

# Departmental Racial Equity Progress Report

## Annual Report for 2021

### Part A

*Submit to ORE by March 1, 2022*

**Department name: Office of the Public Defender (PDR)**

**Date: April 22, 2022**

#### ***Reflections from Department Leadership***

#### **What specific racial inequities and disparities within your department are you focused on addressing in 2022?**

Fighting for racial equity has been a priority for me my entire career, so it is a privilege to be engaged in this work within the office. I am committed to building on the momentum we started last year, focusing not only on addressing racial inequity in the criminal legal system as a whole, but also on addressing racial inequities in our own office. To that end, I am working on increasing the diversity of our office to better reflect the clients we serve, over the short, medium and long-term. As our clients are nearly 80% people of color and 50% Black, I will continue to focus on hiring and building a pipeline of attorneys and non-attorney staff of color, as well as retaining those staff, and ensuring an inclusive and anti-racist office culture. To do this, I am focused on the below areas this year, and am working directly with key staff, our leadership team and our racial equity team to achieve them:

- **Hiring and promotion of BIPOC staff within leadership roles.** At the beginning of 2022 we completed our office restructuring, and announced a new 21<sup>st</sup> Century leadership structure for the office. Now, I have 5 Chiefs who make up our top leadership team. This team is 100 percent people of color, and 60 percent women of color. 1 Chief is Black, 1 is Latino, and 3 are Asian American. Also, out of our new hires thus far in 2022, 66% are people of color.
- **Increasing percentage of BIPOC interns/fellows/volunteers.** We have begun a process to diversify our volunteer base by reaching out to Historically Black Colleges, and people of color affinity groups in colleges and law schools across the state and will continue to engage them to ensure that our intern pool this year is even more diverse
- **Expansion of Young Defenders program.** I am committed to continuing to expand this program in partnership with HRC's Opportunities for All, which centers BIPOC high schoolers through paid internships, and this summer we anticipate 90 students, by far our largest cohort. We are also working on creating a path for interested young defenders to continue to collaborate with our office after high school.
- **Supporting affinity groups and empowering them.** Last year, for the first time, 5 affinity groups centered on race, gender, sexual orientation were created within office, initiated and led by staff volunteers, to increase cross cultural awareness and improve positive office

culture. We will continue to support these groups by supporting meeting spaces, trainings and events led by these affinity groups.

- **Developing an internal office strategic plan in alignment with racial equity action plan.** As part of the office restructuring we are currently developing an internal office strategic plan for the next 4 years, and I am committed to ensuring that it fully aligns with and supports our racial equity action plan.
- **Developing a new series of Trainings/Workshop on racial equity issues.** I personally brought on an outside trainer to work with our office this year, to specifically focus on racial equity, bias, inclusive office culture.
- **Retention of BIPOC Employees.** I am advocating for additional funding in the city budget process this year to ensure that our support staff- majority of whom are BIPOC - have room to be promoted to higher classifications or given additional steps. I'm also committed to promoting existing BIPOC staff into leadership roles.

**Please describe your engagement to date with your Racial Equity Leaders. What specific types of support are you providing your Racial Equity Leaders and other employees doing this work?**

I have worked closely with our Racial Equity Team for the past year and will continue to do so in 2022, to ensure that all parts of our office prioritizes this internal racial equity work. This Team is made up of staff across all units of the office, and is co-led by my Chief of Staff and SF Policy Director. When racial equity team members have to do additional work for the plan, I ensure that their managers are aware of this extra workload and adjust their workload accordingly. I meet with this team every month to check in on racial equity goals. I also meet separately with my Chief of Staff weekly, and much of her responsibilities relate to not only ensuring the smooth implementation of the racial equity plan, but also overseeing our office-wide efforts to continually build a positive, inclusive, anti-racist office culture.

I have also continually sent a clear and ongoing message to my management team- and to our overall staff - to prioritize racial equity across all units and office.

**Acknowledged by**



**Manohar Raju, SF Public Defender, April 22, 2022**

## 1. Hiring and Recruitment

The PDR's goals are to; (1) recruit by outreach to and through job fairs, BIPOC professional networks, community based organizations, historically Black colleges and universities, law school career development centers, 4 year and community colleges, paralegal programs, for profit college programs and career centers, the City's Public Service Trainee Program (PST), and dislocated worker programs; (2) attract, hire, promote, and retain staff and leaders who reflect the communities we serve; (3) develop and implement regular staff and management training designed to educate recognize, celebrate, and include the collective of differences and similarities, values, beliefs, experiences, backgrounds, traditions, and cultures; and (4) enhance the full participation and contribution of all employees, and dismantle institutional and interpersonal racism, inequity, and disproportional power, and privilege. In 2020, our attorney staff is 43% white, 19% Asian, 17% Black, 16% Latinx, and 4% other racial and ethnic groups. Our goal is to have our attorneys better reflect the populations we serve. We will enhance our recruitment and hiring efforts to achieve this goal. In the next 4 years, I would like to see an increase in the percentage of Black and Latinx attorneys and all staff, with the goal of having the demographics of entire staff better reflect the clients and communities we serve.

### Changes implemented over the 2021 calendar year

*If relevant, include action numbers from the RE Action Plan.*

- Developed and executed Employee Engagement survey in Dec. 2020, survey results were analyzed at the start of 2021. Did not execute ion 2021 but will change 1 annual survey instead of 2. (1.1.2)
- Sponsored College Presentation with SFSU and Cal Stare East Bay; Developed outreach brochure for student interns at HBCUs; Developed new intern brochure and included on Citywide website. Developed list of recruitment resources and contacts including BIPOC organizations and associations, local colleges/universities, HBCUs etc. (1.2.2)
- Hired 3 Fellows as permanent employees; including 1 Latinx female and 1 multi-racial female. 3 Volunteer Attorneys (VAPS) hired as permanent employees including 1 AA male. Diversified Interns within Immigration Unit (67% Latinx, 17% Black, 17% Caucasian). (1.3)
- Solidified inclusion of Young Defenders program within Opportunities For All (1.3.2)
- Created and maintained [Provisional Licensed Lawyers program](#)-hosting 3 law school graduates. Hosted trainings 2-4x a month open to all staff, interns and fellows. Intern and fellow specific trainings hosted weekly. (1.3.4)
- Developed and implement a standardized interview process and questions for attorneys. (1.4.1)
- Developed interview panels made up of a diverse group of employees including more than 50% BIPOC and women as well as representation from LGBTQ community. (1.4.2)
- Conducted bias & white Supremacy Culture training for employee interview panelist. (1.4.3)

- Hired 32 new employees (8 support staff and 24 attorneys). Demographically our new employees identify and represent-24 women, 7 Asians, 6 Latinx, 4 Black/AA, and 3 multiracial. (1.5)
- Started developing specific job description for attorney manager positions. (1.5.1)
- Hosted 17 Fellows all of which were paid through our partnering law school programs. Hosted 25 interns of color, including 6 Black/AA. Hosted 15 VAPS.(1.5.2, 1.5.3)
- Explored paralegal pathway program. (1.5.3)
- Conducted office wide Implicit Bias Training. (1.6.1)
- Improved [intern on-line application](#) process; submission 1x a year instead of per 3 sessions.

**Priority actions for 2022 calendar year, including opportunities for staff input and decision-making**  
*If relevant, include action item numbers from the RE Action Plan. Please also highlight any major revisions made to RE Action Plan since first submission.*

- Conduct annual Employee Engagement survey. (1.1.2)
- Continue to explore, attract and hire diverse candidates. Office is currently comprised of 203 employees of which 56% are female and 44% male; 39% White, 24% Asian, 19% Latinx, 13% Black/AA, 5% other racial and ethnic groups. (1.2)
- Continue to hire from our diverse candidates of Law School Fellows & VAPS. (1.3)
- Continue to support and build up Young Defenders program. (1.3.2)
- Provisional Licensed Lawyers program sunsets June 1. Hosting 2 law school graduates. (1.3.4)
- Continue to increase employee diversity on interview panels. (1.4.2)
- Develop and finalize Intern Manual. (1.4.7)
- Continue to partner with local law schools to bring in a diverse cohort of Fellows. While also exploring other outside funding sources for students who do not have access to a paid program within their respective law schools. (1.5.2, 1.5.3)

## **2. Retention and Promotion**

### **Goals and performance measures**

The PDR's goal is to devise effective employee retention strategies. Generally, employees will stay with the PDR if the pay, working conditions, developmental opportunities, and overall cultural values are equal to or greater than the employee's contributions (e.g., time and effort) required of the employee, though we also recognize PDR's value in developing social justice fighters who can then bring their skills to allied organizations. The PDR will design and implement strategies that allow us to evaluate and understand why employees leave the PDR, and why they stay. Successful strategies will allow the PDR to: (1) identify, promote, and retain employees who share the department's commitment to equity, diversity, inclusion, fairness; (2) cultivate cultural competency required to represent our clients; and (3) enhance the full participation and contributions of all employees. We will conduct regular employee surveys to remain engaged with the concerns of our staff to address

issues, and create a workplace culture that respects, supports, and encourages all our employees. Additionally, in the next two years, we will develop and implement a mentorship program to support and help retain our attorneys of color. Additionally, in the next three years we will communicate with other public defender offices to explore the creation of networks to support our dedicated employees who work most often outside of the courtroom.

**Changes implemented over the 2021 calendar year**

*If relevant, include action numbers from the RE Action Plan.*

- Provided PPE and support including air purifiers for shared spaces. Created a COVID health and safety committee that focused on equity around staff office layout, physical protocols etc. Allowing staff to return to office 3 days a week. (2.1.3)
- Developed and executed Employee Engagement survey in Dec. 2020, survey results were analyzed at the start of 2021. Based on survey feedback that we received, PDR increased trainings and workshops centered on equity and inclusion and looked for new ways to support all units. More intentional in new recruitment efforts, and brought in more diverse hires, interns and fellows, so that we as an office better reflect the clients that we serve. Worked on developing clearer and more consistent communication regarding workplace safety and employee wellness during the pandemic. Did not execute in 2021 due to staff transitions. (2.4.1, 2.4.2)

**Priority actions for 2022 calendar year, including opportunities for staff input and decision-making**

*If relevant, include action item numbers from the RE Action Plan. Please also highlight any major revisions made to RE Action Plan since first submission.*

- Open Office to general public in safe manner for employees and public. (2.1.3)
- Analysis of pay equity across race and gender. (2.3.1, 2.3.2)
- Providing additional supports for our female and BIPOC employees. (2.3.4, 2.3.5)
- Conduct annual Employee Engagement survey. (2.4.1, 2.4.2)

**3. Discipline and Separation**

**Goals and performance measures**

The PDR's goal is to (1) implement regular training in implicit bias for all staff, management coaching, supervisor coaching, articulate job performance expectations, and regularly conduct performance evaluation; (2) ensure that the department's commitment to equal employment opportunities, equity, diversity, inclusion, and fairness is not deposited solely in the role of the Director of Equity and Engagement; and (3) ensure that the department's commitment is sewn into its fabric, and practiced by employees, management, and leadership. The PDR will develop an exit interview process to collect

relevant data and track the reasons for separation. We will carefully examine the data over time to determine if separations are correlated with gender, race, sexual orientation, or other protected categories.

**Changes implemented over the 2021 calendar year**

*If relevant, include action numbers from the RE Action Plan.*

- 29 separations: 4 Asians, 5 Black, 8 Latinx and 11 White.
- and 1 released, 21 Females.
- Management training held on how to successfully navigate performance and disciplinary challenges. (3.1.3)
- Developed exit interview process to include racial equity lens. (3.2.1)

**Priority actions for 2022 calendar year, including opportunities for staff input and decision-making**

*If relevant, include action item numbers from the RE Action Plan. Please also highlight any major revisions made to RE Action Plan since first submission.*

- Develop an exit interview process to collect relevant data and track the reasons for separation. We will carefully examine the data over time to determine if separations are correlated with race, sex, or other protected categories. (3.1.1, 3.1.2)
- Continue to offer support for managers to address employee performance challenges. (3.1.3)

**4. Diverse and Equitable Leadership**

**Goals and performance measures**

The PDR's goal is to recruit, hire, promote, and retain management that is committed to the vision as articulated by the Public Defender, which includes racial equity, equity more generally, diversity, fairness, inclusion, and sustained employee engagement. Diversity within the management team should be considered from a wide variety of perspectives: race, ethnicity, disability, gender, gender identity, sexual orientation, religion, age, life experiences, cultures, backgrounds, viewpoints. A diverse and committed management team will empower employees, and maximize the efforts of employees towards the achievement of the PDR's goals. We will promote leadership outside of traditional management structures by creating opportunities for mentorship, coaching, and leading trainings for other staff. We will ensure that the initiative includes our employees of color by encouraging the creation of a variety of employee resource groups, and engaging with such affinity groups as we develop these opportunities.

**Changes implemented over the 2021 calendar year**

*If relevant, include action numbers from the RE Action Plan.*

- Started developing specific job description for attorney manager positions.
- Ensured interview panel was trained on City policies. (4.1.1)
- Conducted office wide Implicit Bias training. (4.1.2)

**Priority actions for 2022 calendar year, including opportunities for staff input and decision-making**

*If relevant, include action item numbers from the RE Action Plan. Please also highlight any major revisions made to RE Action Plan since first submission.*

- Finalize Managing Attorney job descriptions.
- Continue to offer office-wide implicit bias trainings. (4.1.2)
- Implement new leadership structure to include 4 new Chiefs comprising of all people of color (2 East Asian, 1 South Asian, 1 Black/AA) and 3 females and 1 male. Add leadership data to annual report. (4.1.3)
- Build upon leadership and feedback of affinity groups to help inform and move forward REAP. (4.1.4)
- Include REAP and discussion when hosting Leadership and Unit Retreat(s). (4.2.2, 4.2.3, 4.2.4)

**5. Mobility and Professional Development**

Encourage rotation of employees through various functions and units and into lead positions, to give them the chance to round out their skills and prepare for management positions. Educate employees and managers about job crafting, which is the process of an employee and manager customizing the employee's job by proactively modifying the work (tasks, assignment types) and interactions with others at work. Within the next year, for the 11 job classifications which the PDR oversees, we plan to consult with the DHR to incorporate our diversity, equity, and engagement values into the knowledge, skills, and abilities portions of the job classifications. This will enhance our ability to recruit and support the mobility of staff which adopt and support the important values and goals of diversity, equity, inclusion, fairness, and employee engagement as well as the mission of our office to zealously represent the indigent in the criminal legal system.

**Changes implemented over the 2021 calendar year**

*If relevant, include action numbers from the RE Action Plan.*

- Hosted 44 office wide and specialized training for each workgroup/classification. (5.1.1, 5.1.3)
- Incorporated racial equity questions for exit interview. (5.2.1)

**Priority actions for 2022 calendar year, including opportunities for staff input and decision-making**

*If relevant, include action item numbers from the RE Action Plan. Please also highlight any major revisions made to RE Action Plan since first submission.*

- Continue to host office wide and specialized training for each workgroup/classification. Incorporate increased trainings applying racial and gender lens to assist in improving trial outcomes. (5.1.1, 5.1.3)
- Standardized annual employee performance evaluation process. (5.2.1)
- Allow employees to explore work/initiatives in other units to gain better skills sets and knowledge.

## **6. Organizational Culture of Belonging and Inclusion**

### **Goals and performance measures**

Create clear messaging to employees which states the department's equity, diversity, inclusion, fairness and engagement values. Develop a campaign to embed the values within the department using signage, wall hangings, and publications regularly distributed to the employees. Foster professional interpersonal relationships to increase cross-generational, cross-cultural, cross-racial, and other forms of intentional communication among employees. Beginning in 2021 and extending through 2022 we will roll out a new employee and management training program. We will ensure that our employees understand unconscious bias and are given more tools to use to improve communication among staff and between staff and management. Our effort will also include management coaching and management training. Our goal is to implant our values of equity, diversity, inclusion, belonging, fairness, and employee engagement. Our new employee survey efforts and training plan will serve as a way to integrate our values and foster an engaged and connected workplace culture.

### **Changes implemented over the 2021 calendar year**

*If relevant, include action numbers from the RE Action Plan.*

- RE Team met bi-weekly to monitor progress of RE Action Plan and make adjustments when necessary. (6.1.2 & 6.1.3)
- Affinity Groups created representing-Black, Latinx, API and Women. Creating a Microsoft teams platform for each. (6.1.5)
- Intern orientation requires them to attend unconscious bias and sexual harassment trainings. (6.1.6)
- Unable to conduct EE survey due to transition in role of Director of Equity & Inclusion. (6.1.7)
- Cultural events. Hosted a series of speakers and recommend booklist for Black History Month; Hosted National Hispanic Heritage month programming. (6.2.2)
- Weekly internal communications highlighting events, staff accomplishments, and press releases periodically include MAGIC offerings and community engagement opportunities. Despite the pandemic MAGIC Programs hosted. (6.4.1,6.4.2, 6.5.2)
- Hosted Financial wellness trainings.
- Identified and implemented a tool (Name Coach) to allow staff to provide individual name pronunciation guidance.

### **Priority actions for 2022 calendar year, including opportunities for staff input and decision-making**

*If relevant, include action item numbers from the RE Action Plan. Please also highlight any major revisions made to RE Action Plan since first submission.*

- Continue to celebrate and acknowledge cultures that reflect office community. (6.1)
- EE Survey- Conduct EE survey 1x a year instead of 2x a year. Revise questions to be more inclusive. (6.1.7)

- Expanded RE Team to include IT Dept and other managing Attorneys and staff Leads. (6.1.2 & 6.1.3)
- LGBTQ Affinity Group created and given a Microsoft teams platform. (6.1.5)
- Continue to offer and mandate trainings on bias, equity, diversity, inclusion, fairness, belonging to all staff and interns including a new training on advocating for and referrals and programs for transgender clients. (6.1.6)
- Pilot program on improving meaningful language access to justice by training our staff on language access matters. (6.3.4)
- MAGIC Programs continue host community centered and building events offering periodic opportunities for PDR staff to engage with the community as volunteers and mentors to young people. (6.4.1,6.4.2, 6.5.2)

<b>7. Boards and Commissions-N/A</b>
<p><b>Goals and performance measures</b></p> <ul style="list-style-type: none"> <li>• N/A</li> </ul>
<p><b>Changes implemented over the 2021 calendar year</b>  <i>If relevant, include action numbers from the RE Action Plan.</i></p> <ul style="list-style-type: none"> <li>• N/A</li> </ul>
<p><b>Priority actions for 2022 calendar year, including opportunities for staff input and decision-making</b>  <i>If relevant, include action item numbers from the RE Action Plan. Please also highlight any major revisions made to RE Action Plan since first submission.</i></p> <ul style="list-style-type: none"> <li>• N/A</li> </ul>

<b>Department Resourcing for Phase 1 RE Action Plan</b>
<p><b>Please describe your department’s resourcing for Phase 1 RE Action Plan implementation in 2021.</b>  <i>Include employee names, titles, and organizational chart. Note the designated Racial Equity Leader(s) with an asterisk. Please clearly distinguish between:</i></p> <ul style="list-style-type: none"> <li>• Staff who were assigned full-time (all responsibilities were directly related to Phase 1 RE Action Plan and other departmental racial equity work) - <b>Marguerite Malloy, Director of Equity &amp; Engagement</b></li> <li>• Staff who were assigned part-time (had responsibilities not directly related to racial equity, which were reduced for them to take on racial equity work)-N/A</li> <li>• Staff who were voluntary (had responsibilities not directly related to racial equity, which were <u>not</u> reduced for them to take on racial equity work)-<b>Arelene Laxamana, Director of Human</b></li> </ul>

**Resources, Brian Cox, Deputy Public Defender, Carolyn Goosen, Policy Director, Hadi Razzaq, Managing Attorney, Lyslynn Lacoste, BMAGIC ED, Manohar Raju, Public Defender and Matt Gonzalez, Chief Attorney.**

- Consultants/vendors (including firm name and contract number, if applicable)

**What changes, if any, do you plan for 2022?** We no longer have a Director of Equity & Engagement. Opting instead to expand our Racial Equity Leadership Team in order to maximize participation and better engagement in Racial Equity Action Plan across all PDR units and entire office. Along with voluntary staff identified above; RE Team currently includes Tyler Vu (IT Manager), Larry Roberts (IT Unit), and Jacque Wilson (2021 Growth & Development Manager and now Misdemeanor Unit Manager). We will continue to assess additional staff to join Team. The RE Leadership Team is led by Lyslynn Lacoste (Chief of Staff) and Carolyn Goosen (Policy Director)

### **Attachments**

#### **Workforce and board/commission demographic data**

*Include relevant data on status of racial equity within department, such as race/ethnicity by job classification, average pay, discipline and separation, promotions, and changes over the last calendar year. -See above*

#### **Racial Equity Action Plan**

*Link to or attach current version of department Racial Equity Action Plan- See attach current and revised for 2022*

# Departmental Racial Equity Progress Report

## Annual Report for 2021

### Part B

*Submit final to ORE by April 1, 2022*

*Attend ORE working sessions in January-February 2022 to develop Part B.*

<b>Attachment</b>
<b>Budget Equity Tool: Department Inventory</b> <i>Completed department inventory spreadsheet</i>