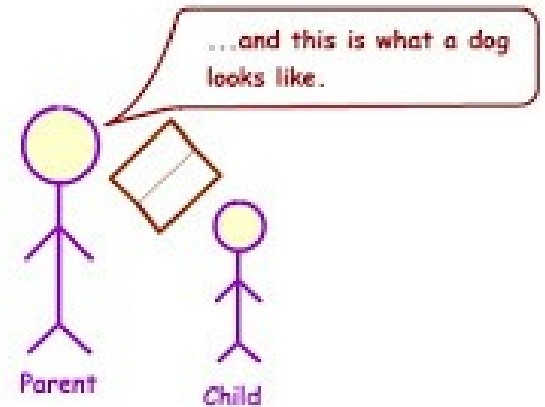
## System 2

Conscious,  
deliberate,  
slow, and  
effortful.

# WHERE DO IMPLICIT SOCIAL COGNITIONS COME FROM?

Schemas that humans apply to human interactions and guide way a person thinks about social categories – based on our lived experience

Initial Schema - Child begins to develop an understanding of what a dog is from a picture book.



- Parents
- Friends
- Media

Positive or negative associations

Strengthen over time → automatic



THE LONGER YOU SWIM  
IN A CULTURE, THE MORE  
INVISIBLE IT BECOMES

Photo: Showing Up For Racial Justice

## **White Supremacy...**

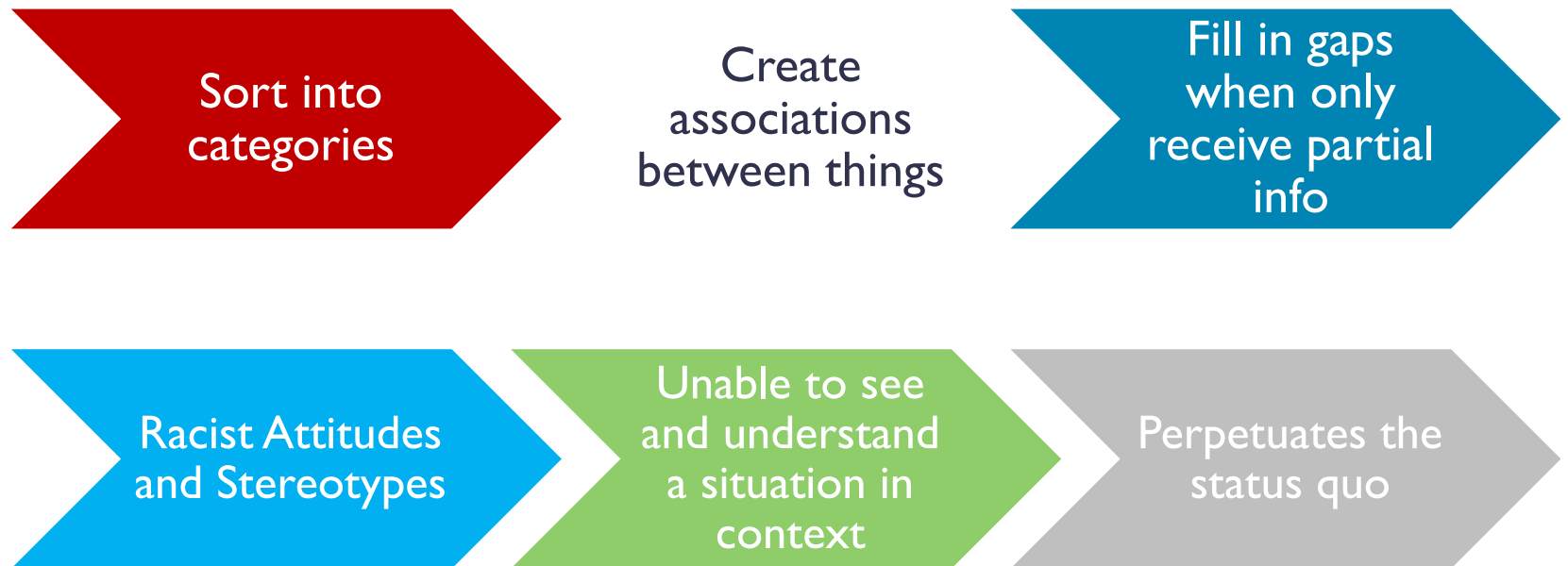
“Overtly and covertly attributes value and normality to White people and whiteness, and devalues, stereotypes, and labels People of Color as “other,” different, less than, or render them invisible”

- Aspen Institute

# REACTING BEFORE WE EVEN REALIZE IT

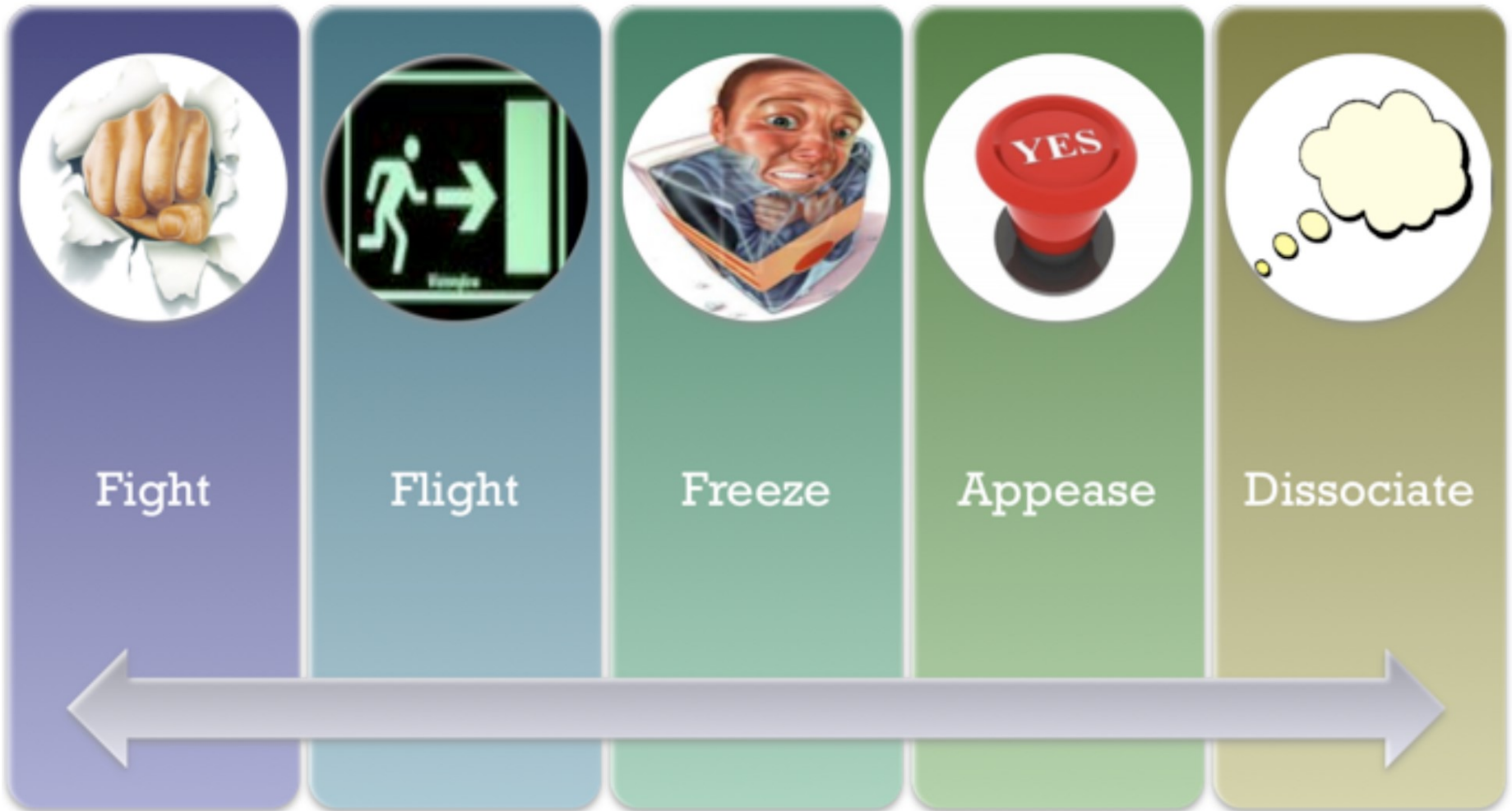
## Internalized Racism (superiority, inferiority) – What is it?

Unconsciously making racist attitudes and behavior part of our nature that affects our decision-making, our impact on others and perception of ourselves.



# RACIAL ANXIETY & STEREOTYPE THREAT





**CORE EMBODIED COPING STRATEGIES**



We all have a cultural experience, background, assumptions & bias – based on our lived experience

Pause, slow down  
& reflect.

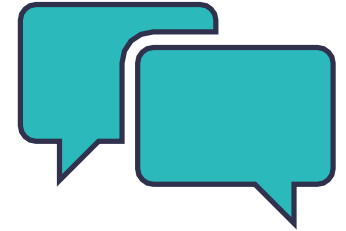
### Cultivate self- awareness.

- Your background, experiences, beliefs, assumptions
- understand our own cultural positions and how they differ from and are similar to others

### Understand context.

- the differences in the social and cultural reality in which we live and work and in which our clients live and work. Our realities are not the same.

# CONSIDER...



## 1. How does racial bias show up in:

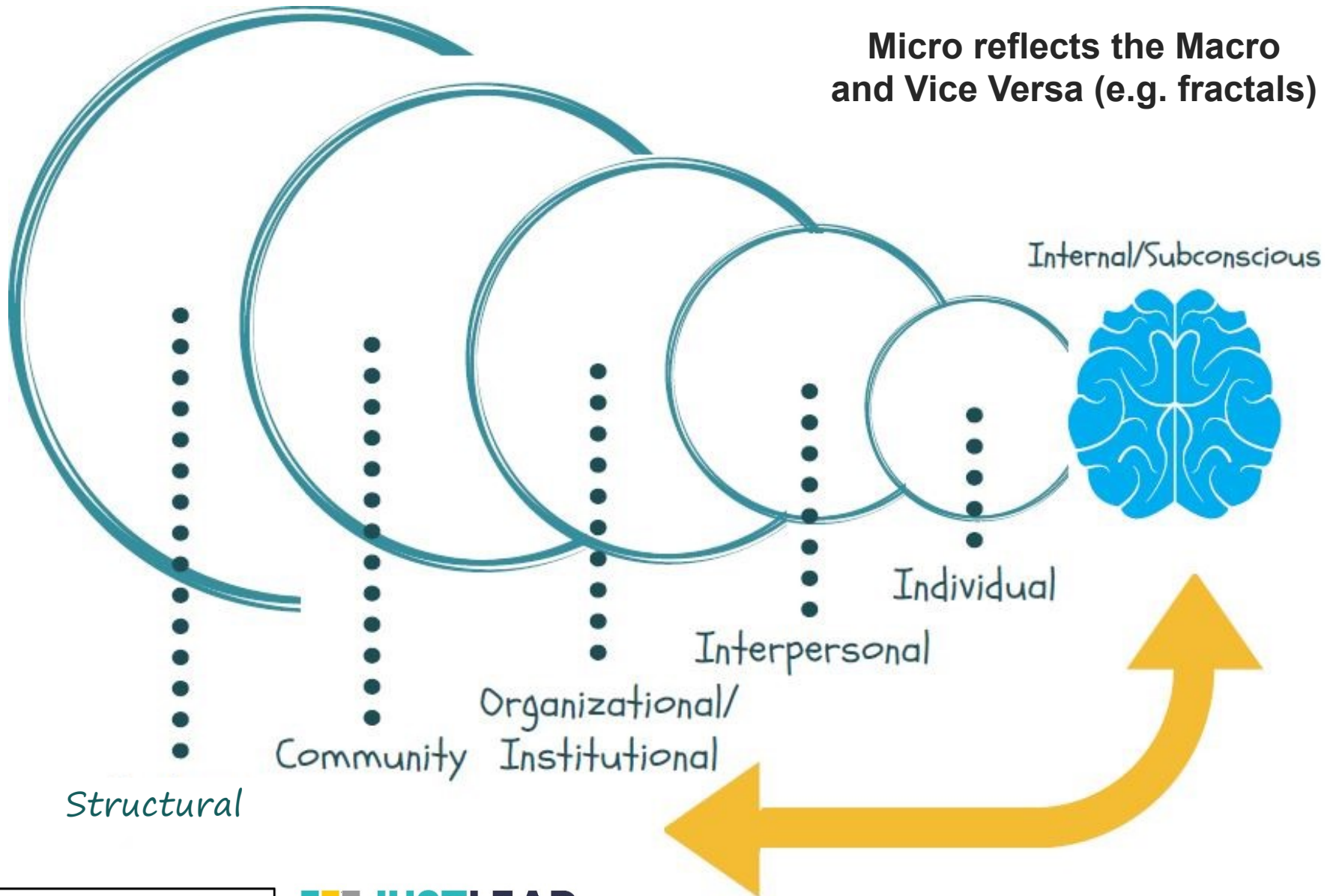
- interpersonal dynamics within:
- your personal life?
- in cases?
- Intersect with other bias? (ableism, sexism, etc.)

## 2. What are ways that:

- you as an individual can mitigate these biases?
- your adjudication can mitigate these biases?

# Our Collective Work

Micro reflects the Macro  
and Vice Versa (e.g. fractals)



The Supreme Court  
State of Washington



June 4, 2020

- ...we must also recognize that this is not how a justice system must operate. Too often in the legal profession, we feel bound by tradition and the way things have “always” been. We must remember that even the most venerable precedent must be struck down when it is incorrect and harmful.

**THANK YOU**

**JustLead Washington - [www.justleadwa.org](http://www.justleadwa.org)**

**WA Race Equity & Justice Initiative – [www.wareji.org](http://www.wareji.org)**

**Omid Bagheri Garakani,  
Director of Equity & Community Partnership  
JustLead Washington**



**WASHINGTON RACE EQUITY  
& JUSTICE INITIATIVE**

Q&A

