



SEASON 4 EPISODE 3

How Black Women Are Rightfully “Taking Seats at the Table”

Nearly one in two Black women in the US have a loved one who has been impacted by our carceral system. Many become de facto civilian experts as a result. Some rise to lead as outside catalysts for change. And now, scores of Black women are joining the ranks—as officers of the court, police, judges—to manage and advance a system that has had such an outsized impact on their lives. Reported by Pamela Kirkland.

Mitzi Miller: I’m Mitzi Miller, and this is *70 Million*.

Black women have always been a major part of the story when it comes to mass incarceration and jailing in the United States.

They represent less than 15 percent of the female population but make up 29 percent of the women’s incarcerated population. They continue to outpace the rate of incarceration of white women by almost two to one. And Black girls make up 35% of young women in youth facilities.

Even for those who aren’t in custody, the system still has an outsized impact on Black women and women of color. According to a 2018 survey, 48% of women have had a family member behind bars. That figure jumps to 64% amongst Black women. But their experiences and voices have been missing from public conversations about criminal justice reform and mass incarceration.

In this episode, we’ll meet women working in different segments of the criminal justice system. And ask: What happens when Black women are leading the way on policy and reform?

Reporter Pamela Kirkland has the story.

Sheila Rogers: When Dawn asked me...would I be in the picture? I'm like, sure. You know, I want to get my hair done, my nails done, got my makeup.

Pamela Kirkland: Sheila Rogers thought she was just taking another staff photo in June of 2018.

Rogers: We had no idea that the picture would go around the world...

Kirkland: Rogers was the interim police chief for the newly-incorporated city of South Fulton, Georgia, at the time. The picture, that eventually went viral, was simple. Eight Black women in a metro Atlanta courtroom dressed all all black. The police chief dressed in her uniform, with the wood paneled walls of the courtroom in the background.

The city of South Fulton’s chief judge, city solicitor, court administrator, public defender, interim police chief, and three clerks posed for the photo. An entire criminal justice system, just outside Atlanta, run completely by Black women. It struck a chord, worldwide.

Rogers: I had a girlfriend, a sorority sister, who called and said, *one of my friends in Australia called and said, do you know her?* Like, *Yeah, she's my soror*. So yeah, it became to be a phenomenal feeling. I think it was an inspiration and an eye-opener for the rest of the world to say, “Hey. Wait a minute. This can happen.”

Kirkland: Roger’s daughter was even surprised by the impact the photo had.

Rogers: My daughter Ariel, was she 16 or 17, but she had a project at school. And she was sitting in class, and one of the children did a paper on me and that picture. She was like, *That's my mama*, so she called me up and she was like, “Mom, I'm at the school. The kids were doing a project, and this one little boy did a project on you. And I told him you my mama.”

I’m her mama. For her to see another child, a young black male, pick me out to do a paper on me. She was just, she couldn't wait to tell them “that’s my mama.”

All the ladies brought something to the table, a lot of somethings. And it was just the right time at the right moment at the beginning of this city and setting the foundation of what we wanted the criminal justice system to look like.

Kirkland: What *they* wanted the criminal justice system to look like.

A 2018 brief by the Vera Institute found racial bias among those at the helm of the criminal justice system and across the justice process disadvantages Black people--from prosecutors to judges to juries. Studies show they’re more likely to be stopped by the police, detained pretrial, and sentenced more harshly than white defendants, among other inequities.

But things weren’t just happening in metro Atlanta. Just months after the world was talking about what was going on in South Fulton, another group of Black women were getting ready to make history.

Musical transition.

Harris County, Texas is home to Houston—the third most populous county, and one of the most diverse metro areas in the country. In late 2018, a slate of Black women running for judgeships was grabbing attention. Judge Shannon Baldwin was one of them.

Shannon Baldwin: It is still one of the most surreal moments of my life.

Kirkland: What was meant to be a picture to encourage Houston area voters to turn out for the 2018 election, their “Black Girl Magic” photo ended up going viral, too.

Baldwin: From that day moving forward, I understood it was bigger--and sure, all of us did--we understood it was bigger than us.

Kirkland: In 2018, 17 judicial candidates in the county were Black women. Two judges were running

for seats on the state court of criminal appeals, bringing the total number of Black women running for office to 19. The Harris County Democratic Party had brought all of them together for a photo.

Baldwin: The moment that we realized that, there were 19 of us was just after the primary, and we're in one room. It's tight. It's a lot of people in there, hot and everything else. But in that moment, was the first time, collectively, we saw one another. And to look around that room, all of us, maybe no one else did, but all of us recognized this is different.

Kirkland: Although Harris County is known for being diverse, that hasn't always been the case on the bench. The Black Girl Magic photo wasn't just different. It was extraordinary.

Baldwin: Harris County notoriously, it only had maybe one, two maximum, three judges, not even all on the bench at the same time. African-American judges, uh, and even then one male, two, maybe two females. Okay. That was it.

Kirkland: 17 women went on to win their election. The two running for seats on the criminal court of appeals lost, but kept their old seats.

Baldwin: I'm just very, very grateful that the climate was such that an African-American woman could come in and now win under the democratic party, because that was nearly unheard of. So, here I am.

Kirkland: Having spent twenty years practicing as a prosecutor and criminal defense lawyer, Baldwin had worked the majority of her career in the Harris County court system.

Baldwin: And for so long, we were just used to a system here in Harris County that was I would say systematically unfair. Okay. So not everybody, but systematically, it was unfair to the defense completely. And that was something I just no longer wanted to be a part of. And so that meant that either I was going to get in there and change it, or, continue to sort of follow along and that after 20 years was unacceptable.

Kirkland: She realized that the carceral system wasn't going to change unless the judicial branch changed. Prior to this panel of judges, local misdemeanor courts were still largely controlled by Republican judges—none supported changing the cash bail system. By 2018, it had become a major issue in the election.

Baldwin: I could have gone along to get along and it's a lucrative place to be. So the moment that I decided to move was not financially intelligent, but it was morally intelligent, it's what needed to happen. Because I was sort of sick of it, because you realize if you don't do something about it, you're part of the problem too.

Kirkland: Once the 17 new judges were seated, changes began almost immediately—beginning with movement in a years-long federal lawsuit against the county's bail practices in criminal court.

Baldwin: We were the first ones to usher in bail bond reform that happened on our watch.

Kirkland: A federal judge had ruled in 2017 that the bail system in Harris County was unconstitutional for people arrested for low level crimes. The ruling ordered the county to stop keeping people charged with misdemeanors in jail because they couldn't post bail.

Baldwin: We inherited that lawsuit and we became the defendants in that lawsuit, but we

immediately dropped our appeal. Then we went into the settlement of that federal lawsuit and created new bail bond reform. The largest example of what bail bond reform looks like happened right here.

Kirkland: Over the course of 3 years, the county had spent around \$9 million defending itself against the lawsuit, arguing cash bail ensured defendants would show up for court.

In 2019, a lawsuit settlement was approved. It included automatic release on personal recognizance for most misdemeanor violations—meaning they wouldn't have to pay a bail bond in a majority of cases. And an open hours court for those charged with misdemeanors who've missed a court date and need to reschedule a hearing.

At the same time, Harris County judges implemented a "cite and release" program in the county. The program allows those accused of certain crimes to be released with a citation instead of jail time. The settlement of that lawsuit completely overhauled Harris County's misdemeanor bail system.

Baldwin: When you talk about criminal justice reform and differences made today, we done that in two and a half years.

Kirkland: Baldwin says the reforms have helped keep the jail population down. A report by data science firm January Advisors shows the number of people held pretrial in the Harris County jail has fluctuated in recent years, but the downward trends haven't been consistent. Still, it's a major change from the county's longstanding "hang 'em high" approach to justice.

With another election cycle on the horizon, Baldwin says she's noticed a change in the candidates running for office in her region.

Baldwin: I can see it now in the following elections, women are far more empowered and I don't know that that's just us, but we certainly, I think, inspired, at least that's what they tell us, inspired some people to go ahead and jump in and try. So you're seeing a lot more people run at younger ages with less experience, but capable of getting in there and doing a good job.

[Musical Interlude.]

Kirkland: Over the past few years, Black women have been running for office and winning elections at historic rates. Like Maryland State Delegate Debra Davis, who was elected in 2018.

Debra Davis: We're taking seats at the table right now. You do know that. We're taking them. Nobody wants to run against a Black woman right now. We have to continue to be outspoken.

Kirkland: Davis thinks the political climate is ripe for Black women running for office.

Davis: There's a mandate that we're there. I mean, Stacey Abrams and that whole thing, I mean that those are no accidents. Those are no accidents. Um, I think what we're needed at all levels, we're needed everywhere.

Kirkland: Currently, Maryland's Black Caucus is one of the largest in the country with 57 members—almost a third of the General Assembly. State lawmakers elected the first Black woman as Speaker, in 2019— Adrienne Jones.

Davis: When, when our speaker was elected, she took it upon herself to say, *if I'm going to be here, I'm going to be bold about it*. She not only said that she was going to lead police reform, but that she was going to deal with institutional racism. She was going to have a Black agenda that was going to deal with economics and education, all the other institutional issues that we deal with. And we haven't dealt with it in this country and, and dare I say, in the state of Maryland. So with her leadership, I believe at that point, she set the tone for all of us to step outside of ourselves and recognize that this was a time to step up.

Kirkland: Davis herself is from Prince George's County, a place that has grappled with racism.

Davis: I grew up in Upper Marlboro. One of the most racist towns there are in the state of Maryland. I remember I'm reading some history books and they talked about Upper Marlboro is where they brought their unruly slaves because they had some of the toughest slave owners in Upper Marlboro. But Prince George's is notorious for bad policing.

Kirkland: Davis says seeing that injustice in her hometown inspired her to want to take action.

Davis: I just always knew that I wanted to be the voice of the people who weren't in the room. I always knew that. And we were not in the room and we kind of still aren't in the room and in the way that we should be.

Kirkland: The last time the Maryland legislature tried to push police reform was in 2016—after the death of Freddie Gray. Gray died from spinal injuries a week after he was taken into police custody. He had been shackled, without a seatbelt, as he was transported in a police van. Cell phone video of Gray's arrest sparked protests throughout Baltimore.

But even as recently as last year, Davis says police reform wasn't a welcome topic.

Davis: The session before the last session, I had to use the force bill that didn't get out of the drawer in my committee.

Kirkland: But earlier this year, the Maryland legislature successfully pushed through a package of sweeping police reform bills, even with opposition from Republican members, and the governor. Davis says she wasn't surprised that it was a coalition of Black women who got police reform done, in the face of resistance.

Davis: There was no room for us to come back empty handed. We had a mandate from the citizenry, from everybody. Even police officers, even black police officers were demanding it. And they came to testify to say that we needed reform. So the idea that a small part of the population could, could cause a stalemate to this reform that we absolutely needed. It just couldn't happen that way. And I took it personally. So am I surprised that black women led? No.

Kirkland: What also helped push the bills forward were the personal stories of Black female legislators who used their own experiences to demand stronger policing statutes. Davis talked about some of the stories members heard in a March work session with her colleagues. Even through the Zoom, her emotions were raw.

Debra Davis, General Assembly Work Session:

We heard from hundreds of people saying 'Help us, help us. This is what happened to me. This is what happened to my son.' We've seen people talk about being wrongly incarcerated for years, we've seen that. To sit here and act like anything near the status

quo is acceptable hurts. I'm going to stop covering up my pain. It hurts. Because people are dead. And just because they look like me, I'm telling you, it feels like you don't care because they're Brown and Black.

Kirkland: She said that she was tired of making it look like she didn't have a personal stake in this legislation. Like everything was okay.

Davis: *You have got to know that this hurts, that the idea that people are dying in the streets and you're talking about somebody's job. The idea that somehow somebody's job is worth more than somebody's life is too much. And I'm telling you now that it's too much and I'm tired of hiding my pain. This hurts. And I started getting emotional and I told them about my favorite poem that says, "if you're silent about your pain, they'll kill you and say you liked it." I'm telling you, I'm tired of dying. I'm tired of my people dying. And we don't like it.*

Kirkland: While getting this package of bills passed was viewed as a success, Davis realizes the limitations of working within the legislature.

Davis: Yes, there is more that can be done. Oh my gosh, can you mandate civility? Can you mandate humanity? Can you mandate those things? Americans are going to have to do their part too. We can't make a law for everything.

Kirkland: Delegates can craft new laws, but Davis hopes people continue to mobilize at the grassroots level, because she believes it was pressure coming from constituents that helped to pass police reform. And that it was the protests in the wake of George Floyd's death that helped get those bills passed.

Davis: It absolutely helped in getting it done... And so the fact that so many people came together to force this movement made all the difference. And I will say that over and over again, that everybody, there were so many people, so many facets of this movement that helped make it happen. And that's why it was so important.

["Black Lives Matter" chants]

Alesha Monteiro: I think the catalyst was George Floyd.

Kirkland: Alesha Monteiro is the type of grassroots activist that Davis is talking about—using her voice on the outside of the criminal justice system to push for change on the inside.

Monteiro: I think it was a very slow moving thing for a long time. And very recently we've had like this explosion, the protesting in response to that was unprecedented. It was worldwide.

Kirkland: Monteiro says she never planned on becoming an activist. But she never knew she had so much knowledge about how the prison system works simply from being so exposed to it.

Monteiro: I didn't know that this was where I needed it to be until this pandemic broke out. And I just, on instinct, just started doing things, just started moving. You know when you do something and you feel like either you're good at it or you can definitely learn? And I got that feeling immediately. It wasn't very long into the pandemic where I was like, this is what I need to be doing.

Kirkland: She says her husband, Anthony, has been in prison for the last 20 years. And she grew up with a father who worked for the prison system, so she found herself in the middle.

- Monteiro: My father worked for the same system, not only the same system, but in the same facility that my husband is currently housed at. When you think about that, it it says a lot, like we're talking over, you know, a couple of generations here of me being somewhat, somehow in this system and knowing the system.
- Kirkland: Alesha was invited to join a program run by the Essie Justice Group, a California-based nonprofit led by women with incarcerated loved ones working to reform the prison system and end mass incarceration. She was skeptical at first.
- Monteiro: One of the Essie sisters inboxed me and started telling me a little bit about the program. I told my husband I think they're trying to bring me into a cult. I didn't know what was going on, 'cause this world is normally really isolating, right? So you don't have all of these people around you who are concerned or care. You're just the wife of, you know, somebody who's locked up.
- Kirkland: After a little persuading, Alesha was in. She had seen how the prison system operates and the impact it was having on her family. She wanted to find a way to help other women impacted by the system.
- Monteiro: It was like--one day woke up and I was like, wow, I'm really good at this. And I don't know why, but when something needed to be done, it wasn't like I had to figure out how to do it. I just knew how to do it.
- And then other people started reaching out because I was good at this thing... and I've never been good at a thing, not like this, so I started helping people and I started realizing that I really enjoyed helping people help themselves, teach them how to do it.
- Kirkland: She came on staff as an Advocacy Fellow at Essie in May, leading on reforms to state prison system policy and supporting campaigns to abolish the prison system entirely. She realized that things like researching California carceral policy and outreach to members came naturally to her.
- Monteiro: It was that, that door opening and it wasn't just any door, you know, it was this organization and this sisterhood that I knew. Not just knew, but loved, was really comfortable in. My first day at work, I wasn't this new kid coming in. I knew everybody, or at least mostly everybody and felt really comfortable. And it's also showed me in the most loving way that I have so much to learn, which has been incredible too. I'm excited about all of it.
- Kirkland: Part of what's rare about Essie is their dedication to helping women of color who are incarcerated or who have incarcerated loved ones. 1 in 4 women in the United States, and almost 1 in 2 Black women, has a family member in prison. Alesha says the sisterhood Essie has created is an important part of how they become successful organizers.
- Monteiro: There's women who are putting this work in every day and not just for their own loved one. I push on action items that will have no benefits to my husband at all, that are really important to me. And to have other women in space like that, where they're not just thinking about their own loved one, but you know, the collective lives that are being harmed inside, is amazing because it's really easy to be selfish in this and only think about *let me get him home* and not think about anybody else. That's not what my sisters in Essie do.
- Kirkland: Dealing with the criminal justice system on a daily basis puts Alesha, and the other Essie sisters, in a unique position.

- Monteiro: Nobody knows this system better than us. Nobody. My husband does not know. I tell him things all the time. We know what goes on inside from hearing it from them. Well, we know what goes on inside of it. It goes on, on the outside because we're out here and we're doing the work you show up to any protest, rally, caravan, whatever. You're going to see a sea of women, Black, Brown, and other, you know, this movement is driven. It's run by women and we know what's going on. And if we don't know, we have a collective group, we will find out.
- Kirkland: Black women working to impact change in the criminal justice system are representing at all levels.
- Monteiro: I feel like the power, the collective power of Black and Brown women is not unique at all. It just needs to be channeled the right way. But I think that every place that we hold space in is powerful.
- Kirkland: Delegate Debra Davis agrees.
- Davis: I feel like Black women right now are standing up as a last line of defense, defense of democracy, defense of this country.
- Kirkland: For Judge Shannon Baldwin, it's about standing strong in her own identity.
- Baldwin: There are things that happen within one's own racial, ethnic background and culture that help to explain what's happening to a person. So if you, a defendant that's standing in front of you, if you understand, or at least, if you have some level of understanding about diversity in different cultures, if you take the time to do that, then you can make better decisions.
- Kirkland: And Sheila Rogers, the former interim police chief, says that even though some of the women in the South Fulton "Black Girl Magic" photo didn't stay in leadership positions for long, she's proud to have made history.
- Rogers: When you see it in black and white, when you see it in color, when you see it in print, when you see it on the news or on social media, and it's just a phenomenon and you're like, *wait, I have those credentials, too*. I'm inspired to do that. I have that knowledge, that skill, I have that ability, and this is a need for my community. I can do it. And instead of just, you know, laying back on the wall or sitting back in the chair, you're like, *hold it*. You're actually moving forward to say, "pick me. I'm qualified. Don't pick me because I'm a woman and I'm black pick me because I'm qualified."
- Kirkland: Whether Black women have reached a point of critical mass, going from being "one of the few" to having a recognizable presence in spaces related to criminal justice is still up for debate. What we can say is that Black women are stepping up, at all levels of the system, inside and out—to make a direct impact on their own communities.
- Miller: Thanks to Pamela Kirkland for that story.

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