



PUBLIC PROTECTION COMMITTEE

September 14, 2015

1:00 P.M.

651 Pine Street, Room 101, Martinez

Supervisor John Gioia, Chair

Supervisor Federal D. Glover, Vice Chair

Agenda Items:

Items may be taken out of order based on the business of the day and preference of the Committee

1. Introductions
2. Public comment on any item under the jurisdiction of the Committee and not on this agenda (speakers may be limited to three minutes).
3. APPROVE Record of Action from the August 10, 2015 meeting. **(Page 3)**
4. CONSIDER accepting report on fiscal year 2015/16 allocation of Community Recidivism Reduction Grant funds by the Board of State and Community Corrections to the County in the amount of \$125,000 and additional information on the fiscal year 2014/15 RFP process and results; and DIRECT staff on how to allocate the \$125,000 grant award. *(Timothy Ewell, Committee Staff)* **(Page 6)**
5. CONSIDER continuing discussion regarding a letter from the Contra Costa County Racial Justice Coalition and provide direction to staff regarding future action. *(Supervisor Gioia)* **(Page 31)**
6. The next meeting is currently scheduled for October 12, 2015 at 1:00 PM.
7. Adjourn

The Public Protection Committee will provide reasonable accommodations for persons with disabilities planning to attend Public Protection Committee meetings. Contact the staff person listed below at least 72 hours before the meeting.

Any disclosable public records related to an open session item on a regular meeting agenda and distributed by the County to a majority of members of the Public Protection Committee less than 96 hours prior to that meeting are available for public inspection at 651 Pine Street, 10th floor, during normal business hours.

Public comment may be submitted via electronic mail on agenda items at least one full work day

prior to the published meeting time.

For Additional Information Contact:

Timothy Ewell, Committee Staff
Phone (925) 335-1036, Fax (925) 646-1353
timothy.ewell@cao.cccounty.us



Contra Costa County Board of Supervisors

Subcommittee Report

PUBLIC PROTECTION COMMITTEE

3.

Meeting Date: 09/14/2015

Subject: RECORD OF ACTION - August 10, 2015

Submitted For: PUBLIC PROTECTION COMMITTEE,

Department: County Administrator

Referral No.: N/A

Referral Name: RECORD OF ACTION - August 10, 2015

Presenter: Timothy Ewell, Committee Staff **Contact:** Timothy Ewell, (925) 335-1036

Referral History:

County Ordinance requires that each County body keep a record of its meetings. Though the record need not be verbatim, it must accurately reflect the agenda and the decisions made in the meeting.

Referral Update:

Attached for the Committee's consideration is the Record of Action for its August 10, 2015 meeting.

Recommendation(s)/Next Step(s):

APPROVE Record of Action from the August 10, 2015 meeting.

Fiscal Impact (if any):

No fiscal impact. This item is informational only.

Attachments

Record of Action - August 2015



PUBLIC PROTECTION COMMITTEE

August 10, 2015

1:00 P.M.

651 Pine Street, Room 101, Martinez

Supervisor John Gioia, Chair

Supervisor Federal D. Glover, Vice Chair

Agenda Items:

Items may be taken out of order based on the business of the day and preference of the Committee

Present: John Gioia, Chair

Absent: Federal D. Glover, Vice Chair

Staff Present: Timothy M. Ewell, Committee Staff

Lara DeLaney, Senior Deputy County Administrator

Robert Rogers, District I Staff

Ed Diokno, District V Staff

Phil Kader, County Probation Officer

Tom Kensok, Assistant District Attorney

Steve Bolen, Deputy District Attorney

Antoine Wilson, County Equal Employment Officer

Vana Tran, County Administrator's Office

1. Introductions

Convene - 1:07 PM

2. Public comment on any item under the jurisdiction of the Committee and not on this agenda (speakers may be limited to three minutes).

The Committee received public comment.

3. APPROVE Record of Action from the July 6, 2015 meeting.

Approved as presented.

Chair John Gioia,

AYE: Chair John Gioia

Other: Vice Chair Federal D. Glover (ABSENT)

Passed

4. ACCEPT report on fiscal year 2015/16 allocation of Community Recidivism Reduction Grant funds by the Bureau of State and Community Corrections to the County in the amount of \$125,000 for allocation local community based organizations; and,
- DIRECT staff on how to allocate the \$125,000 grant award for purposes of issuing request for proposals.

Approved as presented with the following direction to staff:

1. Draft Letter of Interest for submission to the Board of State and Community Corrections (BSCC) and list on the Board of Supervisors' agenda for review and approval.

2. Clarify with the BSCC whether current recipients of the FY 2014/15 grant are eligible to receive FY 2015/16 funds and report back to the Committee.

3. Schedule item for additional discussion at the September 2015 PPC meeting with all Request for Proposal (RFP) materials related to the FY 2014/15 RFP process related to the grant to assist in the discussion about how to allocate funding for FY 2015/16.

Chair John Gioia,

AYE: Chair John Gioia

Other: Vice Chair Federal D. Glover (ABSENT)

Passed

5. The next meeting is currently scheduled for September 14, 2015 at 1:00 PM.
6. Adjourn

Adjourn - 1:22 PM.

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Public comment may be submitted via electronic mail on agenda items at least one full work day prior to the published meeting time.

For Additional Information Contact:

Timothy Ewell, Committee Staff
Phone (925) 335-1036, Fax (925) 646-1353
timothy.ewell@cao.cccounty.us



Contra Costa County Board of Supervisors

Subcommittee Report

PUBLIC PROTECTION COMMITTEE

4.

Meeting Date: 09/14/2015

Subject: Community Recidivism Reduction Grants, FY 2015/16 allocation

Submitted For: David Twa, County Administrator

Department: County Administrator

Referral No.: N/A

Referral Name: Community Recidivism Reduction Grants, FY 2015/16 allocation

Presenter: Timothy Ewell, Senior Deputy County Administrator

Contact: Timothy Ewell,
925-335-1036

Referral History:

In August 2014, the CAO's office was notified by the Board of State and Community Corrections (BSCC) that the Budget Act of 2014 had allocated \$8 million to the BSCC for the Community Recidivism Reduction Grant (CRRG), as described in Penal Code section 1233.10. Counties were eligible to receive funds if the Board of Supervisors, in collaboration with the CCP, agrees to develop a competitive grant program intended to fund community recidivism and crime reduction services. On September 16, 2014, the Board of Supervisors passed item C.51, confirming to the BSCC the County's interest in receiving the funding, of which \$250,000 was allocated to Contra Costa County.

Following the September 2014 action, the Public Protection Committee discussed how the \$250,000 grant should be allocated for purposes of issuing a Request for Proposals to community based organizations. The Committee decided that \$150,000 would be allocated to adult programs and \$100,000 would be allocated to juvenile programs. In April 2015, the County Administrator's Office conducted an RFP and review panel process to make grant awards. (See Attachments A & B.)

At the August 10, 2015 meeting, staff notified the Public Protection Committee of a new allocation from the State of \$125,000 in CRRG funds to Contra Costa County for fiscal year 2015/16 and requested direction from the Committee on how to allocate the new funding.

Referral Update:

On August 25, 2015, the BSCC received the letter of interest from the County to authorize the new allocation of \$125,000 for fiscal year 2015/16. (See Attachment C.)

Staff is providing additional materials related to the fiscal year 2015/16 allocation and the fiscal year 2014/15 RFP process to assist in the continued discussion about how to allocate funding for FY 2015/16. (See Attachments A & B.)

One of the questions that has emerged regarding the FY 2015-16 allocation concerns the specific provider cap that is set in statute. The question is whether this cap (which is based on population of the county and is \$50,000 for Contra Costa), applies to each separate fiscal year funding allocation or whether it holds in a multi-year manner over both allocations.

Staff has been in conversations with legislative staff who have confirmed that the Legislature's intent is for the provider cap to apply separately to each funding round so the cap for the FY 2014-15 allocation would be refreshed with a new cap for the FY 2015-16 allocation. Therefore, it does not apply in a multi-year manner, and the County may allocate up to \$50,000 in funding to CBO's that reached the cap in FY 14-15.

The Administration and the Legislature have agreed to clarify this section in SB 102 by stating the maximum level of funding available to counties, from the Recidivism Reduction Fund, for recidivism and crime reduction efforts in each specified fiscal year. The clarification is in Section 1233.10.

Recommendation(s)/Next Step(s):

ACCEPT additional information on fiscal year 2015/16 allocation of Community Recidivism Reduction Grant funds by the Bureau of State and Community Corrections to the County in the amount of \$125,000 and on the fiscal year 2014/15 RFP process and results; and

DIRECT staff on how to allocate the fiscal year 2015/16 allocation of Community Recidivism Reduction Grant funds in the amount of \$125,000.

Attachments

Attachment A - Results of RFP Process for FY 2014/15 CRRG Grants

Attachment B - Scoring of Proposals for FY 2014/15 CRRG Grants

Attachment C - County letter of interest to BSCC and Board authorization

Attachment D - BSCC to CSAC letter regarding CRRG Grant Program

County of Contra Costa
OFFICE OF THE COUNTY ADMINISTRATOR
MEMORANDUM

DATE: May 7, 2015

TO: PUBLIC PROTECTION COMMITTEE

FROM: LARA DeLANEY, Senior Deputy County Administrator

SUBJECT: **Results of RFP Process for the Community Recidivism Reduction Grants**

RECOMMENDATION:

1. ACCEPT the recommendations of the Review Panels with regard to contract awards from the Requests for Proposals (RFP) issued for the Community Recidivism Reduction Grants.
2. RECOMMEND contract authorization by the Board of Supervisors for the following contractors, in the amount of \$50,000 each, for the period July 1, 2015 to June 30, 2016:

Adult	Region	Contractor	Partners
	West	Reach Fellowship International	
	Central	John F. Kennedy University School of Law	
	East	Rubicon Programs	Alma House, Destiny House
Juveniles		Bay Area Community Resources (BACR)	
		RYSE Center	

BACKGROUND:

In August 2014, the CAO's office was notified by the Board of State and Community Corrections (BSCC) that the Budget Act of 2014 had allocated \$8 million to the BSCC for the Community Recidivism Reduction Grant, as described in Penal Code section 1233.10. Counties are eligible to receive funds if the Board of Supervisors, in collaboration with the CCP, agrees to develop a competitive grant program intended to fund community recidivism and crime reduction services. On September 16, 2014, the Board of Supervisors passed item C. 51, confirming to the BSCC the County's interest in receiving the funding, of which \$250,000 was allocated to Contra Costa County.

Other requirements of the statute include:

“The board of supervisors, in collaboration with the county's Community Corrections Partnership, shall establish minimum requirements, funding criteria, and procedures for the counties to award grants consistent with the criteria established in this section.

A community recidivism and crime reduction service provider that receives a grant under this section shall report to the county board of supervisors or the Community Corrections Partnership on the number of individuals served and the types of services provided. The board of supervisors or the Community Corrections Partnership shall report to the Board of State and Community Corrections any information received under this subdivision from grant recipients.”

The Public Protection Committee directed the CAO's office to develop a competitive process for distribution of the funding set at \$50,000 per region for adult reentry services and \$100,000 for juvenile programs. The County Administrator's Office, in collaboration with the Reentry Coordinator, the Probation Department, the East-Central Reentry Network Manager, and the then-director of the West County Reentry Resource Center, developed the RFP and the process timeline.

RFP PROCESS

The RFP for the Community Recidivism Reduction Grant made available up to \$250,000 (\$50,000 per grant) to provide Community Recidivism Reduction Grants to nongovernmental entities or a consortium or coalition of nongovernmental entities to provide community recidivism, crime reduction and other reentry-related services to persons who have been released from state prison, a county jail, or a juvenile detention facility, who are under the supervision of a parole or probation department, or any other person at risk of becoming involved in criminal activities, in Contra Costa County, for the period July 1, 2015 through June 30, 2016.

The RFP was posted on BidSync, the website the County utilizes for contracting opportunities, and distributed directly via email to contacts developed by the County's Reentry Coordinator and staff of the CAO's office. A Press Release was issued as well.

Review Panels were assembled by the CAO's office, comprised of the following members:

Facilitator	Donte Blue	County Reentry Coordinator
1	Todd Billeci	Assistant Chief of Probation
2	Lara DeLaney	CAO, Sr. Deputy
3	Kathy Narasaki	East-Central Reentry Network Manager
4	Rebecca Brown	CEO, Further The Work; WCRRC Steering Committee Chair
5	DeVonn Powers	Goodwill Director of Contract Services; CAB member; WCRRC Steering Committee;
Substitute for ADULT-WEST	Michele Wells	CEO, Run On Productions LLC; CAB Member;
Substitute for ADULT-WEST	Angelene Musawwir	Social Work Supervisor II, Public Defender; CAB Member

The substitutes for the review of the Adult-West proposals were required because two of the Panel members, Rebecca Brown and DeVonn Powers, were members of the West County Reentry Resource Center Steering Committee. This Committee membership may have posed a conflict of interest, given that one of the proposals was intending to provide service at the WCRRC. In the interest of avoiding even the appearance of a conflict of interest, the substitutes were recruited and provided excellent service. All Review Panel members were required to provide an Impartiality Statement, the Reentry Coordinator acted as Facilitator (no participation in development of scores), and a Consensus Scoring Method was utilized throughout the process.

Proposals were received from the following organizations:

Adult	<i>Region</i>	<u>Responder</u>
	West	1 Bay Area Legal Aid
	West	2 Contra Costa Crisis Center
	West	3 Reach Fellowship International
	West	4 San Pablo Economic Development Corporation
	Central	1 John F. Kennedy University School of Law
	East	1 Rubicon Programs
	Central/East	1 Counseling Options and Parent Education Support Center, Inc.
Juveniles		1 Bay Area Community Resources (BACR)
		2 Contra Costa County Service Integration Team
		3 Monument Crisis Center
		4 Renaissance Entrepreneurship Center
		5 RYSE Center
		6 The Congress of Neutrals
		7 The Youth Intervention Network

Review Panels' Recommendations

Review Panels convened April 14, 15, and 16, 2015 to review and score all proposals and to conduct interviews. For the Juvenile-related proposals, four of the seven proposers were invited to an interview. For the Adult-related proposals, three of the four West proposers were invited to an interview. Each proposer for the Central/East and East region were interviewed. Scores for all of the proposals are included on Attachment B.

The Committee will note that there was only a 0.5 point difference in the top two proposals for West-Adult services between Reach Fellowship and Bay Area Legal Aid. The Panel had the most difficulty in scoring the proposals for West County, as they were all of very high quality. Ultimately the decision reflected consideration of the need for housing resources in West County, particularly for women with children.

The Review Panel recommendations for contract award were issued on April 17, 2015 and included:

Adult Services

Central County, \$50,000:

**John F. Kennedy University
College of Law**—*Establishment of a Probation Assistance Clinic in conjunction with the Contra Costa County Homeless Court, centered on driver's license restoration.*

West County, \$50,000:

Reach Fellowship International—*Residential and Job Training Program for women of West County.*

East County, \$50,000:

Rubicon Programs—*Rental assistance in a Sober Living Environment (SLE) with career and financial coaching.*

Juvenile Services

Bay Area Community Resources (BACR)—\$50,000: *A program to engage juveniles in east Contra Costa County in a comprehensive program utilizing employment training and leadership development.*

RYSE Center—\$50,000: *Pre-release transition planning, technical skills training, and the creation of a social media application focused on youth reentry for justice-involved youth at the RYSE Center.*

The Review Panels made the following additional recommendations.

1. With respect to RYSE Center, the contractor should be encouraged to collaborate with Bay Area Community Resources and the Youth Justice Initiative (YJI). In addition, the institution access issues should be addressed with Probation prior to contract authorization and development, so that pre-release services may be considered.
2. With respect to the proposal from BACR, the Review Panel recommended that services be focused on East County juveniles. (The proposal included services in both East and

West County; however, the need was identified by the Panel for East County services.) Collaboration with the YJI was also encouraged.

3. Regarding Adult services, the Panel recommended that JFKU College of Law develop an MOU with Bay Area Legal Aid regarding the referral of cases dealing with driver's licenses and DMV related issues and that program design be further refined during contract development, with input from Panel members.

Attachments

Attachment A – RFP for Community Recidivism Reduction Grant

Attachment B – CRRG Scoring Sheet

			JUVENILE SERVICES						
Scoring Element		Points	RYSE	BACR	Congress of Neutrals	Renaissance	YIN	Monument Crisis Ctr.	SIT
2a	Relevancy of Services/History	5.0	5.0	4.0	4.0	3.0	4.0	3.0	3.0
2b	Qualifications of Org.	10.0	9.0	8.5	7.5	6.0	6.5	6.0	3.0
2c	Data Mgmt.	5.0	4.0	4.0	2.5	3.0	1.0	4.0	2.0
2d	Staff Expertise/Experience	10.0	8.0	6.0	6.0	6.0	6.5	6.0	4.0
<i>Sub</i>		<i>30.0</i>	<i>26.0</i>	<i>22.5</i>	<i>20.0</i>	<i>18.0</i>	<i>18.0</i>	<i>19.0</i>	<i>12.0</i>
3a	Program Goals/Outcomes, Need	20.0	17.0	17.0	13.0	13.0	13.5	11.0	5.5
3b	Target Pop. Meets Goals	5.0	3.5	4.0	3.0	2.0	3.0	2.0	2.0
3c	Activities	10.0	8.5	8.0	4.0	4.5	5.0	4.0	3.0
3d	Impact & Outcomes	10.0	8.5	7.0	5.5	4.5	2.0	3.0	3.0
3e	Innovative Elements	5.0	4.0	4.0	3.0	2.5	2.5	2.0	2.0
<i>Sub</i>		<i>50.0</i>	<i>41.5</i>	<i>40.0</i>	<i>28.5</i>	<i>26.5</i>	<i>26.0</i>	<i>22.0</i>	<i>15.5</i>
4a	Reasonable Costs	10.0	9.0	8.0	4.0	5.0	4.5	3.5	3.5
4b	Cost explanations, staffing demonstration	5.0	4.0	4.0	2.5	2.5	2.5	2.0	1.0
4c	Leveraging	5.0	5.0	5.0	2.0	4.0	2.0	2.0	1.0
<i>Sub</i>		<i>20.0</i>	<i>18.0</i>	<i>17.0</i>	<i>8.5</i>	<i>11.5</i>	<i>9.0</i>	<i>7.5</i>	<i>5.5</i>
Total		100.0	85.5	79.5	57.0	56.0	53.0	48.5	33.0

ADULT SERVICES

CENTRAL	EAST	CENTRAL/EAST	WEST	WEST	WEST	WEST
JFKU	Rubicon	COPE	Bay Legal	Contra Costa Crisis Center	Reach	San Pablo EDC
3.0	4.0	2	5	4	5	4
7.0	8.0	6	9	8	8	7
4.5	5.0	2.5	5	4	4	3
8	3	4.5	9	7.5	8	7.5
22.5	20.0	15	28	23.5	25	21.5
15.5	17.5	10	15	14	16.5	16
4	3.5	3	3.5	4	5	2
7	8.5	5.5	8	7.5	7	6
7	7.5	5	6	8	6	6
4	3.5	3	1	4	4.5	5
37.5	40.5	26.5	33.5	37.5	39	35
9	8.0	6	8.5	7	8	8
4	4.0	2.5	4.5	3.5	3	3
5	5	2.5	5	0	5	5
18.0	17.0	11	18	10.5	16	16
78.0	77.5	52.5	79.5	71.5	80	72.5

The Board of Supervisors

County Administration Building
651 Pine Street, Room 106
Martinez, California 94553

John Gioia, 1st District
Candace Andersen, 2nd District
Mary N. Piepho, 3rd District
Karen Mitchoff, 4th District
Federal D. Glover, 5th District

Contra Costa County



David Twa
Clerk of the Board
and
County Administrator
(925) 335-1900

August 25, 2015

Megan Barber-Brancamp
Board of State and Community Corrections
2590 Venture Oaks Way, Suite 200
Sacramento, CA 95833

RE: Community Recidivism Reduction Grant—CONTRA COSTA COUNTY INTEREST

Dear Ms. Barber-Brancamp:

On behalf the Board of Supervisors, Contra Costa County hereby expresses our continued interest in participating in the Community Recidivism Reduction Grant program.

On September 16, 2014, our Board of Supervisors approved the acceptance of fiscal year 2014/15 grant program funds in the amount of \$250,000 from the Board of State and Community Corrections (BSCC) and confirmed our interest in participating in the grant program in a letter to the BSCC. In response to the recent announcement of a fiscal year 2015/16 allocation in the amount of \$125,000, this letter acknowledges the Board's approval of the County's continued participation, in coordination with the local Community Corrections Partnership.

We understand that grants must be awarded to a nongovernmental entity or a consortium or coalition of nongovernmental entities that provide community recidivism and crime reduction services to persons who have been released from state prison, a county jail, or a juvenile detention facility, who are under the supervision of a parole or probation department, or any other person at risk of becoming involved in criminal activities.

We also understand that we will be required to collect and submit data to the BSCC on the number of individuals served and the types of services provided by a service provider on or before January 31, 2016 and annually thereafter until January 31, 2021 as applicable.

BSCC Community Recidivism Reduction Grant
August 25, 2015
Page 2 of 2

Thank you for the opportunity to participate in this grant program. We look forward to successful outcomes in terms of recidivism reduction and safer communities.

Sincerely,



JOHN GIOIA
Chair, Board of Supervisors

cc: Members, Board of Supervisors
Contra Costa County Legislative Delegation
David Twa, County Administrator
Philip Kader, CCC Chief Probation Officer
Community Corrections Partnership, CCC



Contra
Costa
County

To: Board of Supervisors
From: PUBLIC PROTECTION COMMITTEE
Date: August 25, 2015

Subject: Community Recidivism Reduction Grant FY 15/16

RECOMMENDATION(S):

AUTHORIZE the Chair of the Board of Supervisors to sign a letter of interest to accept \$125,000 funding from the California Board of State and Community Corrections (BSCC) to provide grants to non-governmental entities that provide community recidivism and crime reduction services.

FISCAL IMPACT:

\$125,000 for grants to non-governmental agencies engaged in recidivism reduction.

BACKGROUND:

In August 2014, the County Administrator's Office was notified by the California Board of State and Community Corrections (BSCC) that the Budget Act of 2014 had allocated \$8 million to the BSCC for the Community Recidivism Reduction Grant, as described in Penal Code section 1233.10. Counties were eligible to receive funds if the Board of Supervisors, in collaboration with the Community Corrections Partnership, agrees to develop a competitive grant program intended to fund community recidivism and crime reduction services. On September 16, 2014, the Board of Supervisors passed item C.51, confirming to the BSCC the County's interest in receiving the funding,

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: 08/25/2015

☒ APPROVED AS
RECOMMENDED

☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, District II Supervisor
Mary N. Piepho, District III Supervisor
Karen Mitchoff, District IV Supervisor

ABSENT: Federal D. Glover, District V Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: August 25, 2015

David J. Twa, County Administrator and Clerk of the Board of Supervisors

By: June McHuen, Deputy

Contact: Timothy Ewell,
925-335-1036

BACKGROUND: (CONT'D)

of which \$250,000 was allocated to Contra Costa County.

Following the September 2014 action, the Public Protection Committee discussed how the \$250,000 grant should be allocated for purposes of issuing a request for proposals to community based organizations. The Committee decided that \$150,000 would be allocated to adult programs and \$100,000 would be allocated to juvenile programs. In April 2015, the County Administrator's Office conducted an RFP and review panel process to make grant award.

At their August 11, 2015 meeting, Public Protection Committee was notified of a new allocation from the State of \$125,000 for fiscal year 2015/16. The Committee directed staff to authorize the allocation. The State only requires a letter of interest from the County to authorize the allocation.

CONSEQUENCE OF NEGATIVE ACTION:

The County will not receive \$125,000 to provide grants to nongovernmental agencies for recidivism reduction.

CHILDREN'S IMPACT STATEMENT:

Not applicable.

ATTACHMENTS

Letter of Interest - 2015 Community Recidivism Reduction Grant Allocation

Letter-BSCC to CSAC regarding CRRG Grant Program

Attachment I - Funding Statute

Attachment II - FY 2015/16 County Allocations

CRRG Frequently Asked Questions



STATE OF CALIFORNIA
BOARD OF STATE AND COMMUNITY CORRECTIONS

2590 VENTURE OAKS WAY, SUITE 200 • SACRAMENTO CA 95833 • 916.445.5073 • BSCC.CA.GOV



EDMUND G. BROWN, JR.
Governor

July 21, 2015

Mr. Matt Cate, Executive Director
California State Association of Counties
1100 K Street, Suite 101
Sacramento, CA 95814

DeAnn Baker, Director of Legislative Affairs
California State Association of Counties
1100 K Street, Suite 101
Sacramento, CA 95814

Dear Mr. Cate and Ms. Baker:

The Budget Act of 2015 (FY 15-16) allocates \$4 million to the Board of State and Community Corrections (BSCC) for the Community Recidivism Reduction Grants described in Penal Code section 1233.10 (Attachment I). This money is an addition to the \$8 million provided in the Budget Act of 2014 (FY 14-15). Any county interested in receiving a portion of this additional \$4 million must notify the BSCC by September 30, 2015 by means of a letter of interest. This opportunity is available to any county, including counties who chose not to participate in the FY 14-15 grant program.

Counties that notified the BSCC of their interest in participating in the grant program in FY 14-15 were required to submit Board of Supervisor meeting minutes authorizing the county to receive the grant funds. For funding in FY 15-16, counties whose prior Board approval for accepting funding was not limited to the FY 14-15 funds and otherwise does not restrict receipt of additional funds are not required to submit new meeting minutes of approval. If the prior Board approval was limited in this manner, new meeting minutes that show a vote of approval for receipt of additional funds in FY 15-16 is required.

The county must award its grant dollars through a competitive process to a nongovernmental entity or a consortium or coalition of nongovernmental entities that provide community recidivism and crime reduction services to persons who have been released from state prison, a county jail, or a juvenile detention facility, who are under the supervision of a parole or probation department, or any other person at risk of becoming involved in criminal activities. To afford maximum flexibility, if your county has already completed this competitive process with the FY 14-15 funding, counties may allocate FY 15-16 funding to those service providers who competed for the FY 14-15 funding, or counties may choose to initiate a new competitive process. Please note that an allocation to any service provider is capped pursuant to paragraph (e) of Penal Code section 1233.10. Each county may use up to five percent of its allocation for administrative costs.

Counties that received FY 14-15 funds and counties that choose to participate in the FY 15-16 allocations are also required to collect and submit data to the BSCC on grants awarded. Service providers that receive a grant are responsible for reporting to the county Board of Supervisors or the Community Corrections Partnerships on the number of individuals served and the types of services provided. The Board of Supervisors or the Community Corrections Partnerships must then

report this information to the BSCC on or before January 31, 2016 and each year thereafter until the final reporting date of January 31, 2021, as applicable (please note that this due date is a change from the January 1, 2016 due date you were advised of in a prior email to provide you with additional time to compile the data). Specifically, on January 31, 2016, participating counties must provide the BSCC with data collected from December 5, 2014 – December 31, 2015 and annually thereafter for the prior calendar year. This data must be reported for each of the years that a service provider operates with these funds. If all funds are not encumbered by a reporting date, counties will report on any funds that have been encumbered and provide detail on the funds that have not been encumbered. The BSCC is developing a data reporting spreadsheet to streamline the data collection process and will be sending it, electronically, to the county's primary contact when it is finalized.

The FY 14-15 funding as well as the FY 15-16 can be spent over four years after allocation of funding to counties. Any funds not used by a county or a service provider within four years will revert back to the state General Fund.

If you have any questions, please refer to the Frequently Asked Questions attachment or feel free to contact me directly. You can also contact the BSCC's primary staffer working with this grant, Megan Barber-Brancamp, at megan.barber-brancamp@BSCC.ca.gov and (916) 445-9435. Additionally, if you have not already done so, please provide Megan Barber-Brancamp with the contact information for your county's primary staff person working on the Community Recidivism Reduction Grant program.

Sincerely,



KATHLEEN T. HOWARD
Executive Director
Board of State and Community Corrections

cc: Ms. Karen Pank, Executive Director, Chief Probation Officers of California
Mr. Nick Warner, Policy Director, California State Sheriffs' Association

Attachments



LINDA M. PENNER
Chair

KATHLEEN T. HOWARD
Executive Director

STATE OF CALIFORNIA

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Attachment D



EDMUND G. BROWN, JR.
Governor

Attachment I

2015-16 Funding

California Penal Code Section 1233.10(a)

SEC. 28. Section 1233.10 of the Penal Code is amended to read: 1233.10. (a) Upon agreement to accept funding from the Recidivism Reduction Fund, created in Section 1233.9, a county board of supervisors, in collaboration with the county's Community Corrections Partnership, shall develop, administer, and collect and submit data to the Board of State and Community Corrections regarding a competitive grant program intended to fund community recidivism and crime reduction services, including, but not limited to, delinquency prevention, homelessness prevention, and reentry services.

(1) Commencing with the 2014–15 fiscal year, the funding shall be allocated to counties by the State Controller's Office from Item 5227-101-3259 of Section 2.00 of the Budget Act of 2014 according to the following schedule:

Alameda \$ 250,000
Alpine \$ 10,000
Amador \$ 10,000
Butte \$ 50,000
Calaveras \$ 10,000
Colusa \$ 10,000
Contra Costa \$ 250,000
Del Norte \$ 10,000
El Dorado \$ 50,000
Fresno \$ 250,000
Glenn \$ 10,000
Humboldt \$ 50,000
Imperial \$ 50,000
Inyo \$ 10,000
Kern \$ 250,000
Kings \$ 50,000
Lake \$ 25,000
Lassen \$ 10,000
Los Angeles \$ 1,600,000
Madera \$ 50,000

Attachment I

Page 2

Marin \$ 50,000
Mariposa \$ 10,000
Mendocino \$ 25,000
Merced \$ 50,000
Modoc \$ 10,000
Mono \$ 10,000
Monterey \$ 100,000
Napa \$ 50,000
Nevada \$ 25,000
Orange \$ 500,000
Placer \$ 50,000
Plumas \$ 10,000
Riverside \$ 500,000
Sacramento \$ 250,000
San Benito \$ 25,000
San Bernardino \$ 500,000
San Diego \$ 500,000
San Francisco \$ 250,000
San Joaquin \$ 250,000
San Luis Obispo \$ 50,000
San Mateo \$ 250,000
Santa Barbara \$ 100,000
Santa Clara \$ 500,000
Santa Cruz \$ 50,000
Shasta \$ 50,000
Sierra \$ 10,000
Siskiyou \$ 10,000
Solano \$ 100,000
Sonoma \$ 100,000
Stanislaus \$ 100,000
Sutter \$ 25,000
Tehama \$ 25,000
Trinity \$ 10,000
Tulare \$ 100,000
Tuolumne \$ 25,000
Ventura \$ 250,000
Yolo \$ 50,000
Yuba \$ 25,000

Attachment I

Page 3

(2) Commencing with the 2015–16 fiscal year, the funding shall be allocated to counties by the State Controller’s Office from Item 5227-101-3259 of Section 2.00 of the Budget Act of 2015 according to the following schedule:

Alameda \$ 125,000
Alpine \$ 5,000
Amador \$ 5,000
Butte \$ 25,000
Calaveras \$ 5,000
Colusa \$ 5,000
Contra Costa \$ 125,000
Del Norte \$ 5,000
El Dorado \$ 25,000
Fresno \$ 125,000
Glenn \$ 5,000
Humboldt \$ 25,000
Imperial \$ 25,000
Inyo \$ 5,000
Kern \$ 125,000
Kings \$ 25,000
Lake \$ 12,500
Lassen \$ 5,000
Los Angeles \$ 800,000
Madera \$ 25,000
Marin \$ 25,000
Mariposa \$ 5,000
Mendocino \$ 12,500
Merced \$ 25,000
Modoc \$ 5,000
Mono \$ 5,000
Monterey \$ 50,000
Napa \$ 25,000
Nevada \$ 12,500
Orange \$ 250,000
Placer \$ 25,000
Plumas \$ 5,000
Riverside \$ 250,000
Sacramento \$ 125,000
San Benito \$ 12,500
San Bernardino \$ 250,000
San Diego \$ 250,000

San Francisco \$ 125,000
San Joaquin \$ 125,000
San Luis Obispo \$ 25,000
San Mateo \$ 125,000
Santa Barbara \$ 50,000
Santa Clara \$ 250,000
Santa Cruz \$ 25,000
Shasta \$ 25,000
Sierra \$ 5,000
Siskiyou \$ 5,000
Solano \$ 50,000
Sonoma \$ 50,000
Stanislaus \$ 50,000
Sutter \$ 12,500
Tehama \$ 12,500
Trinity \$ 5,000
Tulare \$ 50,000
Tuolumne \$ 12,500
Ventura \$ 125,000
Yolo \$ 25,000
Yuba \$ 12,500

(b) For purposes of this section, “community recidivism and crime reduction service provider” means a nongovernmental entity or a consortium or coalition of nongovernmental entities, that provides community recidivism and crime reduction services, as described in paragraph (2) of subdivision (c), to persons who have been released from the state prison, a county jail, a juvenile detention facility, who are under the supervision of a parole or probation department, or any other person at risk of becoming involved in criminal activities.

(c) (1) A community recidivism and crime reduction service provider shall have a demonstrated history of providing services, as described in paragraph (2), to the target population during the five years immediately prior to the application for a grant awarded pursuant to this section.

(2) A community recidivism and crime reduction service provider shall provide services that are designed to enable persons to whom the services are provided to refrain from engaging in crime, reconnect with their family members, and contribute to their communities. Community recidivism and crime reduction services may include all of the following:

(A) Self-help groups.

(B) Individual or group assistance with basic life skills.

(C) Mentoring programs.

(D) Academic and educational services, including, but not limited to, services to enable the recipient to earn his or her high school diploma.

- (E) Job training skills and employment.
- (F) Truancy prevention programs.
- (G) Literacy programs.
- (H) Any other service that advances community recidivism and crime reduction efforts, as identified by the county board of supervisors and the Community Corrections Partnership.
- (I) Individual or group assistance with referrals for any of the following:
 - (i) Mental and physical health assessments.
 - (ii) Counseling services.
 - (iii) Education and vocational programs.
 - (iv) Employment opportunities.
 - (v) Alcohol and drug treatment.
 - (vi) Health, wellness, fitness, and nutrition programs and services.
 - (vii) Personal finance and consumer skills programs and services.
 - (viii) Other personal growth and development programs to reduce recidivism.
 - (ix) Housing assistance.
- (d) Pursuant to this section and upon agreement to accept funding from the Recidivism Reduction Fund, the board of supervisors, in collaboration with the county's Community Corrections Partnership, shall grant funds allocated to the county, as described in subdivision (a), to community recidivism and crime reduction service providers based on the needs of their community.
- (e) (1) The amount awarded to each community recidivism and crime reduction service provider by a county shall be based on the population of the county, as projected by the Department of Finance, and shall not exceed the following:
 - (A) One hundred thousand dollars (\$100,000) in a county with a population of over 4,000,000 people.
 - (B) Fifty thousand dollars (\$50,000) in a county with a population of 700,000 or more people but less than 4,000,000 people.
 - (C) Twenty five thousand dollars (\$25,000) in a county with a population of 400,000 or more people but less than 700,000 people.
 - (D) Ten thousand dollars (\$10,000) in a county with a population of less than 400,000 people.
- (2) The total amount of grants awarded to a single community recidivism and crime reduction service provider by all counties pursuant to this section shall not exceed one hundred thousand dollars (\$100,000).
- (f) The board of supervisors, in collaboration with the county's Community Corrections Partnership, shall establish minimum requirements, funding criteria, and procedures for the counties to award grants consistent with the criteria established in this section.
- (g) A community recidivism and crime reduction service provider that receives a grant under this section shall report to the county board of supervisors or the Community Corrections Partnership on the number of individuals served and the types of services provided, consistent with

paragraph (2) of subdivision (c). The board of supervisors or the Community Corrections Partnership shall report to the Board of State and Community Corrections any information received under this subdivision from grant recipients.

(h) Of the total amount granted to a county, up to 5 percent may be withheld by the board of supervisors or the Community Corrections Partnership for the payment of administrative costs.

(i) Any funds allocated to a county under this section shall be available for expenditure for a period of four years and any unexpended funds shall revert to the state General Fund at the end of the four-year period.



LINDA M. PENNER
Chair

KATHLEEN T. HOWARD
Executive Director

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Attachment D



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Governor

Attachment II

2015-16 County Allocations

County	Funding Allocation	Population*	Maximum Provider Allocation
Alameda	\$125,000.00	1,594,569	\$50,000.00
Alpine	\$5,000.00	1,121	\$10,000.00
Amador	\$5,000.00	36,312	\$10,000.00
Butte	\$25,000.00	224,323	\$10,000.00
Calaveras	\$5,000.00	45,668	\$10,000.00
Colusa	\$5,000.00	21,715	\$10,000.00
Contra Costa	\$125,000.00	1,102,871	\$50,000.00
Del Norte	\$5,000.00	28,031	\$10,000.00
El Dorado	\$25,000.00	184,917	\$10,000.00
Fresno	\$125,000.00	972,297	\$50,000.00
Glenn	\$5,000.00	28,728	\$10,000.00
Humboldt	\$25,000.00	134,398	\$10,000.00
Imperial	\$25,000.00	183,429	\$10,000.00
Inyo	\$5,000.00	18,574	\$10,000.00
Kern	\$125,000.00	874,264	\$50,000.00
Kings	\$25,000.00	149,721	\$10,000.00
Lake	\$12,500.00	64,918	\$10,000.00
Lassen	\$5,000.00	32,092	\$10,000.00
Los Angeles	\$800,000.00	10,136,559	\$100,000.00
Madera	\$25,000.00	155,878	\$10,000.00
Marin	\$25,000.00	258,972	\$10,000.00
Mariposa	\$5,000.00	17,791	\$10,000.00
Mendocino	\$12,500.00	88,863	\$10,000.00
Merced	\$25,000.00	266,134	\$10,000.00
Modoc	\$5,000.00	9,399	\$10,000.00
Mono	\$5,000.00	14,695	\$10,000.00
Monterey	\$50,000.00	425,413	\$25,000.00
Napa	\$25,000.00	140,362	\$10,000.00
Nevada	\$12,500.00	98,193	\$10,000.00
Orange	\$250,000.00	3,147,655	\$50,000.00
Placer	\$25,000.00	369,454	\$10,000.00
Plumas	\$5,000.00	19,560	\$10,000.00
Riverside	\$250,000.00	2,308,441	\$50,000.00
Sacramento	\$125,000.00	1,470,912	\$50,000.00
San Benito	\$12,500.00	58,344	\$10,000.00
San Bernardino	\$250,000.00	2,104,291	\$50,000.00

County	Funding Allocation	Population*	Max. Provider Allocation
San Diego	\$250,000.00	3,227,496	\$50,000.00
San Francisco	\$125,000.00	845,602	\$50,000.00
San Joaquin	\$125,000.00	719,511	\$50,000.00
San Luis Obispo	\$25,000.00	274,293	\$10,000.00
San Mateo	\$125,000.00	753,123	\$50,000.00
Santa Barbara	\$50,000.00	437,643	\$25,000.00
Santa Clara	\$250,000.00	1,889,638	\$50,000.00
Santa Cruz	\$25,000.00	271,646	\$10,000.00
Shasta	\$25,000.00	178,673	\$10,000.00
Sierra	\$5,000.00	3,105	\$10,000.00
Siskiyou	\$5,000.00	45,119	\$10,000.00
Solano	\$50,000.00	429,552	\$25,000.00
Sonoma	\$50,000.00	496,253	\$25,000.00
Stanislaus	\$50,000.00	532,297	\$25,000.00
Sutter	\$12,500.00	95,948	\$10,000.00
Tehama	\$12,500.00	64,323	\$10,000.00
Trinity	\$5,000.00	13,571	\$10,000.00
Tulare	\$50,000.00	462,189	\$25,000.00
Tuolumne	\$12,500.00	54,337	\$10,000.00
Ventura	\$125,000.00	848,073	\$50,000.00
Yolo	\$25,000.00	209,393	\$10,000.00
Yuba	\$12,500.00	74,076	\$10,000.00

*As estimated by the Department of Finance



LINDA M. PENNER
Chair

KATHLEEN T. HOWARD
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Attachment D



EDMUND G. BROWN, JR.
Governor

FREQUENTLY ASKED QUESTIONS

2015-16 COMMUNITY RECIDIVISM REDUCTION GRANT

1. What is the statutory authority for the additional \$4M in funds?

The funding is provided in the Budget Act of 2015, Chapter 11, Statutes of 2015. Penal Code section 1233.10 provides the allocation schedule to counties.

2. Does my Board of Supervisors need to approve the additional FY 15-16 funding by vote?

If your county accepted funding in FY 14-15 and your Board approval did not limit funding to the FY 14-15 funds then your county is not required to re-submit a Board approval. However, if your Board's approval to accept these funds was restricted to the FY 14-15 funds then your county must submit new meeting minutes showing a vote of approval for the FY 15-16 funding. Counties should indicate within their Letter of Interest whether their Board needs to take a vote to approve FY 15-16 funding.

3. What are the expectations regarding the Letter of Interest?

Your county's Letter of Interest, which should be signed by the Board of Supervisors Clerk of the Board or the Chief Administrative Officer, must specify that it would like to accept the additional FY 15-16 funds and that your Board of Supervisors has taken action to accept this additional funding (please refer to question 2 for details). The letter must also indicate that the Community Corrections Partnership is in agreement.

4. If a Board of Supervisors' vote is required for my county to obtain FY 15-16 funding, do the meeting minutes need to be sent at the same time as the Letter of Interest?

No, the Board of Supervisors' meeting minutes can be sent to the BSCC as a follow-up document after September 30, 2015. However, counties should indicate whether a new vote was necessary in its Letter of Interest.

5. Does my county need to initiate a new competitive process for FY 15-16 funding if we completed one in FY 14-15?

If your county completed a competitive process with the FY 14-15 funds, you have two options on how to proceed with FY 15-16 funding: 1) your county can allocate the FY 15-16

funds to service providers that competed for the FY 14-15 funding (please note that an allocation to any service provider is capped pursuant to paragraph (e) of Penal Code section 1233.10); or 2) your county can choose to initiate a new competitive process for FY 15-16 funding.

6. By what date does all the funding need to be encumbered with a service provider?

With the recent amendments to Section 1233.10 (i) of the Penal Code, counties no longer have the restriction of an encumbrance date. You now have four years after receiving these grant funds from the State Controller's Office to award and spend the funds. Any funds not used within this four year period will revert back to the state General Fund. For example, in FY 14-15 counties received funding for the Community Recidivism Reduction Grant on December 5, 2014 which means that they now have until December 5, 2018 to award the grant dollars to service providers and to spend the money.

7. Can counties spend all the allocated funds in less than four years?

Yes, counties have up to four years to award and spend the funds. However, funds can be spent in fewer than four years.

8. What type of data will counties need to collect and when are the findings due to the BSCC?

The BSCC will be collecting data on the number of individuals served and the types of services provided by a service provider on or before January 31, 2016 and annually thereafter until January 31, 2021, as applicable. For each reporting cycle, your county must report on the previous year's activities for each service provider operating with these funds. For example, on January 31, 2016 your county will report on activities from December 5, 2014 – December 31, 2015. If your county has not encumbered all its funds with service providers by a reporting date, you may report on any funds that have been encumbered and provide detailed information on the funds that have not been encumbered.

9. Can counties use any of the grant money for administrative costs?

Yes, your county can use up to five percent of its total allocation for administrative costs.



Contra Costa County Board of Supervisors

Subcommittee Report

PUBLIC PROTECTION COMMITTEE

5.

Meeting Date: 09/14/2015
Subject: CONTRA COSTA COUNTY RACIAL JUSTICE COALITION
Submitted For: PUBLIC PROTECTION COMMITTEE,
Department: County Administrator
Referral No.: N/A
Referral Name: CONTRA COSTA COUNTY RACIAL JUSTICE COALITION
Presenter: Supervisor Gioia **Contact:** Timothy Ewell, 925-335-1036

Referral History:

On April 7, 2015, the Board of Supervisors received a letter (attached) from the Contra Costa County Racial Justice Coalition requesting review of topics within the local criminal justice system. The Public Protection Committee (PPC) generally hears all matters related to public safety within the County.

On July 6, 2015, the Committee initiated discussion regarding this referral and directed staff to research certain items identified in the Coalition's letter to the Board of Supervisors and return to the Committee in September 2015.

Referral Update:

Today's item provides additional information as requested by the Committee to support discussion related to this item.

The following attachments are included:

Attachment A – Contra Costa County data on race in criminal justice

The attachment includes:

- Summary of race data in criminal justice systems in Contra Costa County
- Contra Costa County population estimates
- Probation Department data on Pretrial, AB 109 adult and juvenile probation populations
- Superior Court data on criminal case filings and jury service
- Note: The Sheriff's Office made efforts to provide data on arrested individuals booked into County detention facilities but was unable to complete the report by the time of publication of this agenda.

Attachment B - San Francisco Reinvestment Initiative: Racial and Ethnic Disparities Analysis

Related article: <http://sfpublicdefender.org/news/2015/06/study-shocking-racial-disparities-in-sf-courts/>

Attachment C – Contra Costa County’s workplace diversity training

The attachment includes:

- Summary of eLearning vendor Target Solutions' Workplace Diversity training materials
- Risk Management memo on diversity training, including completion data by department
- Board policy on required sexual harassment and workplace diversity training

Attachment D – Other Diversity and Implicit Bias trainings and presentations

The attachment includes:

- **Governing for Racial Equity (GRE) Conference presentation on Incorporating Race and Justice Principals into Criminal Justice System Policies.**
The GRE Network is a regional consortium of government, philanthropy, higher education and the community partnering to achieve racial equity. The GRE Network brings together public sector employees from across the U.S. to end institutional and structural racism, strengthen regional alliances, and increase public will to achieve racial equity. The 2015 conference took place on June 11 & 12 in Seattle, Washington.
- **EmTrain’s guide to the online training on Fostering a Diverse & Inclusive Workplace.**
EmTrain is San Mateo County’s online training vendor and is an approved provider of continuing education.
- **King County participant’s guide to their workshop on Addressing Implicit Bias, Racial Anxiety, and Stereotype Threat.**
- **Government Alliance on Race and Equity (GARE) presentation on Equity in Government.**
GARE Director Julie Nelson conducts trainings with elected officials, housing, police officers, commissioners and others that is focused on normalizing conversations about race (delineating the differences between implicit and explicit bias and individual, institutional and structural racism), organizing within institutions and with the community and operationalizing equity. GARE will be launching a year-long learning cohort for jurisdictions in the Bay Area that are at the beginning phases of working on racial equity. For more information, please contact Julie Nelson, Director of the Government Alliance on Race and Equity, at julie.nelson62@gmail.com or (206) 816-5104.

Recommendation(s)/Next Step(s):

1. DISCUSS letter from the Contra Costa County Racial Justice Coalition; and
2. PROVIDE direction to staff on next steps.

Fiscal Impact (if any):

No fiscal impact.

Attachments

Attachment A – Contra Costa County data on race in criminal justice

Attachment B - San Francisco Reinvestment Initiative: Racial and Ethnic Disparities Analysis

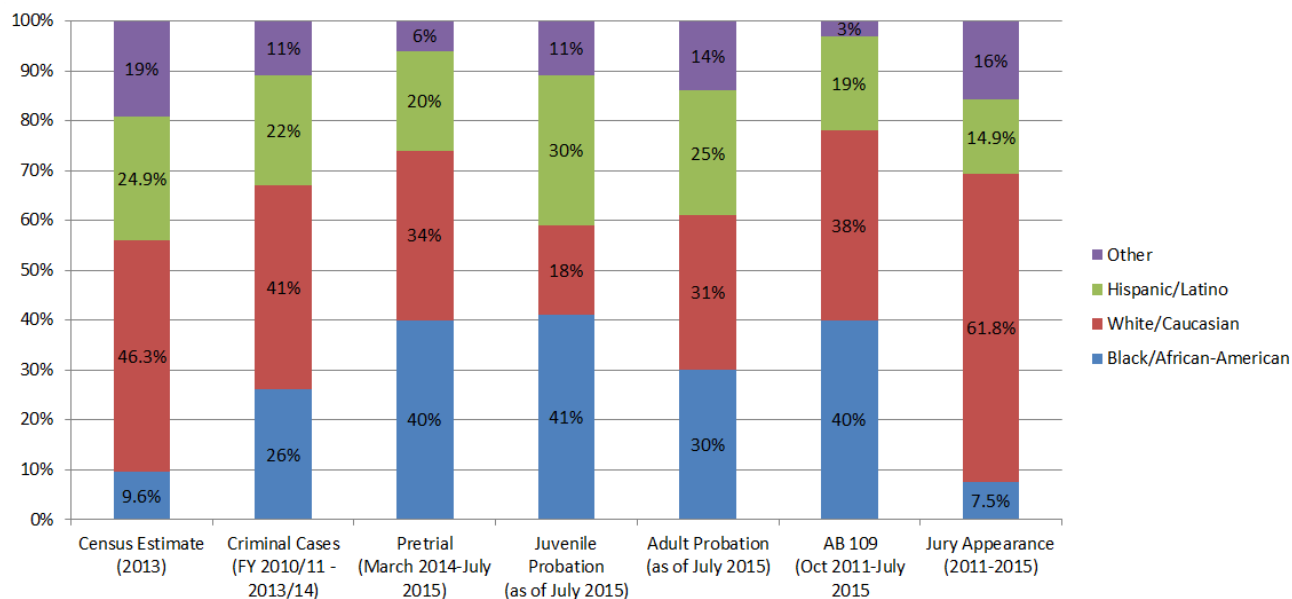
Attachment C - County Workplace Diversity Training

Attachment D – Other Diversity and Implicit Bias trainings and presentations

Letter from Racial Justice Coalition April 7, 2015

Summary of Race Data in Criminal Justice Systems in Contra Costa County

Sources: Census, Probation Department, Contra Costa Superior Court



Contra Costa County Population

Source: US Census Bureau State & County QuickFacts

People QuickFacts	Contra Costa County	California
Population, 2014 estimate	1,111,339	38,802,500
Population, 2013 estimate	1,095,980	38,431,393
Population, 2010 (April 1) estimates base	1,049,197	37,254,503
Population, percent change - April 1, 2010 to July 1, 2014	5.9%	4.2%
Population, percent change - April 1, 2010 to July 1, 2013	4.5%	3.2%
Population, 2010	1,049,025	37,253,956
Persons under 5 years, percent, 2013	5.9%	6.5%
Persons under 18 years, percent, 2013	23.8%	23.9%
Persons 65 years and over, percent, 2013	13.8%	12.5%
Female persons, percent, 2013	51.2%	50.3%

White alone, percent, 2013 (a)	67.9%	73.5%
Black or African American alone, percent, 2013 (a)	9.6%	6.6%
American Indian and Alaska Native alone, percent, 2013 (a)	1.0%	1.7%
Asian alone, percent, 2013 (a)	15.9%	14.1%
Native Hawaiian and Other Pacific Islander alone, percent, 2013 (a)	0.6%	0.5%
Two or More Races, percent, 2013	5.0%	3.7%
Hispanic or Latino, percent, 2013 (b)	24.9%	38.4%
White alone, not Hispanic or Latino, percent, 2013	46.3%	39.0%

(a) Includes persons reporting only one race.

(b) Hispanics may be of any race, so also are included in applicable race categories.

Criminal Cases

Source: Court criminal case management system.

Data retrieved from District Attorney files.

Time Frame: Fiscal years 2010/11-2013/14

	Fiscal Year			
Gender	2010/2011	2011/2012	2012/2013	2013/2014
Not Specified	131	313	289	590
Female	3506 24%	3011 23%	2990 23%	4069 24%
Male	10938 75%	9843 75%	9890 75%	12520 73%
Total	14575	13167	13169	17179

	Fiscal Year				
Race	2010/2011	2011/2012	2012/2013	2013/2014	
Not Specified	214	578	470	765	
A OTHER ASIAN	213	216	200	281	
B BLACK	3669 25%	3376 26%	3594 27%	4274 25%	26%
C CHINESE	7	9	9	22	
D CAMBODIAN				1	
F FILIPINO	50	42	36	65	
G GUAMANIAN	2	2		5	
H LATIN AMERICAN/HISPANIC	3558 24%	2883 22%	2868 22%	3727 22%	22%
I AMERICAN INDIAN	12	11	17	15	
J JAPANESE	5	3	1	3	
K KOREAN	6	6	3	2	
L LAOTIAN	6			2	
M SPANISH OR MEXICAN AMERICAN					
O OTHER	635	644	608	830	
P PACIFIC ISLANDER	23	26	15	25	
S SAMOAN	3	6	5	4	
U HAWAIIAN	21	4	5	11	
V VIETNAMESE	11	3	4	5	
W CAUCASIAN	6099 42%	5252 40%	5282 40%	7070 41%	41%
X UNKNOWN	33	84	38	64	
Z ASIAN INDIAN	8	23	13	8	
Total	14575	13168	13168	17179	

Pretrial

Source: Probation Department CMS. Upon completion of interview with clients,
probation officer enters data retrieved from California Law Enforcement
Telecommunications System (CLETS) and from Public Defender's Office worksheet;
Time Frame: March 2014-July 2015

Pretrial - Total			Granted Supervision			Currently being supervised		
Black/African-American	555	40%	Black/African-American	189	44%	Black/African-American	93	47%
White	473	34%	White	130	31%	White	58	29%
Hispanic/Latino	286	20%	Hispanic/Latino	81	19%	Hispanic/Latino	40	20%
Asian	24		Asian	8		Asian	4	
Other	21		Other	8		Other	2	
Unknown	20		Unknown			Unknown		
Native Hawaiian/Other Pacific Islander	17		Native Hawaiian/Other Pacific Islander	8		Native Hawaiian/Other Pacific Islander	3	
American Indian/Alaskan Native	6		American Indian/Alaskan Native	1		American Indian/Alaskan Native		
Total	1402		Total	425		Total	200	

Completed Successfully			Unsuccessful		
Black/African-American	76	44%	Black/African-American	29	33%
White	54	31%	White	32	36%
Hispanic/Latino	29	17%	Hispanic/Latino	23	26%
Asian	4		Asian		
Other	5		Other	2	
Native Hawaiian/Other Pacific Islander	4		Native Hawaiian/Other Pacific Islander	2	
American Indian/Alaskan Native			American Indian/Alaskan Native	1	
Total	172		Total	89	

Adult and Juvenile Probation

Source: Probation Department CMS. Clerk enters data
retrieved from the Court or CLETS.

Time Frame: All current Adult and Juvenile Probation, as of July 2015

Juvenile Probation	
Black	1008
Hispanic	743
White	437
Unknown	147
Other Non-Asian	42
Asian Indian	24
Filipino	16
Pacific Islander	11
Laotian	8
Indian (American)	6
Other Asians	5
Hawaiian	3
Samoan	3
Guamanian	1
Chinese	1
Cambodian	1
Vietnamese	1
Japanese	1
Korean	
Total	2458

41%
30%
18%

Adult Probation	
Black	1060
Hispanic	877
White	1112
Unknown	277
Other Non-Asian	67
Asian Indian	21
Filipino	30
Pacific Islander	4
Laotian	1
Indian (American)	3
Other Asians	
Hawaiian	79
Samoan	3
Guamanian	1
Chinese	3
Cambodian	
Vietnamese	2
Japanese	
Korean	1
Total	3541

30%
25%
31%

AB 109 Population

Source: Probation Department CMS. Clerk enters data retrieved from the Court or from California Department of Corrections and Rehabilitation (CDCR).

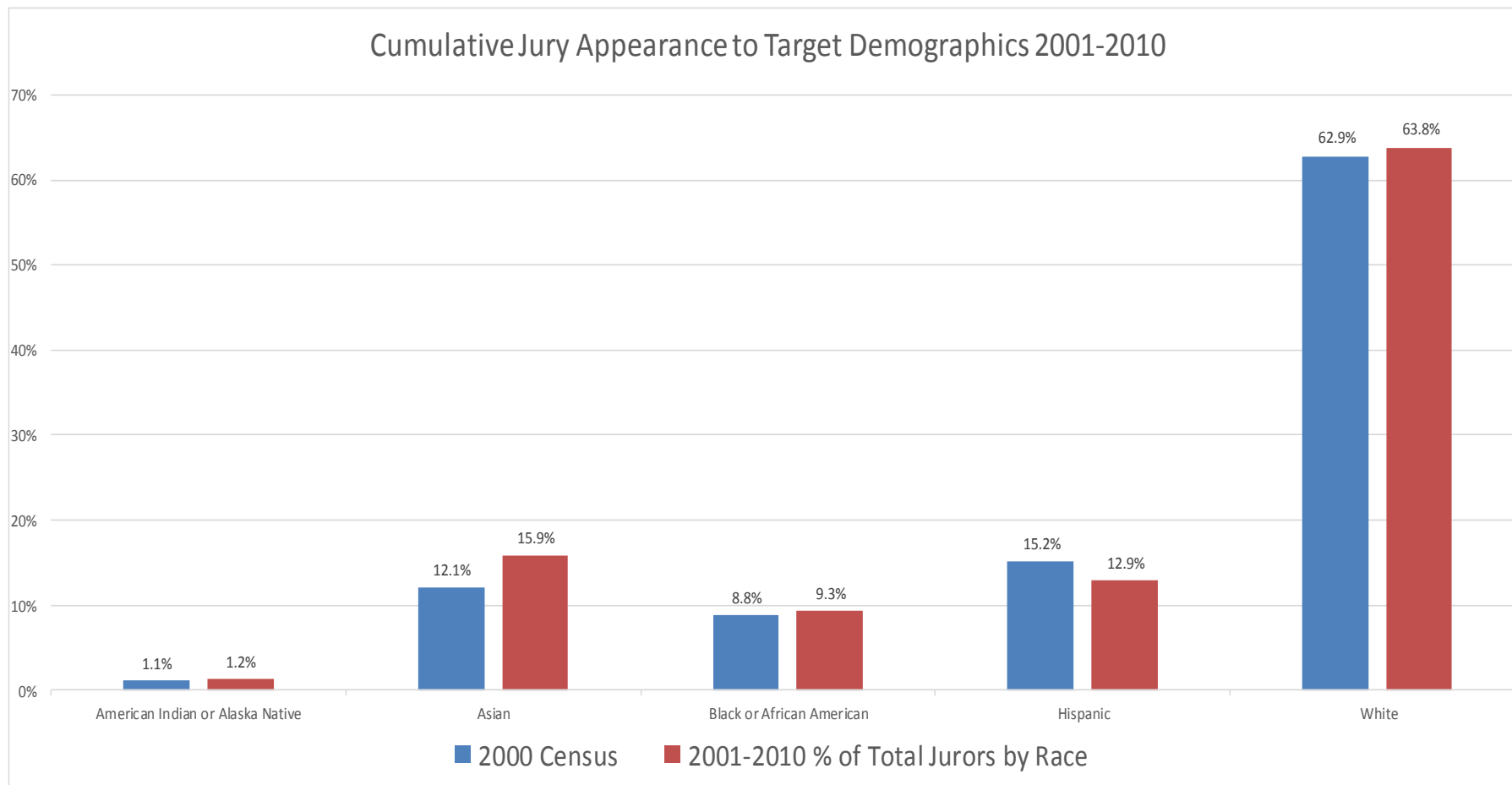
Time Frame: October 2011-July 2015

AB 109		
Black	786	40%
White	758	38%
Hispanic	384	19%
Unknown	19	
Filipino	15	
Asian	10	
Samoan	3	
Pacific Islander	3	
Vietnamese	3	
Chinese	2	
Other	2	
Am Indian	1	
Japanese	1	
Laotian	1	
Total	1988	

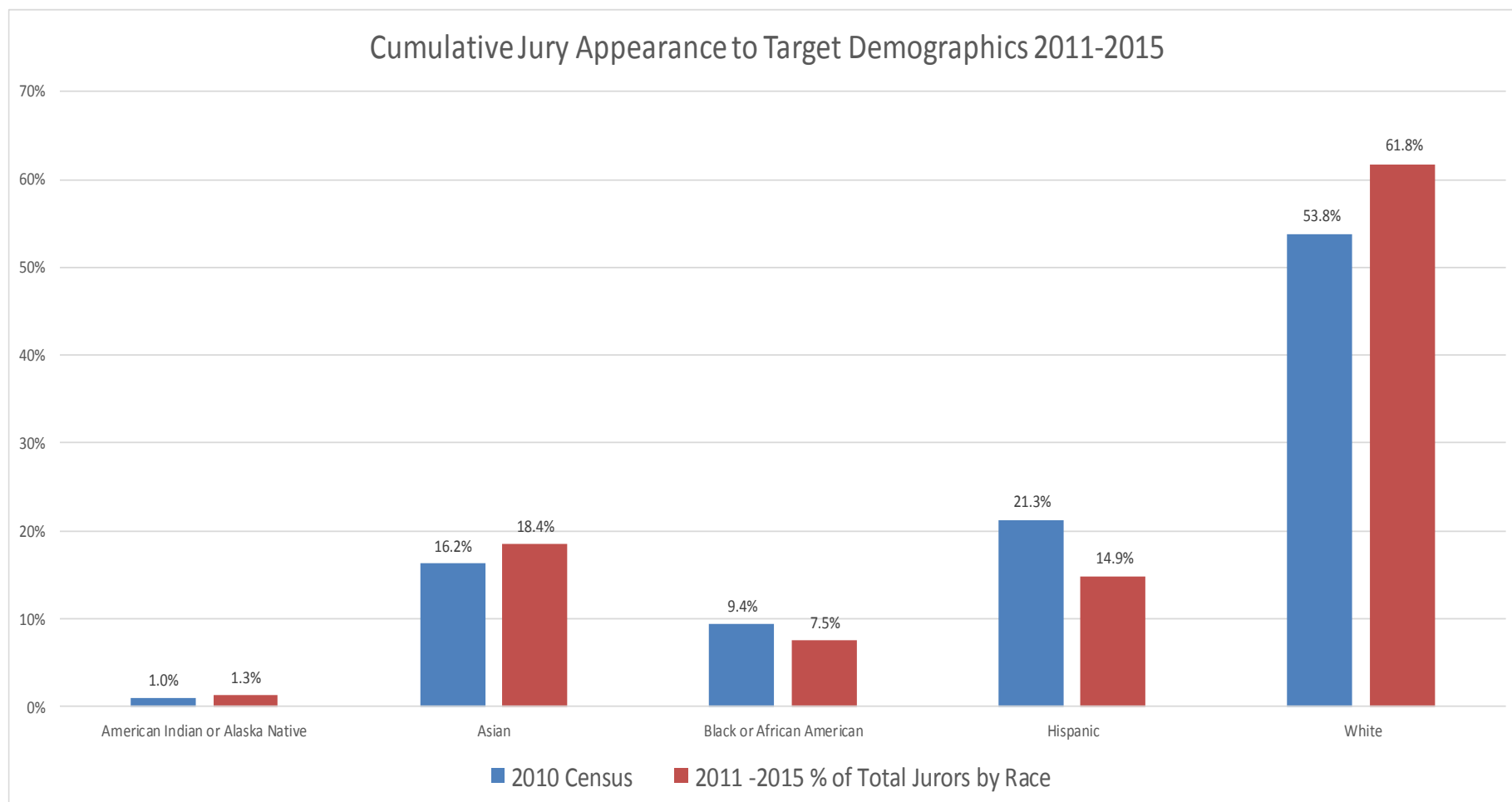
Probation Department Employees

Source: Human Resources

Probation Employees	
Caucasian	44%
African-American	31%
Hispanic	8%



- Racial data is self-reported by jurors based on questionnaires distributed at the time they report for service at each court location
- 2001-2010 % of Total Jurors by Race represents cumulative responses for the 10 year period between 2001-2010
- Multi-racial responses are recorded as one (1) full person in each race
- 2000 baseline census numbers for jury demographic study have been filtered to exclude; persons under 18, and Non-U.S. Citizens



- Racial data is self-reported by jurors based on questionnaires distributed at the time they report for service at each court location
- 2011-2015 % of Total Jurors by Race represents cumulative responses for the 4.5 year period between 2011-2015
- Multi-racial responses are recorded as one (1) full person in each race
- 2010 baseline census numbers for jury demographic study have been filtered to exclude; persons under 18, and Non-U.S. Citizens

Summary

Note: These data can provide a good overview of demographic trends for those who report for jury service, but data for individuals who identify as either Hispanic or multi-racial may not be precisely accurate for any of three reasons:

1. Individuals who identify as Hispanic (an ethnicity, but reported here as if it were a racial category) may have selected any one of the racial categories listed on the form, or none of these categories, or “other”
2. Individuals who identified their racial category as “other” are not included in these data
3. Individuals who self-identify as multi-racial can indicate their racial identification by checking “multi-racial”, “other”, two or more of the other racial categories provided on the survey, or check the boxes for any combination of these categories



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Attachment B



SAN FRANCISCO JUSTICE REINVESTMENT INITIATIVE: RACIAL AND ETHNIC DISPARITIES ANALYSIS FOR THE REENTRY COUNCIL

SUMMARY OF KEY FINDINGS

SUMMARY OF KEY FINDINGS

The W. Haywood Burns Institute (BI) is a national non-profit organization that has worked successfully with local jurisdictions to reduce racial and ethnic disparities in the justice system by leading traditional and non-traditional stakeholders through a data-driven, consensus based process. BI was engaged by the Reentry Council of The City and County of San Francisco to conduct a decision point analysis to learn whether and to what extent racial and ethnic disparities exist at key criminal justice decision making points in San Francisco. The analysis was limited due to data limitations. For additional information regarding the key findings listed in this summary, please see the full report.

DEMOGRAPHIC SHIFTS IN SAN FRANCISCO

- Data indicate that San Francisco's demographic make-up is changing. Between 1994 and 2013, the number of Black adults decreased by 21 percent. At the same time, the number of Latino adults increased by 31 percent.

DISPROPORTIONALITY AT EVERY STAGE

- In 2013, there were a disproportionate number of Black adults represented at every stage of the criminal justice process. While Black adults represent only 6% of the adult population, they represent 40% of people arrested, 44% of people booked in County Jail, and 40% of people convicted.
- When looking at the relative likelihood of system involvement- as opposed to the proportion of Black adults at key decision points – disparities for Black adults remain stark. Black adults are 7.1 times as likely to be arrested, 11 times as likely to be booked into County Jail, and 10.3 times as likely to be convicted of a crime in San Francisco.

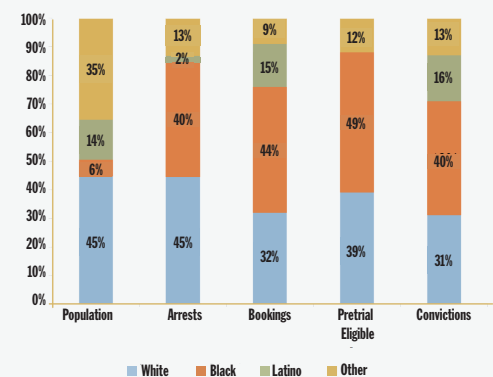
FINDINGS REGARDING DATA CAPACITY

- Data required to answer several key questions regarding racial and ethnic disparities were unavailable. As stakeholders move forward to more fully understand the disparities highlighted in the report, they will need to build capacity for a more comprehensive and system-wide approach to reporting data on racial and ethnic disparities.
- Lack of "ethnicity" data impeded a full analysis of the problem of disparities. Justice system stakeholders must improve their capacity to collect and record data on ethnicity of justice system clients. Lack of data regarding Latino adults' involvement is problematic for obvious reasons – if we do not understand the extent of the problem, we cannot craft the appropriate policy solutions. Additionally, when population data disregard ethnicity, and only focus on race, the vast majority of these "Hispanics" are counted as White. The result is a likely inflated rate of system involvement for White adults¹, and an underestimation of the disparity gap between White and Black adults.

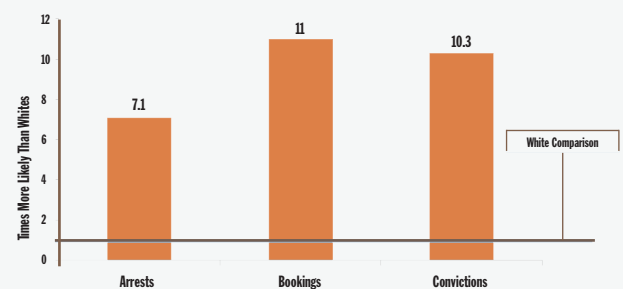
¹ Nationally, when population data disregard ethnicity, and only focus on race, the vast majority of these "Hispanics" (89%) would be identified as "White."). Puzzanchera, C., Sladky, A. and Kang, W. (2014). "Easy Access to Juvenile Populations: 1990-2013." Online. Available: <http://www.ojjdp.gov/ojstatbb/ezapop/>



2013 DATA: SAN FRANCISCO

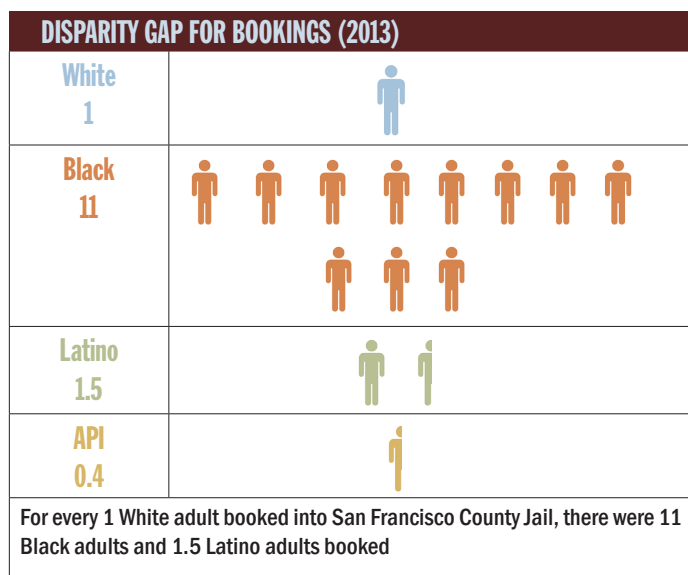
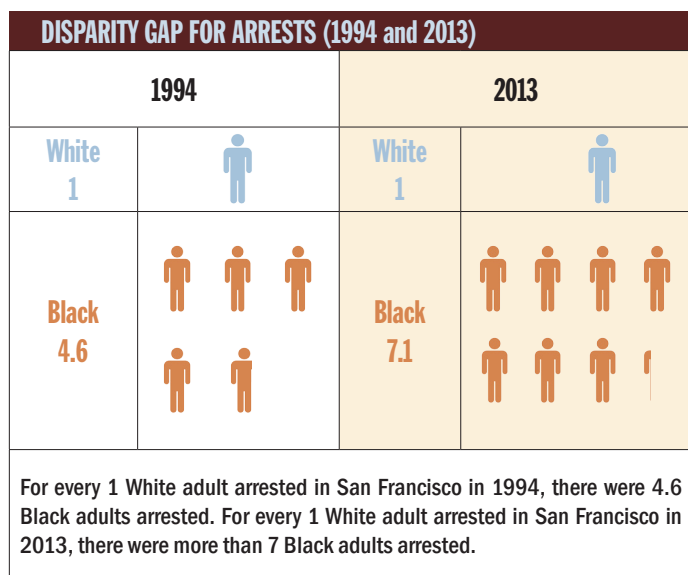


2013: DISPARITY GAP FOR BLACK ADULTS AT KEY DECISION POINTS



ARRESTS

- In 2013, Black Adults in San Francisco were more than seven times as likely as White adults to be arrested.
- Despite a significant overall reduction in arrest rates in San Francisco, the disparity gap – the relative rate of arrest for Black adults compared to White adults – is increasing.
- Whereas the disparity gap in arrests statewide is decreasing, the disparity gap in San Francisco is increasing.
- Rates of arrest are higher for Black adults than White adults for every offense category.
- Despite reductions in rates of arrest for drug offenses, the Black/White disparity gap increased for every drug offense category.



BOOKINGS TO JAIL (PRETRIAL)

- Black adults in San Francisco are 11 times as likely as White adults to be booked into County Jail. This disparity is true for both Black men (11.4 times as likely) and Black Women (10.9 times as likely).
- Latino adults are 1.5 times as likely to be booked as White adults.
- Booking rates for Black and Latino adults have increased over the past three years while booking rates for White adults have decreased.
- The top three residence zip codes of Black adults booked into County Jail were: 94102 (includes the Tenderloin), 94124 (Bayview-Hunters Point), and 94103 (South of Market).
- The top three residence zip codes for Latino adults booked into County Jail were: 94110 (Inner Mission/Bernal Heights), 94102 (includes the Tenderloin), and 94112 (Ingelside-Excelsior/Crocker-Amazon).
- A vast majority (83 percent) of individuals booked into jail in San Francisco had residence zip codes within the County. Overall, only 17 percent of individuals booked into jail had residence zip codes outside of San Francisco.²

PRETRIAL RELEASE

- Booked Black adults are more likely than booked White adults to meet the criteria for pretrial release.³
- Black adults are less likely to be released at all process steps: Black adults are less likely to receive an “other” release (i.e., cited, bailed, and dismissed); less likely than White adults to be released by the duty commissioner; and less likely to be granted pretrial release at arraignment.
- Rates of pretrial releases at arraignment are higher for White adults for almost every quarter.
- Out of all adults who meet the criteria for pretrial release (the entirety of the SFPDP database):
 - 39 percent of Black adults had prior felony(ies) compared to 26 percent of White adults, however, White adults with a prior felony were almost always more likely to be released at arraignment than Black adults with a prior felony;





² Data regarding the homeless population were unavailable. Of the total 19,273 bookings in 2013, there were 3,973 (21%) that did not include a zip code. Some of these missing zip codes may be homeless adults who reside in San Francisco.

³ Data for both Bookings and Pretrial eligible include the most recent year available (Q3 2013-Q2 2014). The data come from two distinct databases. Further analysis is needed to better understand this finding. For example, White adults may be more likely to be cited out and are therefore not included as “eligible” for pretrial release, and protocol for identifying “ethnicity” in the two information systems may not be consistent.

- 44 percent of Black adults had prior misdemeanor(s) compared to 45 percent of White adults, however, White adults with a prior misdemeanor were almost always more likely to be released at arraignment than Black adults with a prior misdemeanor; and
- 62 percent of Black adults had a high school diploma or GED compared to 66 percent of White adults, however, White adults with a HSD/GED were almost always more likely to be released at arraignment than Black adults with a HSD/GED.

CONVICTIONS/SENTENCING

- For every White adult arrested and convicted in 2013, 1.4 Black adults were arrested and convicted.⁴ (Due to lack of data about Latinos at arrest, no comparison of convictions to arrest was made for Latinos).
- Black adults in San Francisco (in the general population) are ten times as likely as White adults in San Francisco (in the general population) to have a conviction in court.
- Latino adults in San Francisco (in the general population) are nearly twice as likely as White adults in San Francisco (in the general population) to have a conviction in court.⁵
- The vast majority of all people convicted are sentenced to Jail/Probation. Black adults with Jail/Probation sentences are more likely to receive formal probation than White adults. Whereas 31 percent of White Adults receive formal probation, 53 percent of Black adults did.
- Black adults are more likely to be sentenced to prison and county jail alone and less likely to be sentenced to Jail/Probation sentence than White adults.
- When they receive Jail/Probation sentences, Black adults are more likely to have a longer County Jail sentence than White adults.
- Although more White adults are convicted on DUI charges with blood alcohol levels greater than or equal to .08 than Black adults, Black and Latino adults convicted of these charges are more likely to have a longer jail sentence (as part of a Jail/Probation sentence) than White adults.⁶
- Of all Black adults convicted, 6 percent were convicted of transporting or selling controlled substances; of all White adults convicted, only 1 percent was convicted of this charge. While the number of adults convicted of transporting or selling controlled substances has decreased substantially over the past 3 years, the proportion is consistently higher for Black adults.⁷
- Black adults convicted of transporting or selling controlled substances are more likely to stay longer in jail as part of a Jail/Probation sentence.
- Over the course of the last year, there were 288,177 bed days as the result of court sentences to jail (either though county jail alone or as a part of a Jail/Probation sentence). Black adults account for 50 percent of these sentenced bed days.

DISPARITY GAP FOR CONVICTIONS (2013)	
White 1	
Black 10.3	
Latino 1.7	
API 0.4	
For every 1 White adult convicted of a crime in San Francisco, there were more than 10 Black adults and nearly 2 Latino adults convicted.	

⁴ When population data disregard ethnicity, the vast majority of Hispanic/Latino people are identified as White. This results in an inflated rate of system involvement for White adults; and subsequently an underestimation of the disparity gaps between White/Black adults & White/Latino adults.

⁵ See note above. It is important to note this for all of the analyses in the conviction/sentencing section which compare White and Latino rates.

⁶ Analysis of specific charges includes the entire timeframe, in order to increase the number of cases analyzed. The criminal code referenced here is VC 23152(b)/M.

⁷ Analysis of specific charges includes the entire timeframe, in order to increase the number of cases analyzed. The criminal code referenced here is HS 11352(a)/F.



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SAN FRANCISCO JUSTICE REINVESTMENT INITIATIVE: RACIAL & ETHNIC DISPARITIES ANALYSIS FOR THE REENTRY COUNCIL

BY
W. HAYWOOD BURNS
INSTITUTE

Improving Life
Opportunities for
Youth, Families,
and Communities
of Color

The W. Haywood Burns Institute (BI)

2

Our Work

- ▣ The Burns Institute works to eliminate racial and ethnic disparities in the justice system by using a data driven, community centered approach to reducing system involvement for people of color.

Our Work in San Francisco:

- ▣ Conduct analysis to identify whether and to what extent racial and ethnic disparities exist at key criminal justice decision making points.

BI Strategy for Reducing Racial and Ethnic Disparities

1. Identify Disparities

- ▣ Identify whether and to what extent racial and ethnic disparities exist

2. Identify, Analyze and Strategize around a “Target Population”

- ▣ Identify target population to focus the work.
- ▣ “Dig deeper” into target population to learn more about policy, practice, procedure and other factors contributing to disparities.
- ▣ Strategize around how policy, practice, and/or procedure change might result in reductions in disparities.
- ▣ Pilot or adopt policy, practice or procedural change

3. Measure Progress

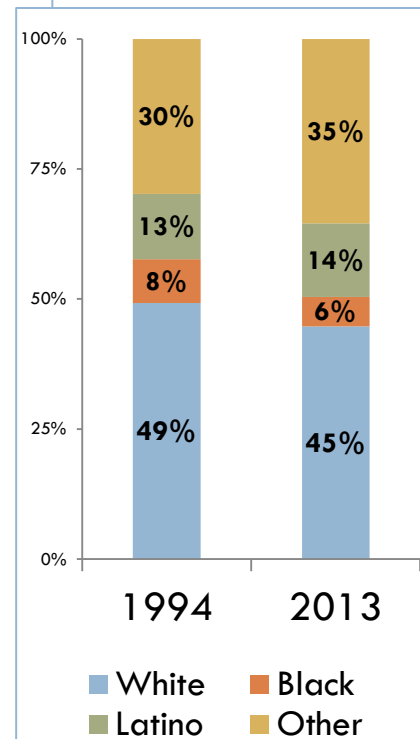
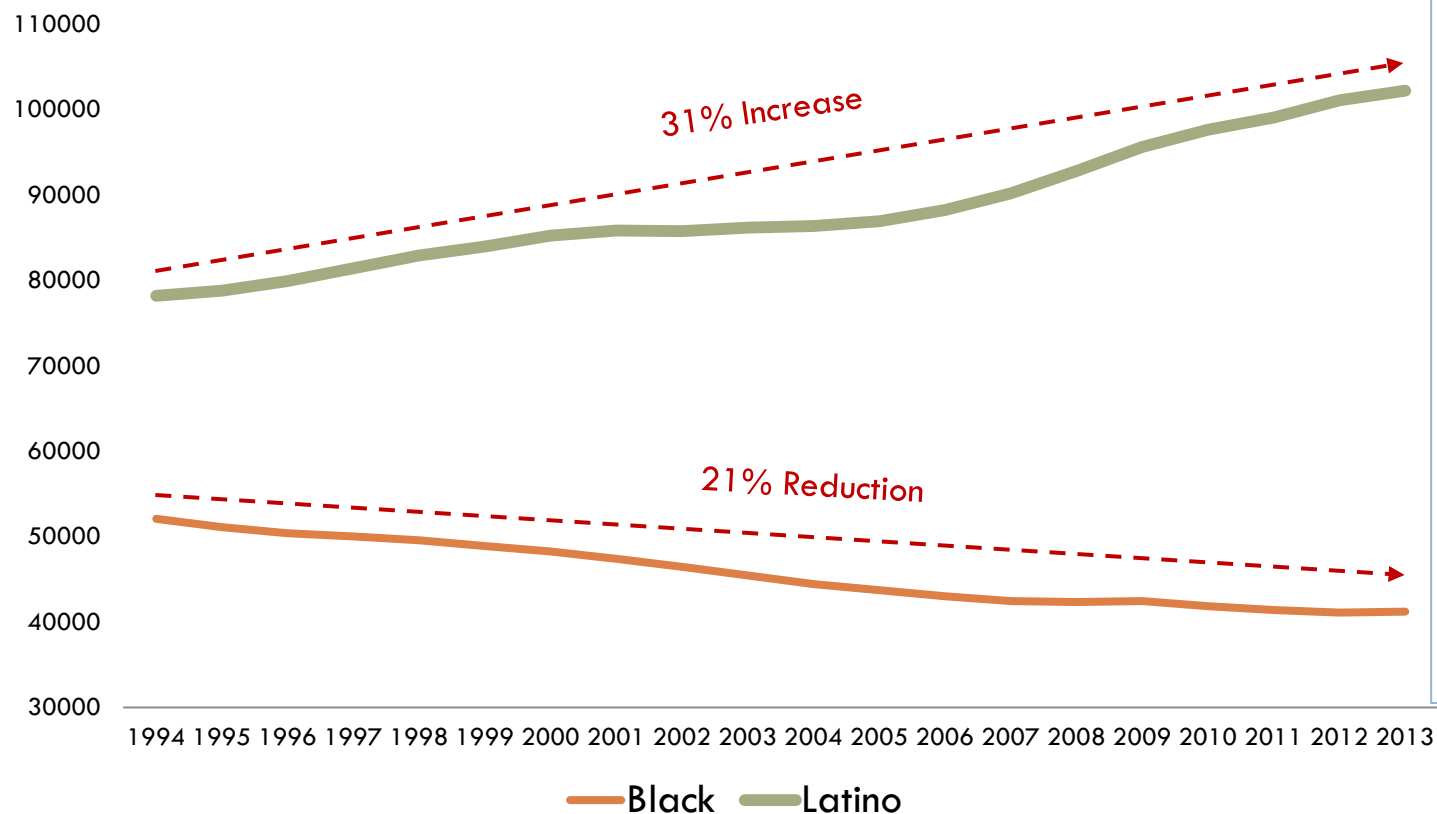
- ▣ Monitor Effectiveness of Change
- ▣ Document changes in disparities

Ongoing process

San Francisco Demographics are Changing

4

San Francisco Adult Population: Changing Demographics

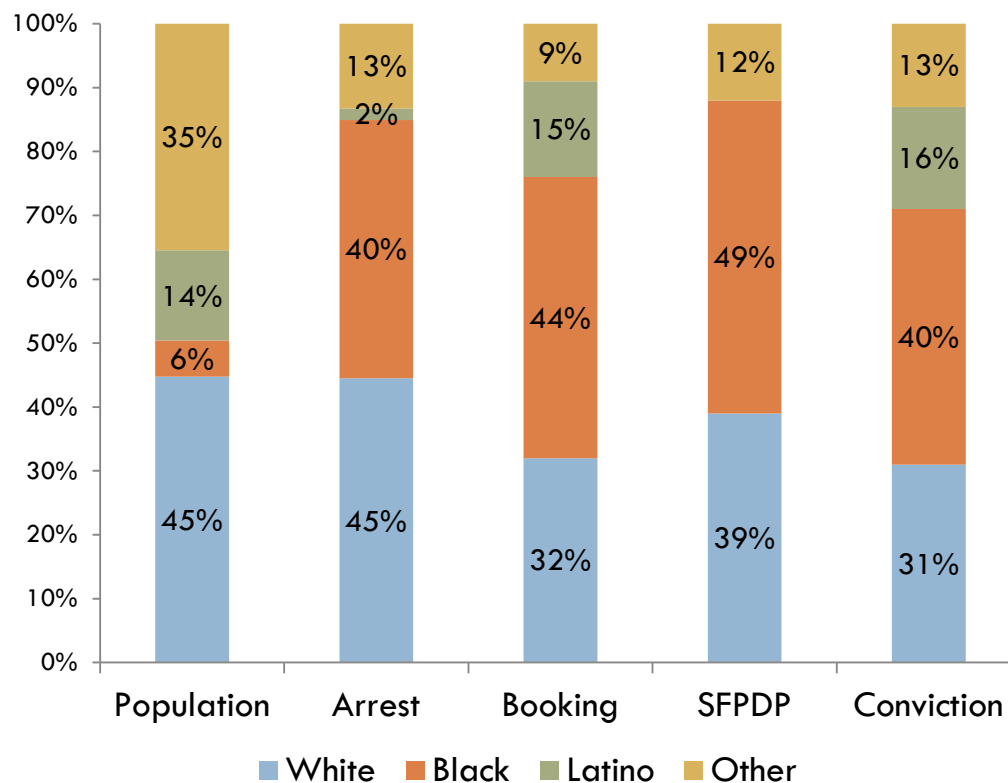


Overrepresentation of People of Color in San Francisco Criminal Justice System

Attachment B

5

2013 Data: San Francisco



Black adults: Overrepresented at each stage:

- 6% of adults in the population
- 40% of arrests
- 44% of bookings to jail (pretrial)
- 49% of adults eligible for SFPDP
- 40% of convictions

Latino adults: appear to be undercounted at various points in the criminal justice process, but data vary across decision points. **This is likely caused by misidentification of some Latinos as White.**

Asian Pacific Islander and “other” adults: This analysis did not focus on API or “other” adults. Future disparities analysis should do so and must account for differences between subgroups within the larger API population.

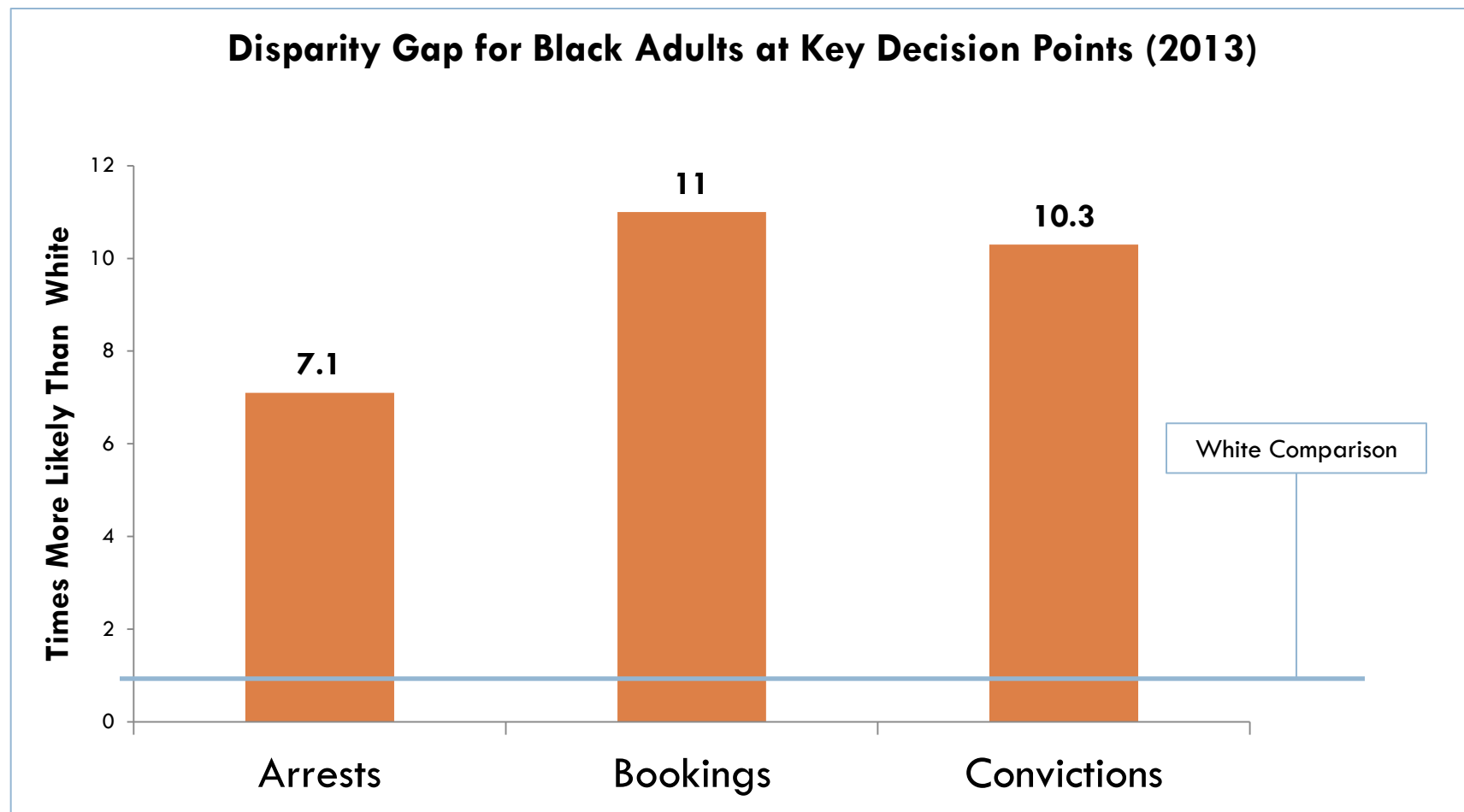
Population Source: Puzzanchera, C., Sladky, A. and Kang, W. (2014). "Easy Access to Juvenile Populations: 1990-2013." Online.

Arrest Source: "Monthly Arrest and Citation Register", State of California Department of Justice (October 2014). Online

Booking, SFPDP and Conviction Data provided to Burns Institute by Adult Probation as part of JRI data analysis agreement. Sources: CMS, JMS, SFPDP Databases.

Disparity Gap at Key Decision Points

6



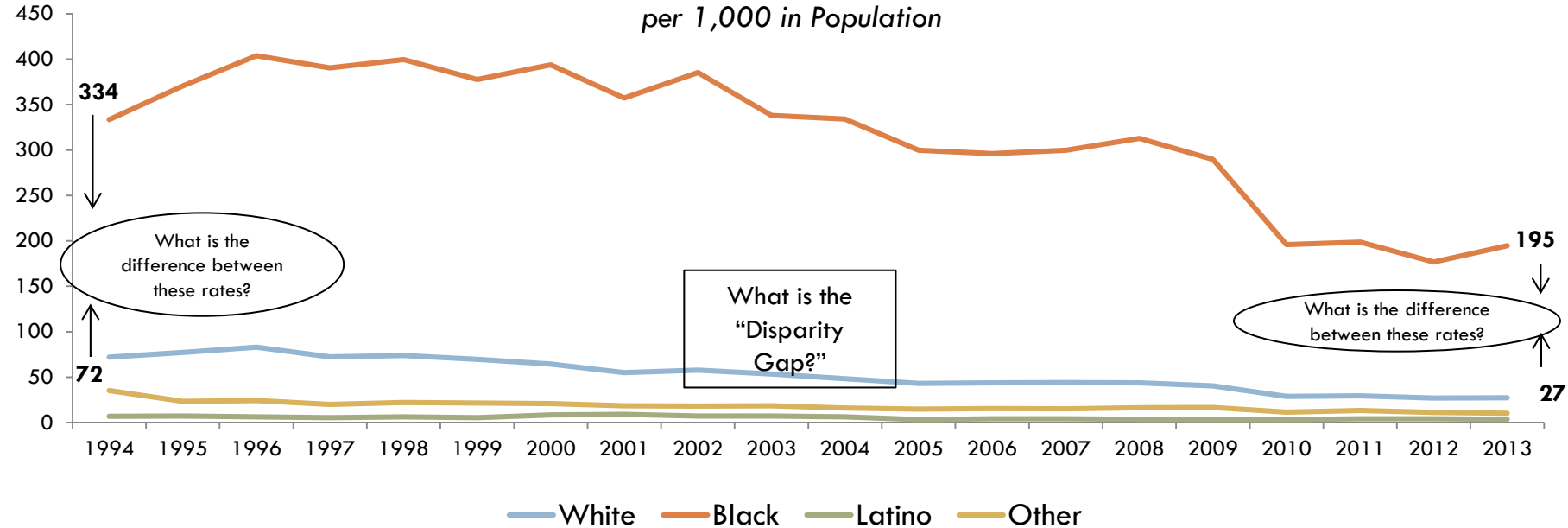
7

ARRESTS

Arrest Rate Deductions

8

San Francisco Arrest Rates by Race & Ethnicity
per 1,000 in Population



Reduction in Rate of Arrests:

- White = 62% reduction (72 per 1,000 to 27 per 1,000)
- Black = 42% reduction (334 per 1,000 to 195 per 1,000)

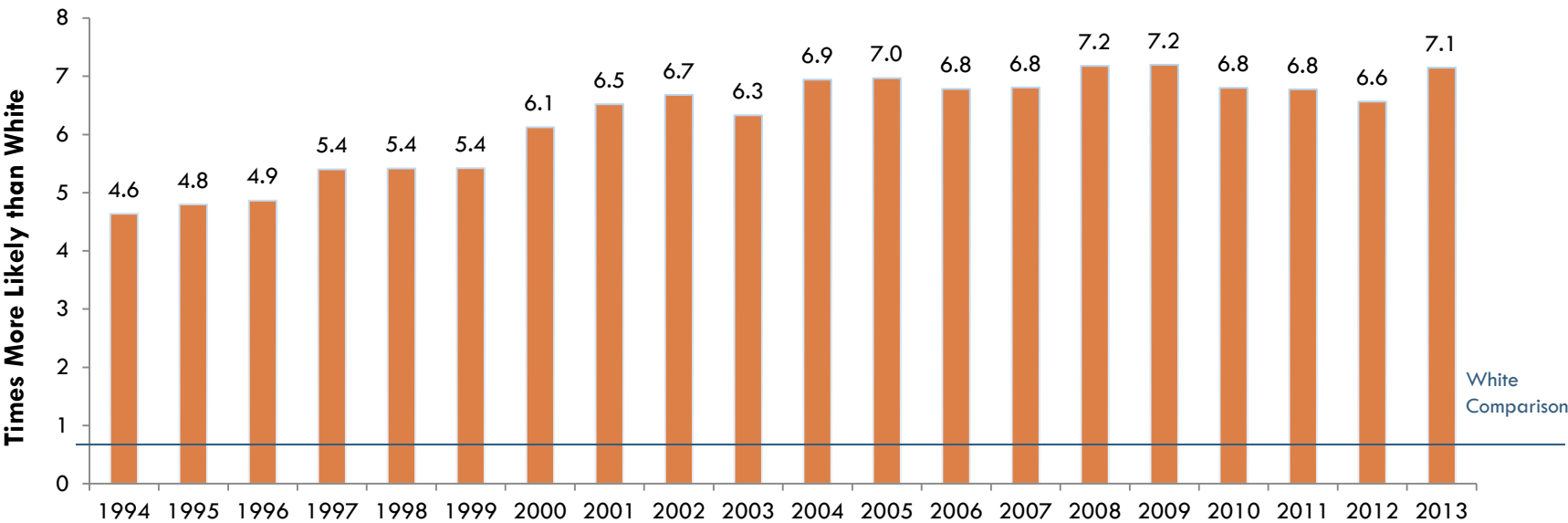
Note: These data do not include cite and release interactions with police.

Note: When population data disregard ethnicity, the vast majority of Hispanic/Latino people are incorrectly identified as White. This results in an inflated rate of system involvement for White adults; and subsequently an ^{53 of 216}underestimation of the disparity gaps between White/Black adults & White/Latino adults.





Despite significant reductions in arrest rates, **disparities** between Black and White adult arrests have increased.

9

Disparity Gap Between Black and White Arrest Rates



For every on 1 White adult arrested in 1994, **4.6** Black adults were arrested

	1994	2013	
White 1			White 1
Black 4.6			Black 7.1

For every on 1 White adult arrested in 2013, **7.1** Black adults were arrested.

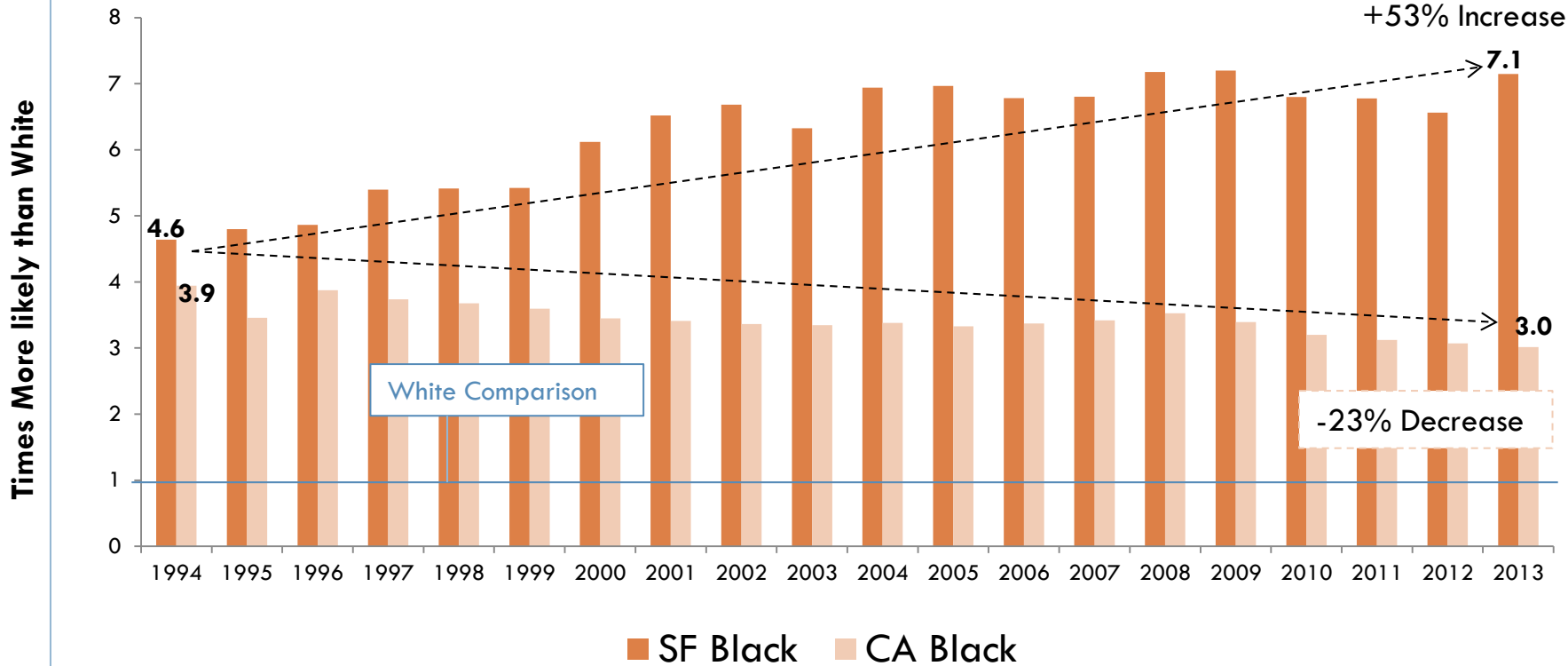
Note: when population data disregard ethnicity, the vast majority of Hispanic/Latino people are incorrectly identified as White. This results in an *inflated* rate of system involvement for White adults; and subsequently an *underestimation* of the disparity gaps between White/Black adults & White/Latino adults.

Arrest Source: “Monthly Arrest and Citation Register”, State of California Department of Justice (October 2014). Online

California & SF Disparity Gaps

10

Disparity Gap Between Black and White Arrest Rates San Francisco vs. State of California



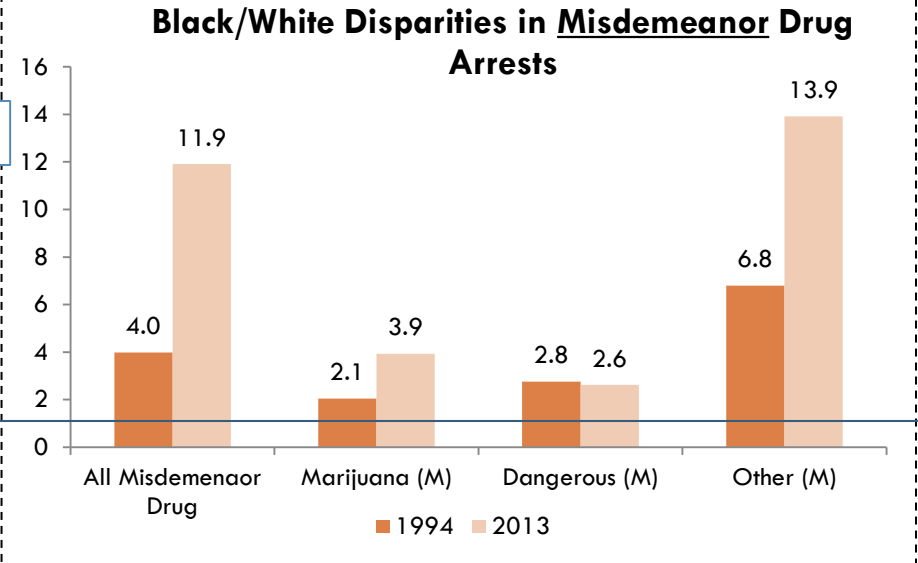
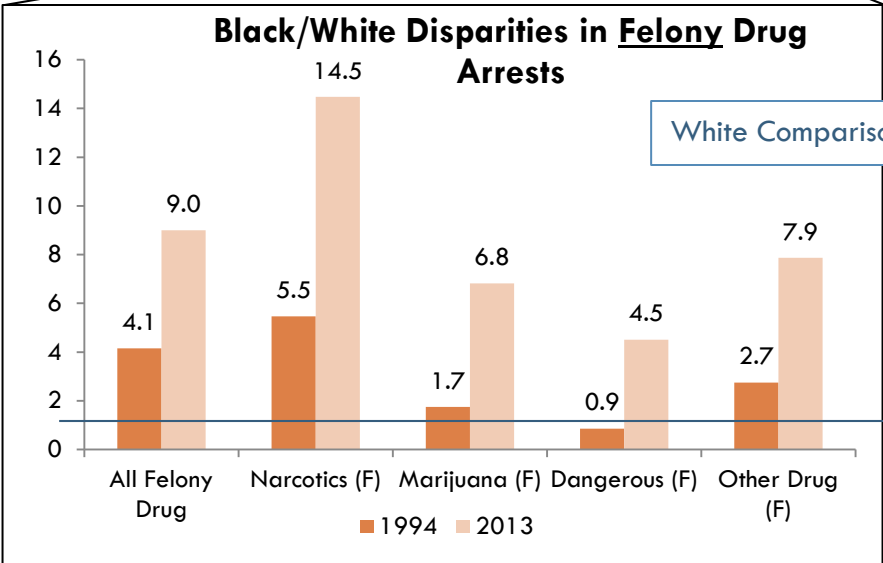
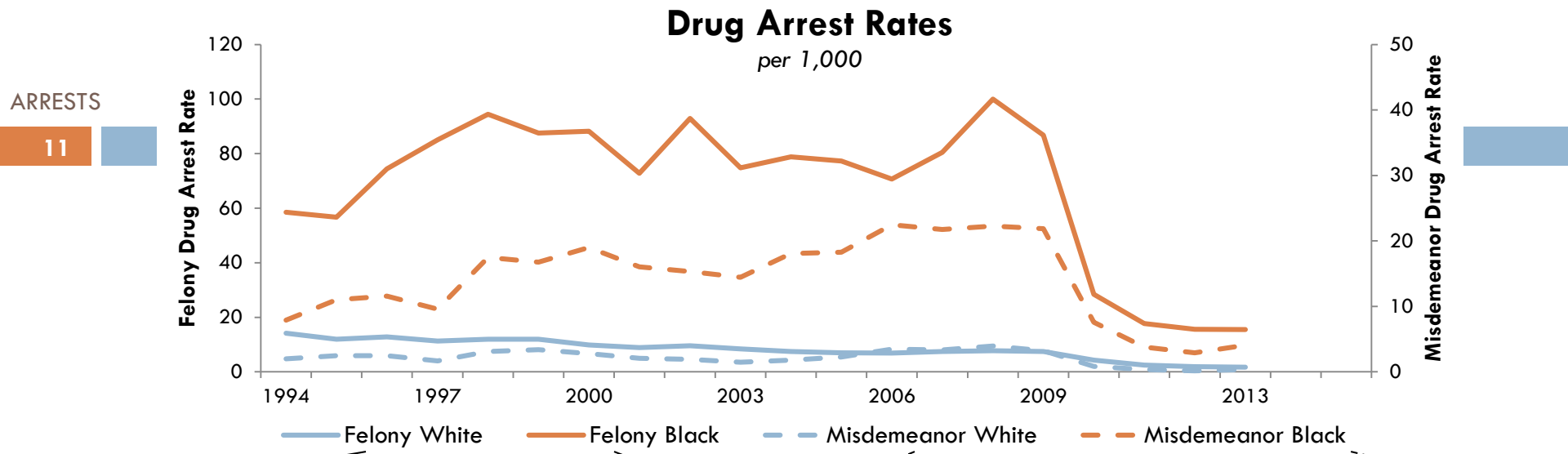
- Disparities in the rate of arrest between Black and White adults in San Francisco are greater than disparities in the State.
- **Disparities in the State are decreasing slightly while disparities in San Francisco continue to increase**

Note: when population data disregard ethnicity, the vast majority of Hispanic/Latino people are incorrectly identified as White. This results in an *inflated* rate of system involvement for White adults; and subsequently an *underestimation* of the disparity gaps between White/Black adults & White/Latino adults.

Arrest Source: "Monthly Arrest and Citation Register", State of California Department of Justice (October 2014). Online

Disparities in Arrests for Drug Offenses Increased

Attachment B



Although rates of arrest for drug offenses have decreased in San Francisco from 1994 to 2013, the relative rate of arrest for drug offenses or “disparity gap” has increased.

12

BOOKING TO PRETRIAL JAIL

Overview of the Booking Data

13

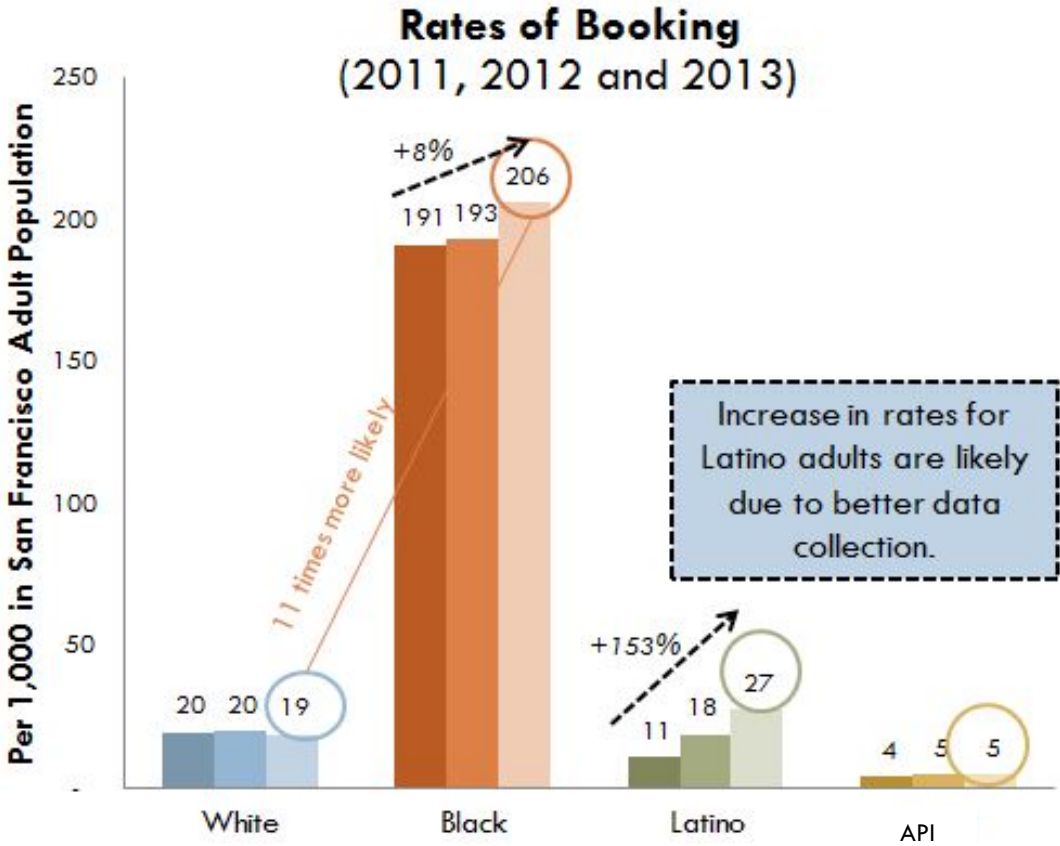
- Source: CMS
 - race/ethnicity pulled from JMS
- Full Time Frame: 1/1/11-6/30/14
 - Started with 155,060 cases
 - After we cleaned up the data, there were 63,318 bookings with data on race and ethnicity
- In 2013 (latest year):
 - 19,273 cases with data on race and ethnicity


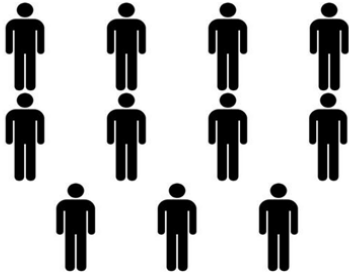


1/1/11-6/30/14	#
White	21,758
Black	28,125
Latino	7,010
API	4,058
Nat. Am.	246
Other	2,121
Total	63,318

Data required extensive clean-up in order to answer basic questions

Rates and Disparity Gaps in Bookings to Jail in San Francisco (2011-2013)

14



2013 Disparity Gap	
	White 1
	Black 11
	Latino 1.5
	Asian .3
API	

Rates of booking to jail are increasing for people of color in San Francisco, particularly Latino and Black adults.

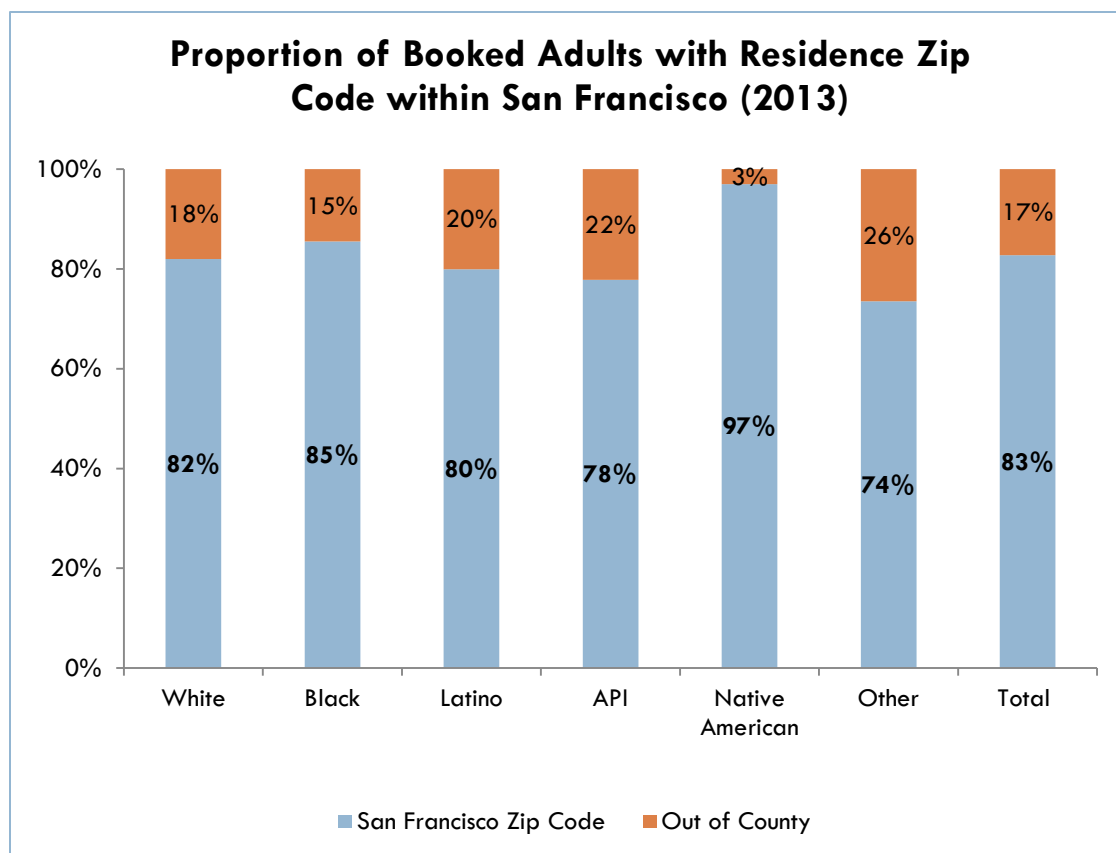
Note: when population data disregard ethnicity, the vast majority of Hispanic/Latino people are incorrectly identified as White. This results in an inflated rate of system involvement for White adults; and subsequently an underestimation of the disparity gaps between White/Black adults & White/Latino adults.

In 2013, for every 1 White adult booked:

- 11 Black adults were booked
- 1.5 Latino adults were booked
- .3 Asian adults were booked

Bookings by Residence Zip Code

15

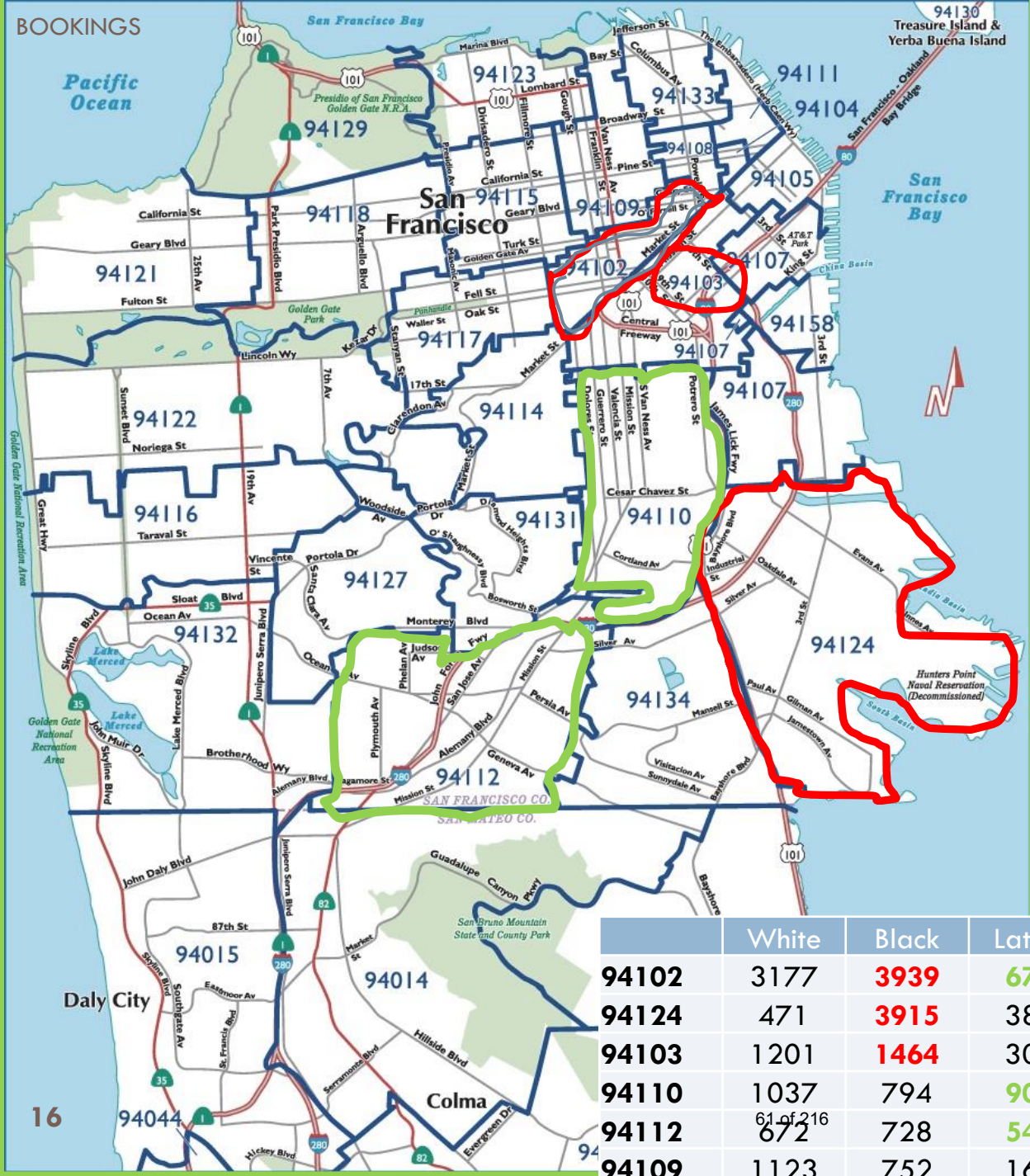


The vast majority of all adults booked in County Jail in San Francisco have a residence zip code within San Francisco.

Note: Zip Code analysis is based on cases for which zip code was recorded (in 2013, 15,272 cases). Data regarding the homeless population was unavailable. Of the total 19,273 bookings in 2013, there were 3,973 (21%) that did not include a zip code. Some of these missing zip codes may be homeless adults who reside in San Francisco.

Top Residence Zip Codes of Adults Booked into Jail in San Francisco

- Black:**
- 94102: Tenderloin
 - 94124: Bayview-Hunters Point
 - 94103: South of Market
- Latino:**
- 94110: Inner Mission/Bernal Heights
 - 94102: Tenderloin
 - 94112: Ingelside-Excelsior/Crocker-Amazon



17

PRETRIAL RELEASE

Overview of the Data

18

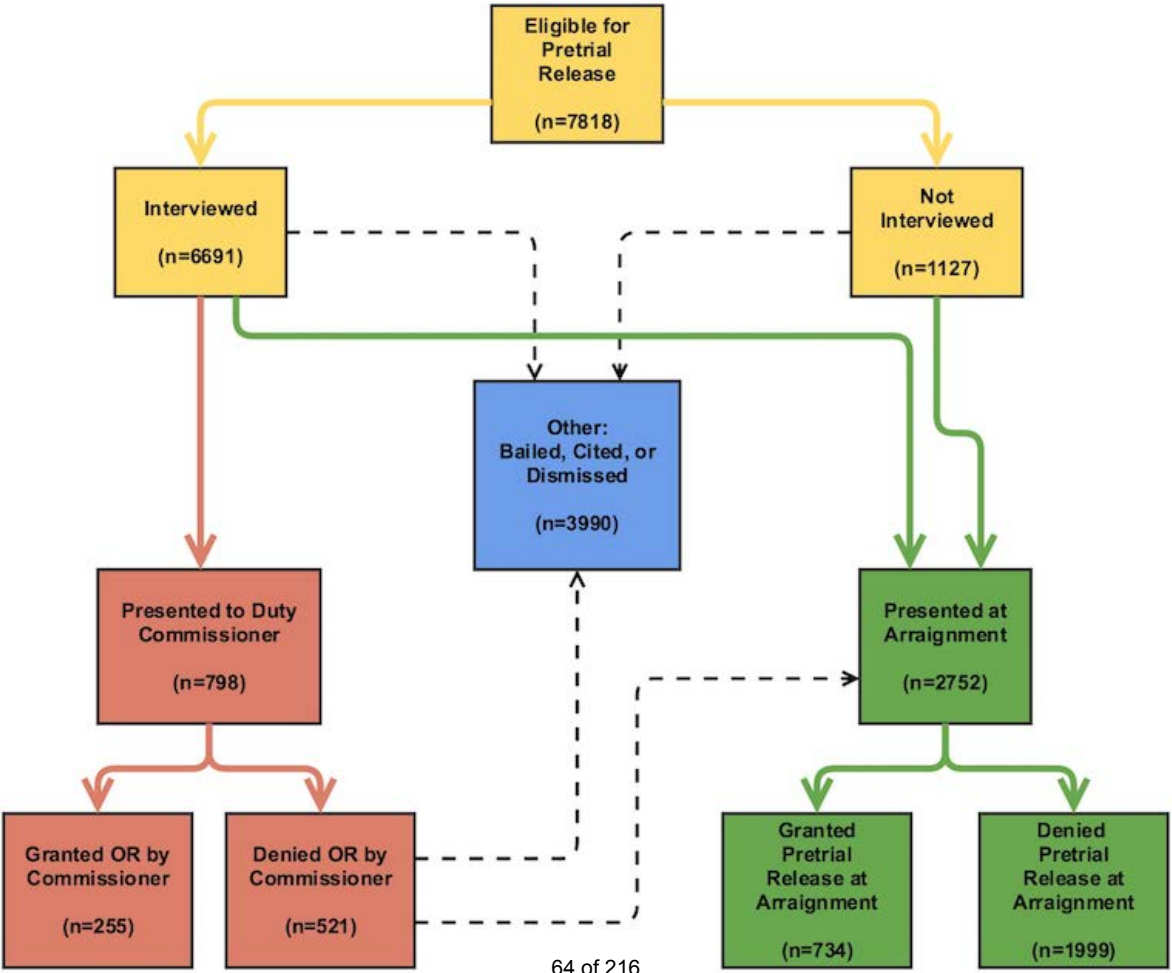
- Source: San Francisco Pretrial Diversion Project (SFPDP) Data
- Full Time Frame: 1/1/11-6/30/14
 - Started with 26,657 cases
 - After we cleaned up the data, we had 26,275 cases with race/ethnicity
- Latest full year: Q3 2013 – Q2 2014
 - 7,840 cases with data on race/ethnicity
 - 3,118 white; 3,683 black; 25 Latino; 100 Asian; 892 Other

1/1/11-6/30/14	#
White	10,426
Black	12,825
Latino	155
Asian	792
Other	2,077
Total	26,275

Data required extensive clean-up in order to answer basic questions

Note: Only black/white disparity analyzed due to small numbers for other racial/ethnic groups. When population data disregard ethnicity, the vast majority of Hispanic/Latino people are incorrectly identified as White. This results in an *inflated* rate of system involvement for White adults; and subsequently an *underestimation* of the disparity gaps between White/Black adults & White/Latino adults.

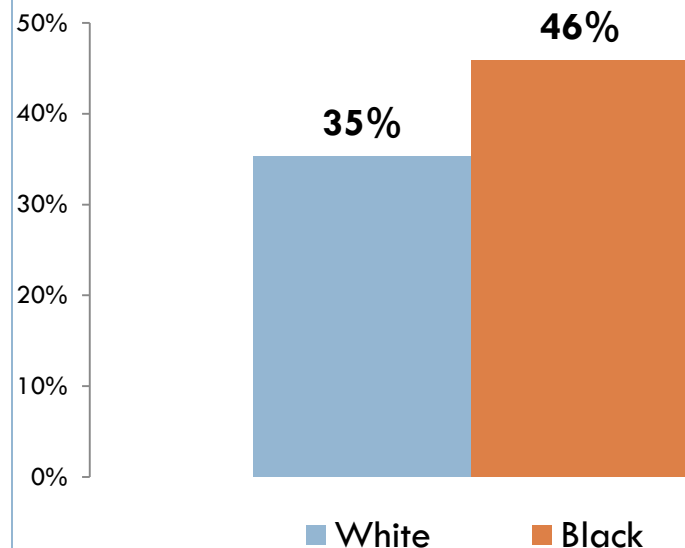
Pretrial Release Flow



Pretrial Release Eligible Compared to Bookings

20

Percent of Booked Adults who are Eligible for Pretrial Release



Black adults booked into San Francisco County Jail are more likely than White adults to be eligible for Pretrial Release.

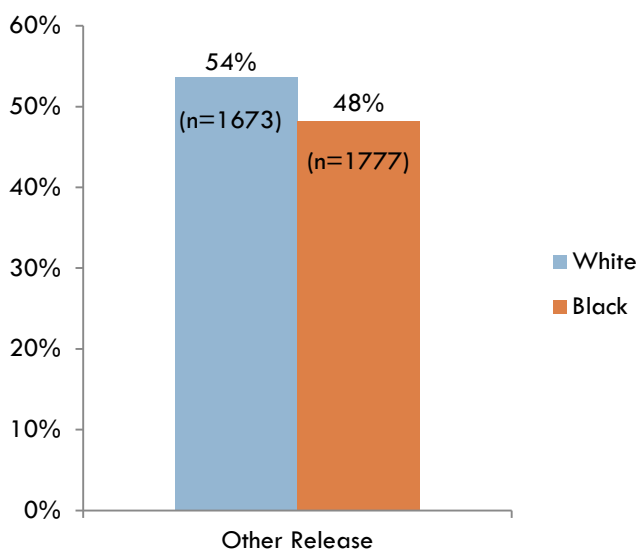
Whereas 35% of White adults booked were eligible for Pretrial Release, 46% of booked Black adults were eligible.

	White	Black
Bookings	5,940	7,947
Pretrial Release Eligible	3,118	3,683
Percent of Booked Adults who are Eligible for Pretrial Release	35%	46%

Other Releases: Bailed, Cited, and Dismissed (Q3 2013 – Q2 2014)

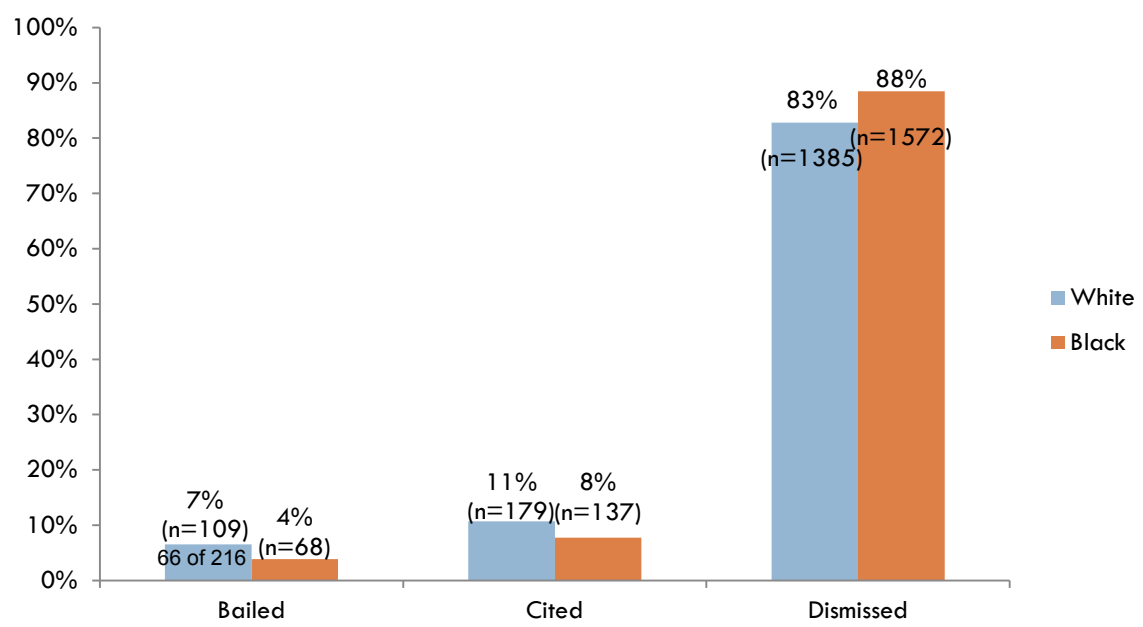
21

Other: Bailed, Cited, & Dismissed



- Overall, a substantial proportion (51%) of all cases eligible for pretrial release were Other Releases.
- The proportion of eligible White adults released (54%) was higher than the proportion of eligible Black adults (48%).
- The vast majority of Black & White adults released had their cases dismissed.
- Black adults were more likely than White adults to have their case dismissed. White adults were more likely to post bail and be cited out than Black adults.

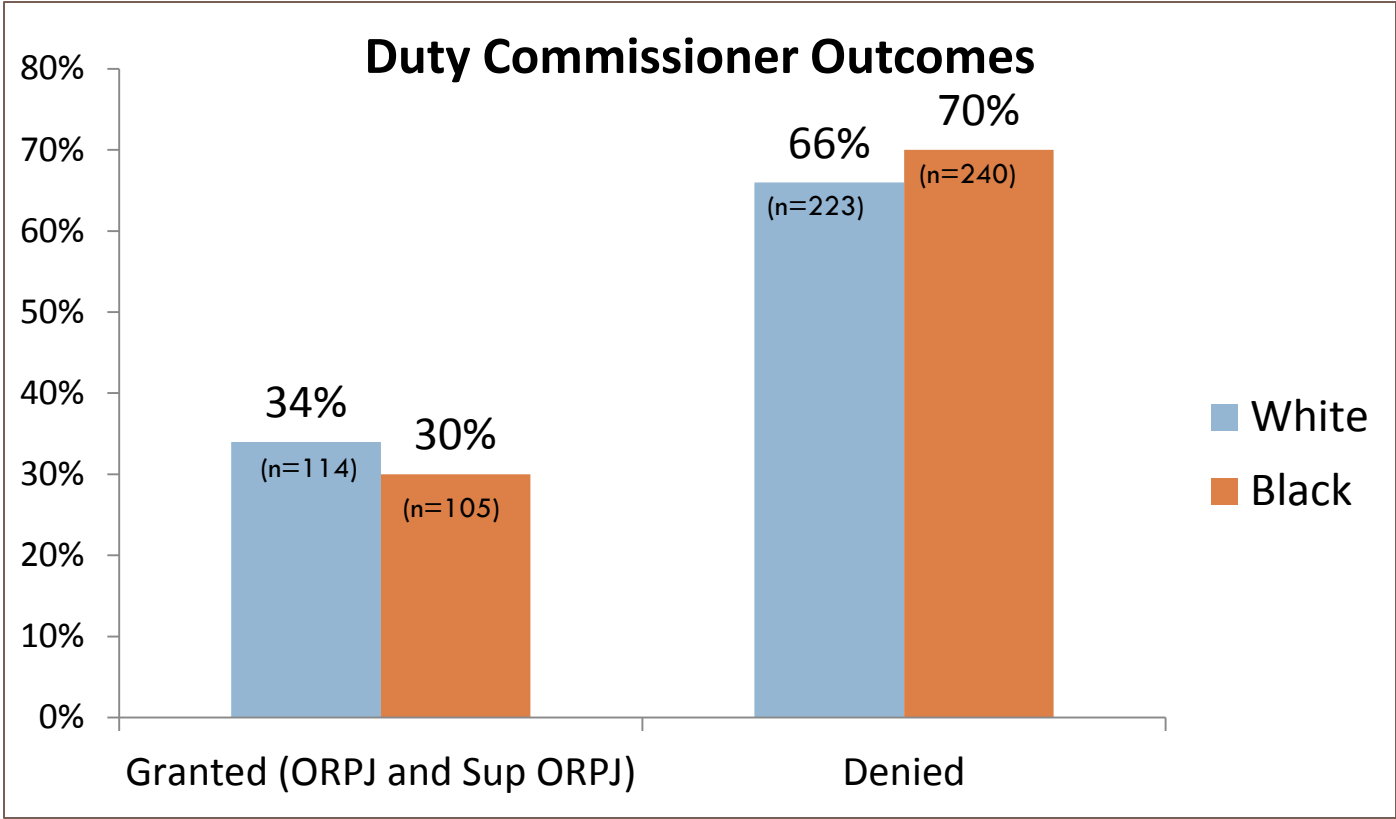
Breakdown of Other Releases



Duty Commissioner Outcomes

(Q3 2013-Q2 2014)

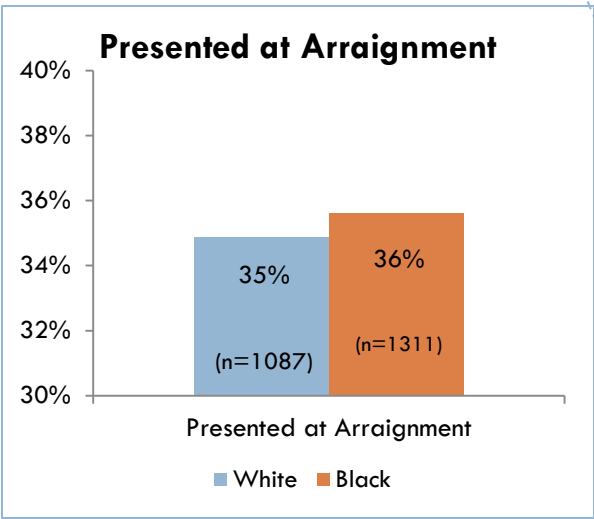
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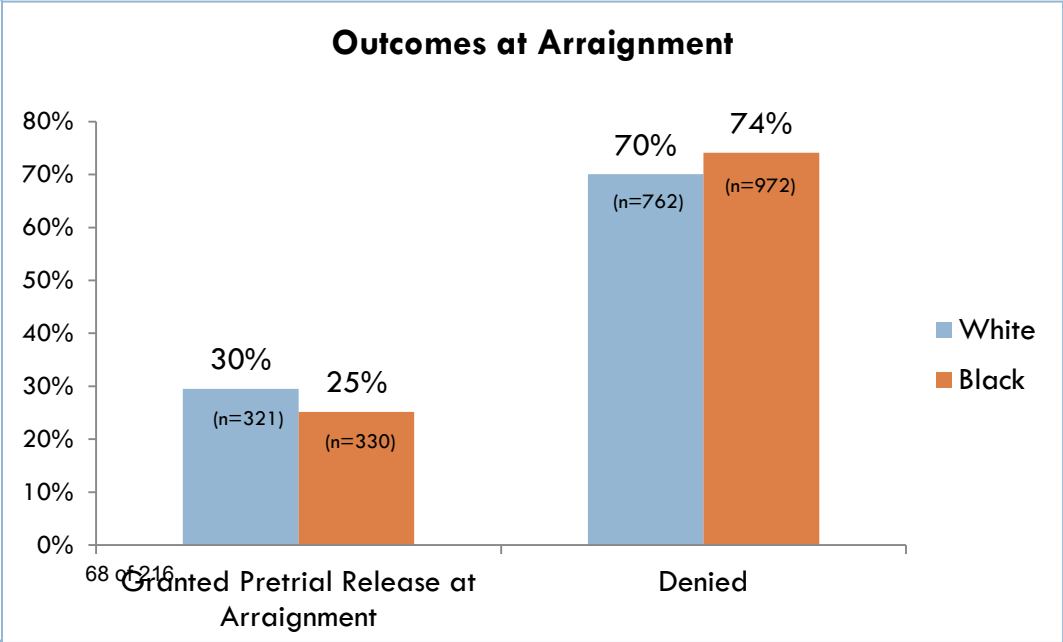
- A higher proportion of White adults presented to duty commissioner were granted OR (34%) than Black adults presented (30%).

Presented at Arraignment (Q3 2013- Q2 2014)

23

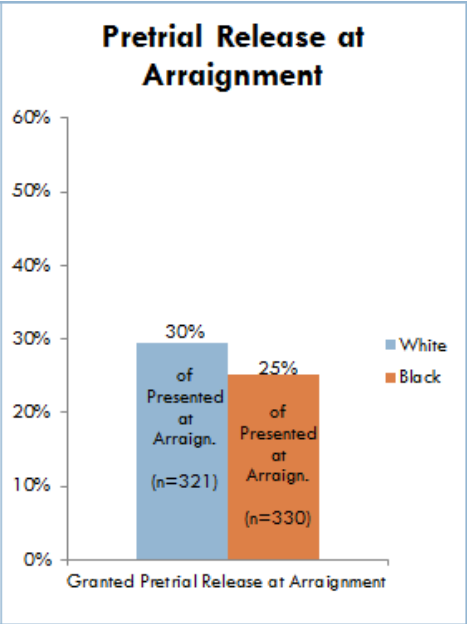
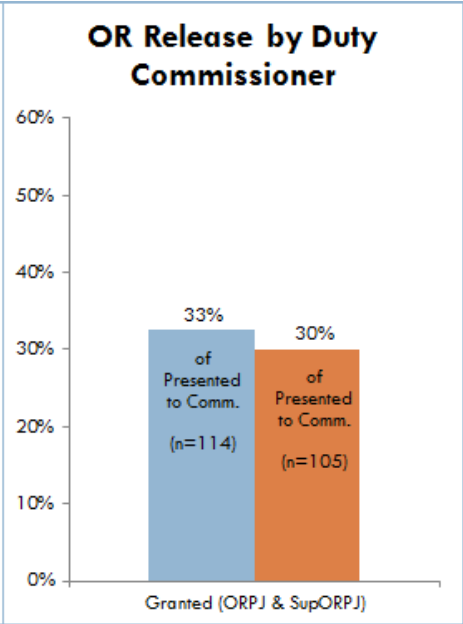
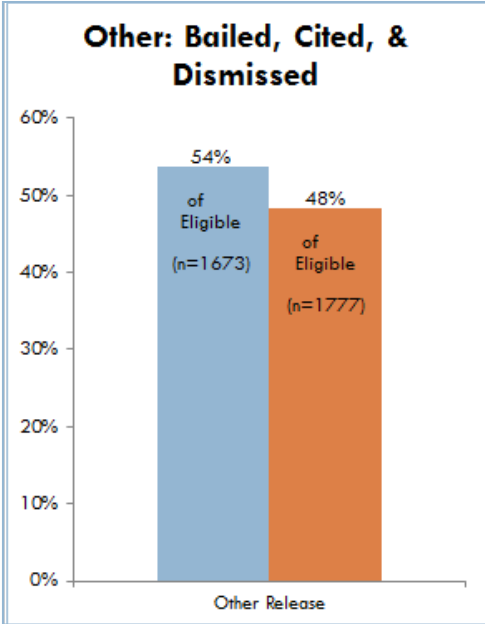
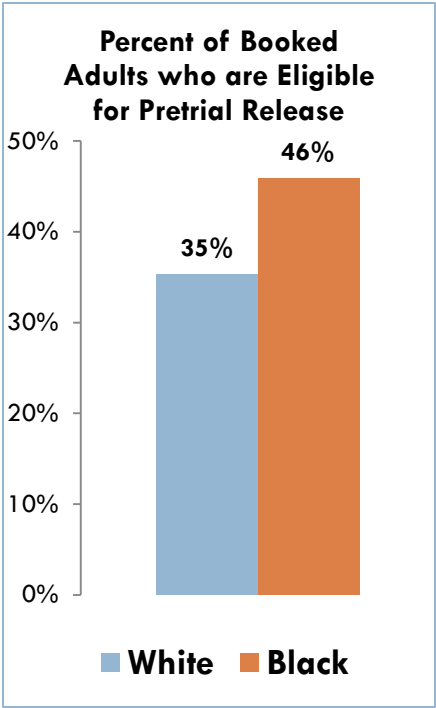


- 65% of adults eligible for pretrial release were released prior to arraignment.
- Black adults were less likely to be granted release at arraignment than White adults.



Outcomes at Key Points

Booked Black adults are more likely than booked White adults to be eligible for Pretrial Release, but White adults are more likely to be released throughout the process.

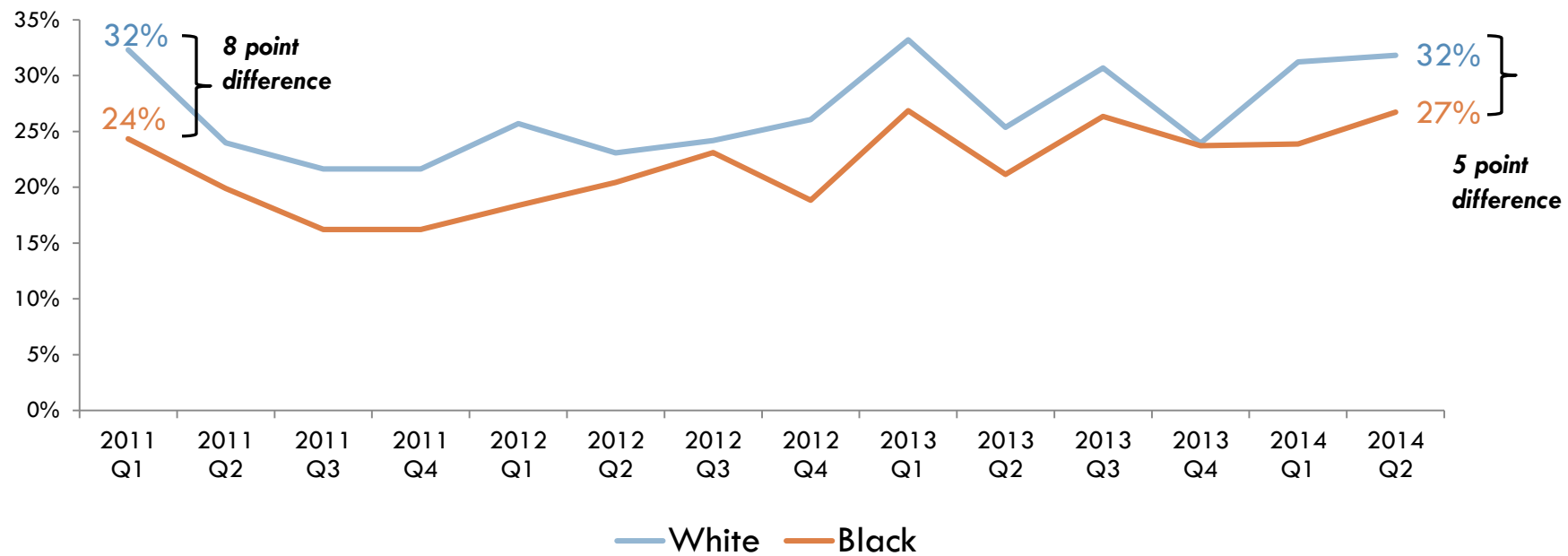


Note: Data for both Bookings and Pretrial eligible include the most recent year available (Q3 2013-Q2 2014). The data come from two distinct databases.

Granted Pretrial Release at Arraignment

25

Pretrial Release at Arraignment (2011- Q2 2014)



White adults are consistently more likely to be granted pretrial release at arraignment.

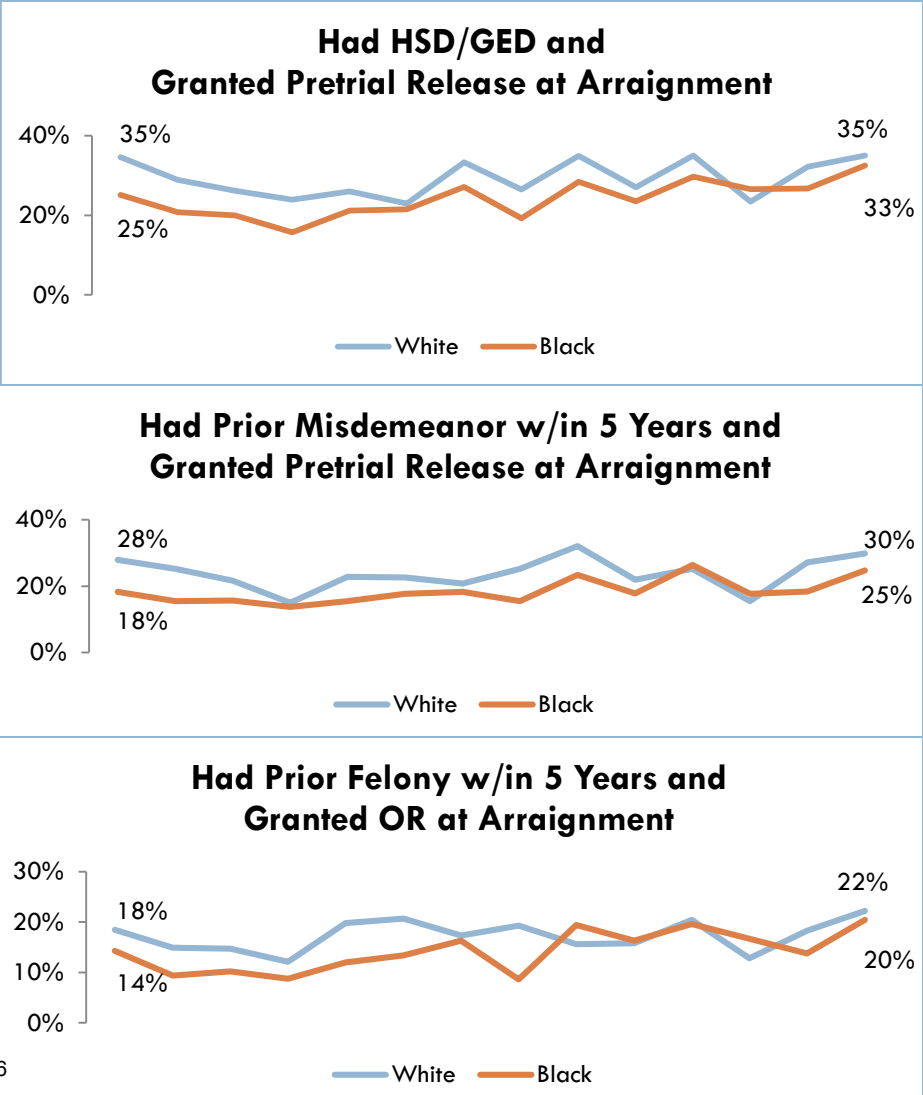
Note: Trends in Duty Commissioner Grants of OR were not included due to small numbers.

Trends for Adults at Arraignment

(full time frame: Q1 2011 - Q2 2014)

26

- Educational Status**
 - 66% of White adults & 62% of Black adults had a high school diploma (HSD) or GED
 - When limiting the parameters to only those with a HSD or GED, White adults were still more likely to be released than Black adults in most quarters.
- Prior Misdemeanor Convictions**
 - 45% of White adults and 44% of Black adults had a prior misdemeanor within 5 years.
 - When limiting the parameters to only those with a prior misdemeanor conviction within 5 years, White adults were still more likely to be released than Black adults in most quarters. The chart to the right shows the percent of each group released that had a misdemeanor within 5 years.
- Prior Felony Convictions**
 - 26% of White adults and 39% of Black adults had a prior felony within 5 years.
 - When limiting the parameters to only those with a prior felony conviction within 5 years, White adults were still more likely to be released than Black adults in most quarters. The chart to the right shows the percent of each group released that had a prior felony within 5 years.



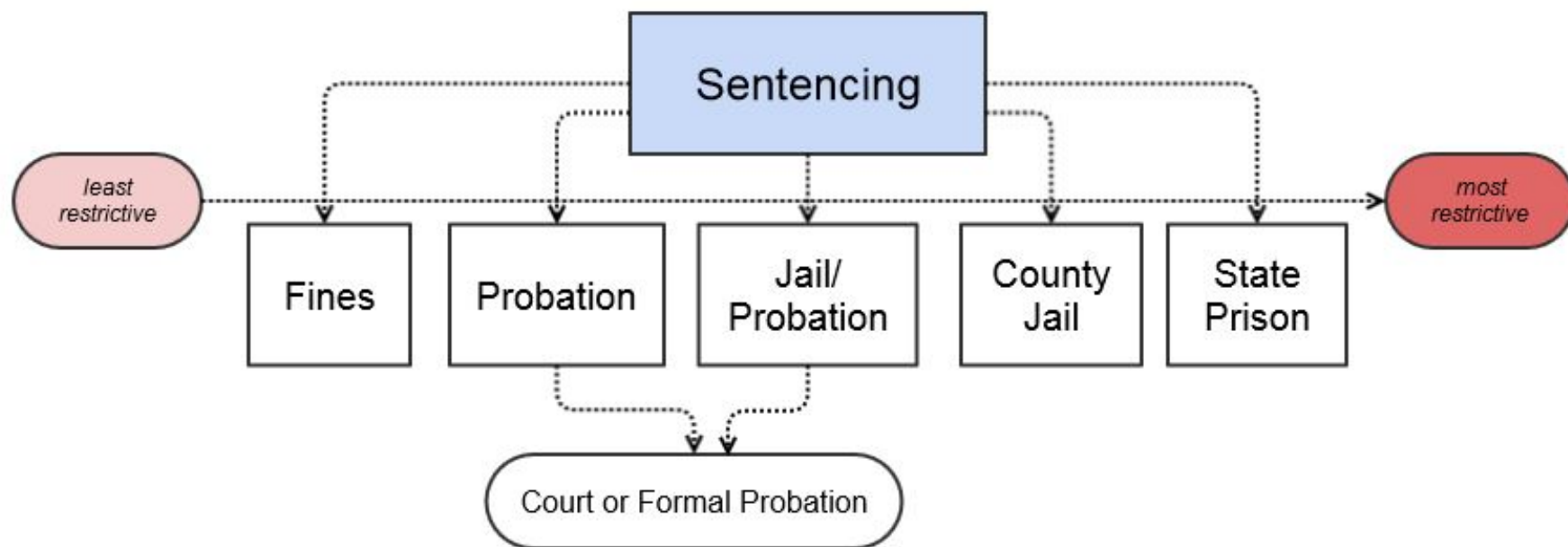
Note: Not all prior convictions are SF convictions.

27

CONVICTIONS AND SENTENCING

Sentencing Options

28



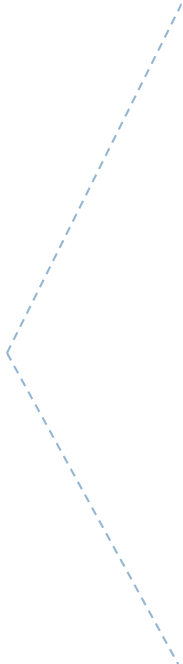
General Sentencing Questions

- What types of sentences do defendants receive?
- How long are the sentences?
- Are defendants of color more likely to receive more restrictive sentences than White defendants?
- What sentences do defendants receive for the top convicted charges?
- How have sentences changed from 2011-2013/2014?

Overview of the Data

29

- Source: CMS
 - Race/Ethnicity pulled from JMS
- Full Time Frame: 1/1/11-6/30/14
 - Started with 18,621 convictions
 - After we cleaned up the data, there were 14,618 cases with data on race/ethnicity
- Latest full year: Q3 2013-Q2 2014
 - 4,806 convictions with both SF# and data on race/ethnicity



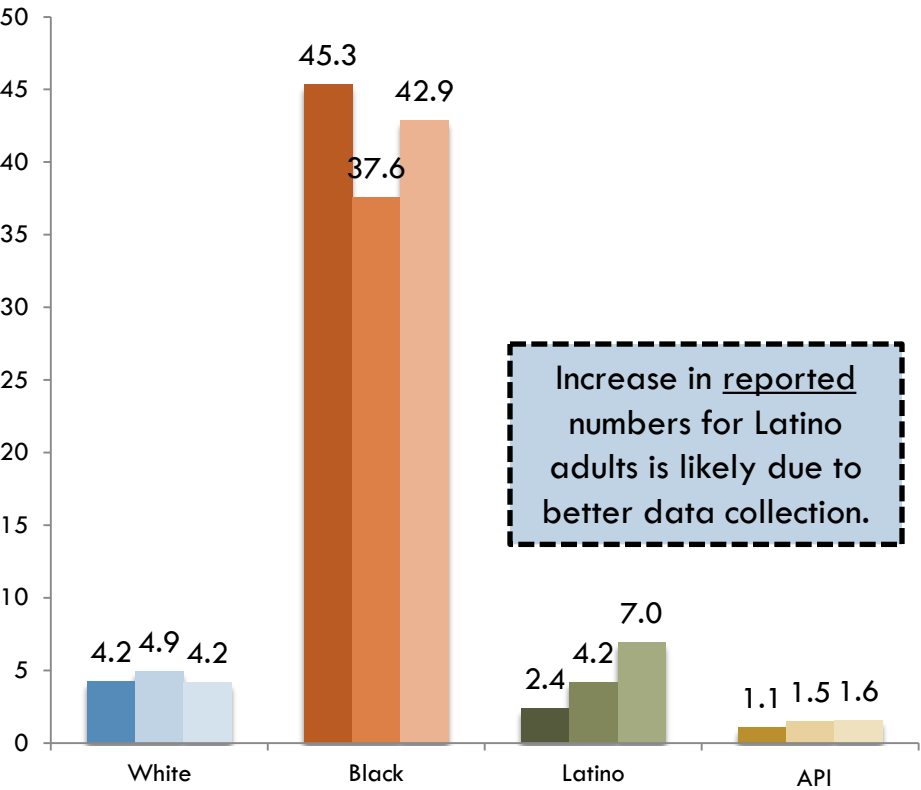
1/1/11-6/30/14	#
White	4,963
Black	6,030
Latino	1,731
API	1,210
Nat. Am.	46
Other	638
Total	14,618

Data required extensive clean-up in order to answer basic questions

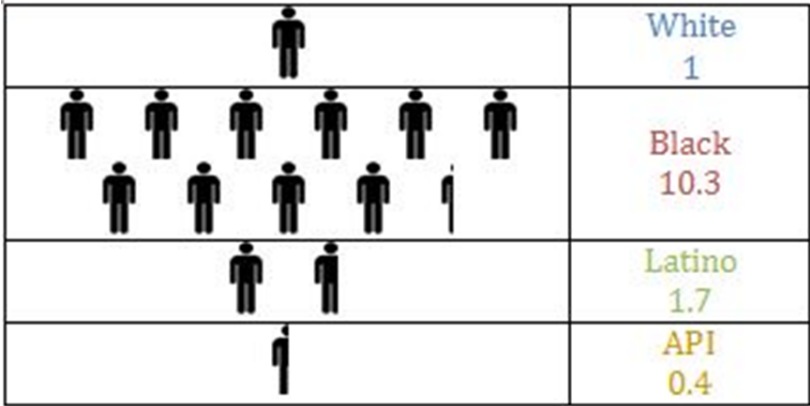
Disparity Gaps in Convictions in San Francisco (2011-2013)

30

Convictions
per 1,000 in population
(2011, 2012, 2013)



2013 Disparity Gap



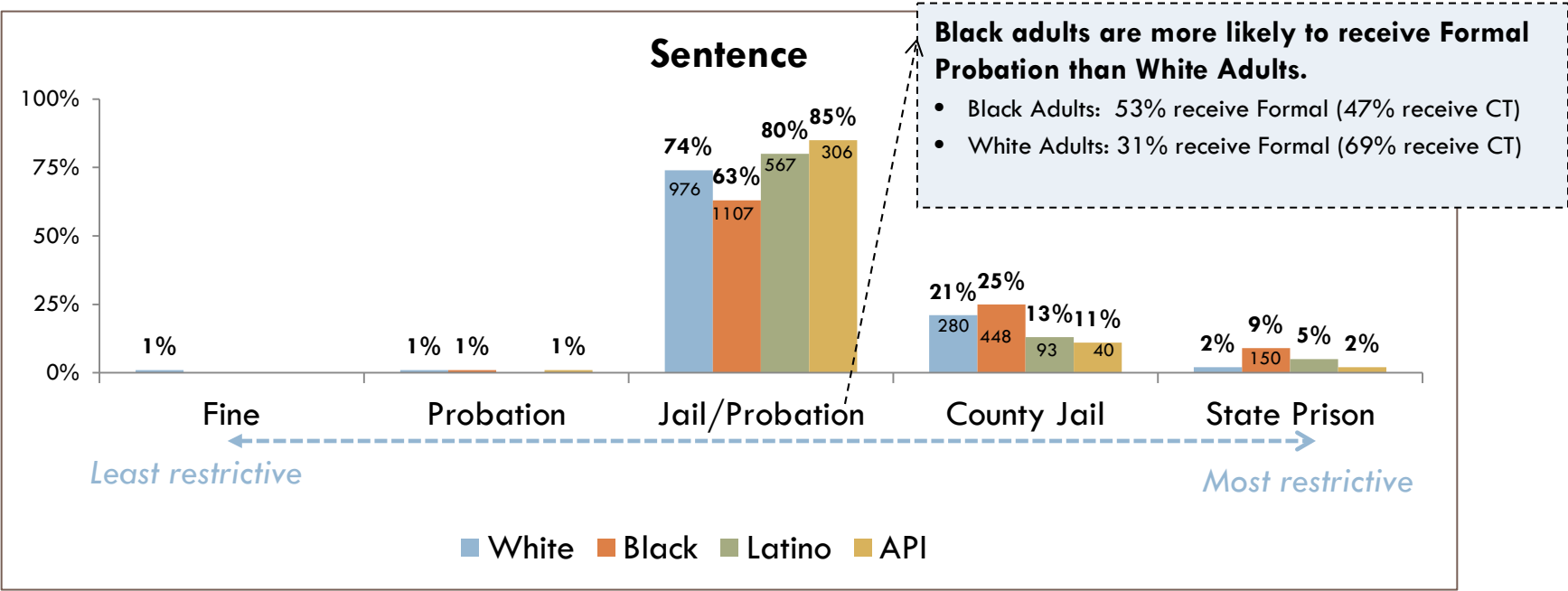
For every White adult convicted in 2013, more than 10 Black adults were convicted

Note: when population data disregard ethnicity, the vast majority of Hispanic/Latino people are incorrectly identified as White. This results in an *inflated* rate of system involvement for White adults; and subsequently an *underestimation* of the disparity gaps between White/Black adults & White/Latino adults.

Source of population data for rates calculation: Puzzanchera, C., Sladky, A. and Kang, W. (2014). "Easy Access to Juvenile Populations: 1990-2013." Online. Available: <http://www.ojjdp.gov/ojstatbb/ezapop/>

Sentence Type by Race/Ethnicity

latest full year: Q3 2013– Q2 2014



Black adults are more likely to be sentenced to a **more** restrictive Sentence.

▣ **State Prison:**

- 2 % of White Adults were sentenced to Prison
- 5% of Latino Adults were sentenced to Prison
- 9% of Black Adults were sentenced to Prison

▣ **County Jail:**

- 21% of White Adults were sentenced to County Jail
- 25% of Black Adults were sentenced to County Jail

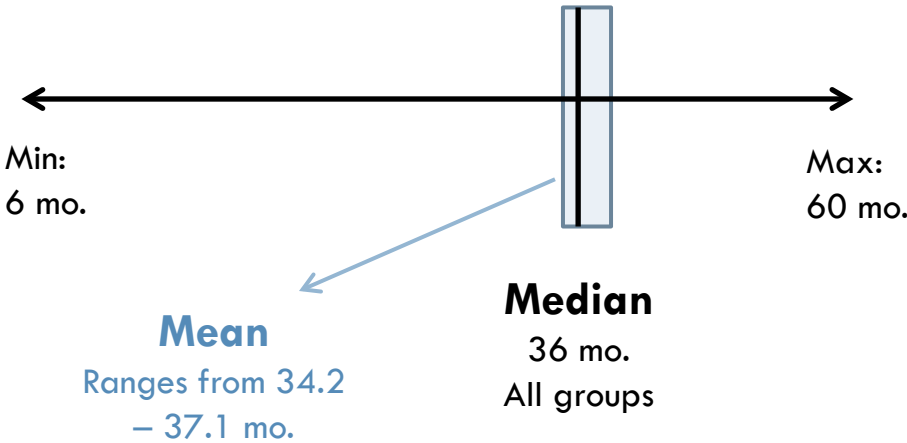
* An Additional 47 adults received “Suspended State to Jail/Probation (W=10; B=25; L=7; API= 3).

Note: when population data disregard ethnicity, the vast majority of Hispanic/Latino people are incorrectly identified as White. This results in an *inflated* rate of system involvement for White adults; and subsequently an *underestimation* of the disparity gaps between White/Black adults & White/Latino adults.

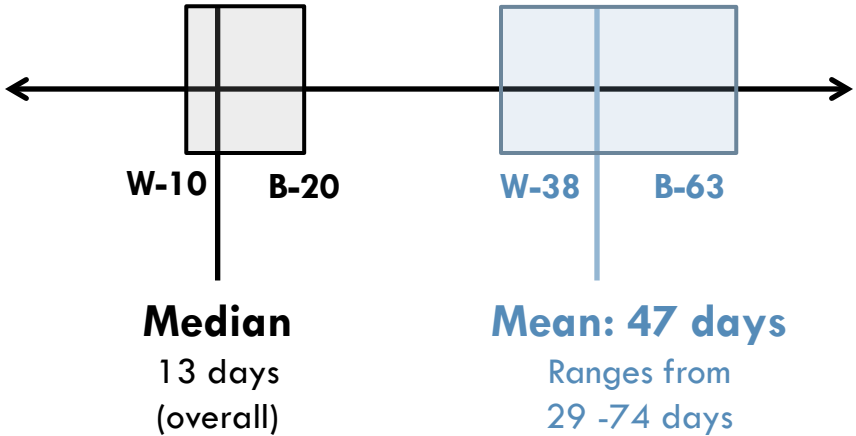
Sentence Length: Jail/Probation Sentences

(latest full year: Q3 2013– Q2 2014)

32 Probation Sentences are Similar for all
Racial/Ethnic Groups and across Gender
(measured in months)



Sentences to County Jail vary considerably
(measured in days)



Probation (months)	W	B	L	API	NA	O	Total
N	976	1,107	567	306	10	142	3,108
Mean	35.7	36.3	37.1	36.4	34.2	35.5	36.2
Median	36.0	36.0	36.0	36.0	36.0	36.0	36.0

County Jail (days)	W	B	L	API	NA	O	Total
N	976	1,107	567	306	10	142	3,108
Mean	38	63*	39	39	74	29	47
Median	10	20*	10	10	23	10	13

* Statistically significant (p=.05).

Top Convicted Charges

(Full Time Frame: Q1 2011- Q2 2014)

33

	White	Black	Latino	API	Nat. Am.	Other	Total
DUI BAC .08—VC23152(b) (M)	900	278	393	280	4	178	2,033
Felony Burglary (F)	249	412	47	38	2	22	770
Reckless Driving (M)	244	72	70	120	2	55	563
Misd. Burglary (M)	200	256	37	47	3	11	554
Transporting or Selling Controlled Substances—HS11352(a) (F)	71	361	43	13	0	16	504
DUI Alcohol/Drugs (M)	205	73	59	67	1	49	454
Solicit Specific H and S Acts (M)	150	206	31	13	0	11	411
Battery (M)	120	101	54	31	1	21	328
Rec Known Stolen Prop \$400 (F)	103	147	34	19	0	13	316
Poss Methaqualone/Etc. (M)	53	189	19	8	0	9	278
Grand Theft from Person (F)	32	201	28	10	0	7	278
Possess Controlled Substance (F)	50	195	16	7	0	6	274
Lost/Stolen Property (M)	131	94	19	25	1	4	274
Possess Controlled Substance (M)	150	61	27	14	0	6	258
Robbery (F)	27	176	32	14	0	6	255
<i>all other charges</i>	<i>2,278</i>	<i>3,208</i>	<i>822</i>	<i>504</i>	<i>32</i>	<i>224</i>	<i>7,068</i>
Total	4,963	6,030	1,731	1,210	46	638	14,618

A closer look at sentences for DUI Blood Alcohol .08

(Full Time Frame: Q1 2011- Q2 2014)

34

WHY DUI? (23152(B)VC/M)

- DUI was the top convicted charge code.
- In the full time period, 14% (2,033 of 14,618 sentences) were for DUI.

	White	Black	Latino	API	Nat. Am.	Other	Total
DUI .08	900	278	393	280	4	178	2,033
All Sentences	4,963	6,030	1,731	1,210	46	638	14,618
DUI as % of total	18%	5%	23%	23%	9%	28%	14%

Jail/Probation Sentences are by far the most frequently used sentence for DUI.

	White	Black	Latino	API	Nat. Am.	Other	Total
County Jail	11 (1%)	10 (4%)	9 (2%)	1 (0%)	1 (25%)	1 (1%)	33 (2%)
Probation	1 (0%)	0 (0%)	0 (0%)	3 (1%)	0 (0%)	0 (0%)	4 (0%)
Jail/Probation	888 (99%)	268 (96%)	384 (98%)	276 (99%)	3 (75%)	177 (99%)	1,996 (98%)
Total	900	278	393	280	4	178	2,033

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* There were a total of 18,206 cases with sentences, but only 14,618 had data on race/ethnicity. There were 2,914 sentences for DUI, but 2,033 had data on race/ethnicity.

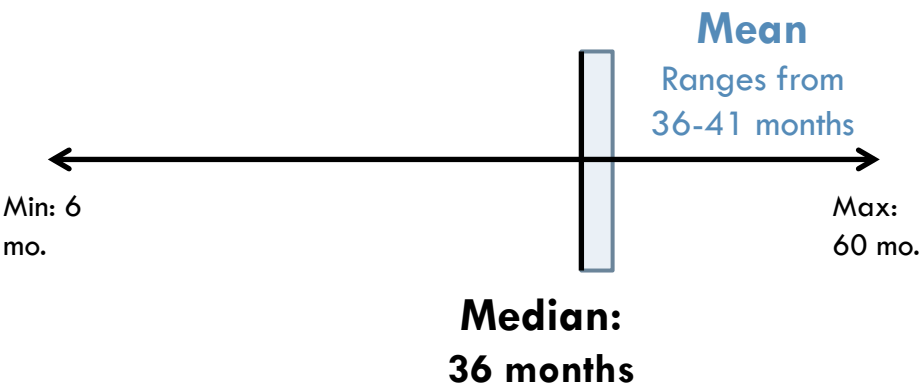
Sentence Length: Jail/Probation Sentences for DUI .08

(Full Time Frame: Q1 2011- Q2 2014)

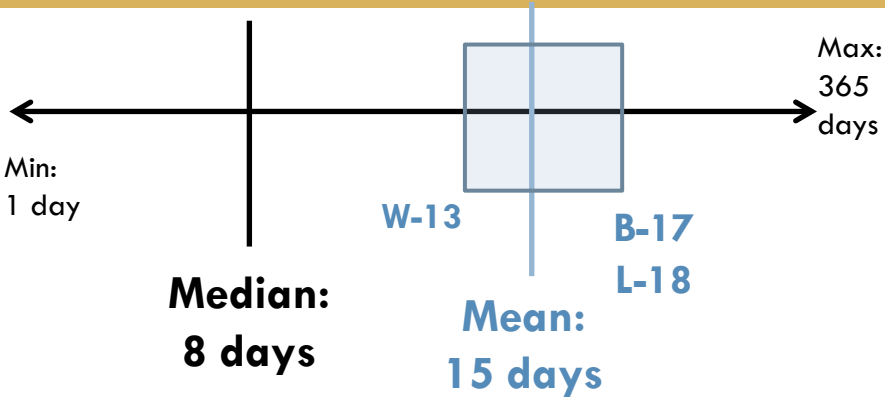
(VC 23152(b))

35

Probation Sentences are similar across racial/ethnic groups.



Black and Latino Adults have longer average sentences to County Jail than White Adults.



Probation (months)	W	B	L	API	NA	O	Total
N	888	268	384	276	3	177	1,996
Mean	40.1	41.1	41.2	40.4	36.0	40.5	40.5
Median	36.0	36.0	36.0	36.0	36.0	36.0	36.0

County Jail (days)	W	B	L	AP I	NA	O	Total
N	888	268	384	276	3	177	1,996
Mean	13	17	18*	12	7	15	15
Median	7	8	10	5	5	5	8

* Statistically significant (p=.05).

A closer look at sentences for Transporting or Selling Controlled Substances (HS 11352(a)/F)

(Full Time Frame: Q1 2011- Q2 2014)

Attachment B

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WHY Transport/Sell Controlled Substances? (HS 11352(a)/F)

- Transport/Sell Controlled Substances was the 2nd most frequent charge for which Black adults were convicted in the full time frame.

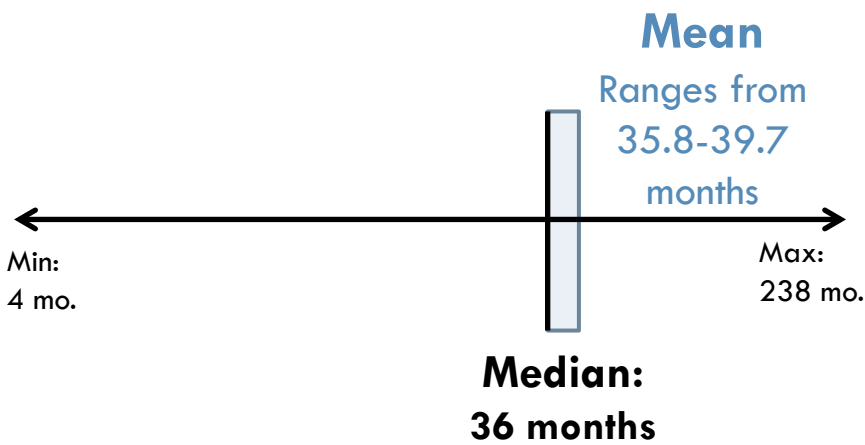
	White	Black	Latino	API	Nat. Am.	Other	Total
Trans Sell Controlled Substances	71	361	43	13	0	16	504
All Sentences	4,963	6,030	1,731	1,210	46	638	14,618
Trans/Sell as % of total	1%	6%	2%	1%	0%	3%	3%

	White	Black	Latino	API	Nat. Am.	Other	Total
County Jail	6 (8%)	53 (15%)	3 (7%)	4 (31%)		1 (6%)	67 (13%)
Jail/Probation	64 (90%)	238 (66%)	33 (77%)	4 (31%)		13 (81%)	352 (70%)
State prison	1 (1%)	38 (11%)	7 (16%)	2 (15%)		2 (13%)	50 (10%)
Suspended state to Jail/Probation	0 (0%)	32 (9%)	0 (0%)	3 (23%)		0 (0%)	35 (7%)
Total	71	361	43	13		16	504

Sentence Length: Jail/Probation Sentences for Transporting or Selling Controlled Substances (Full Time Frame: Q1 2011- Q2 2014)

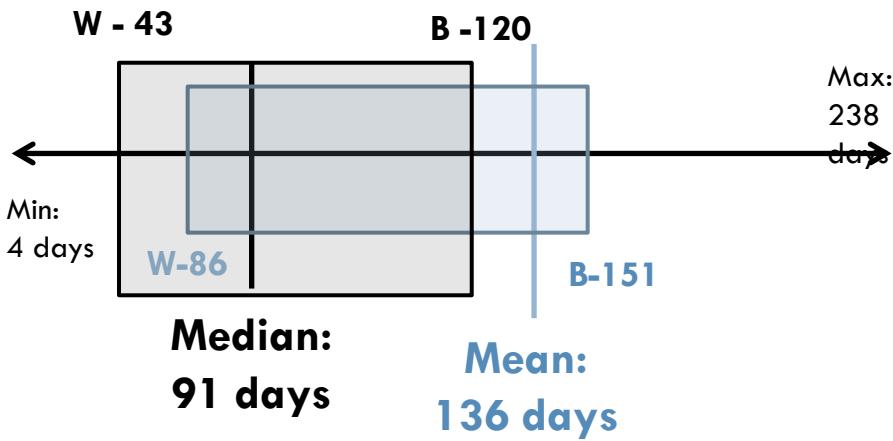
37

Black adults had longer average probation sentences than White adults.



Probation (months)	W	B	L	API	O	Total
N	64	238	33	4	13	352
Mean	35.8	38.2*	36.7	39	39.7	37.7
Median	36	36	36	36	36	36

Black and Latino adults had longer average and median lengths of Sentences to County Jail than White adults.



County Jail (days)	W	B	L	API	O	Total
N	64	238	33	4	13	352
Mean	86	151*	129	114	128	136
Median	43	120	74	92	120	91

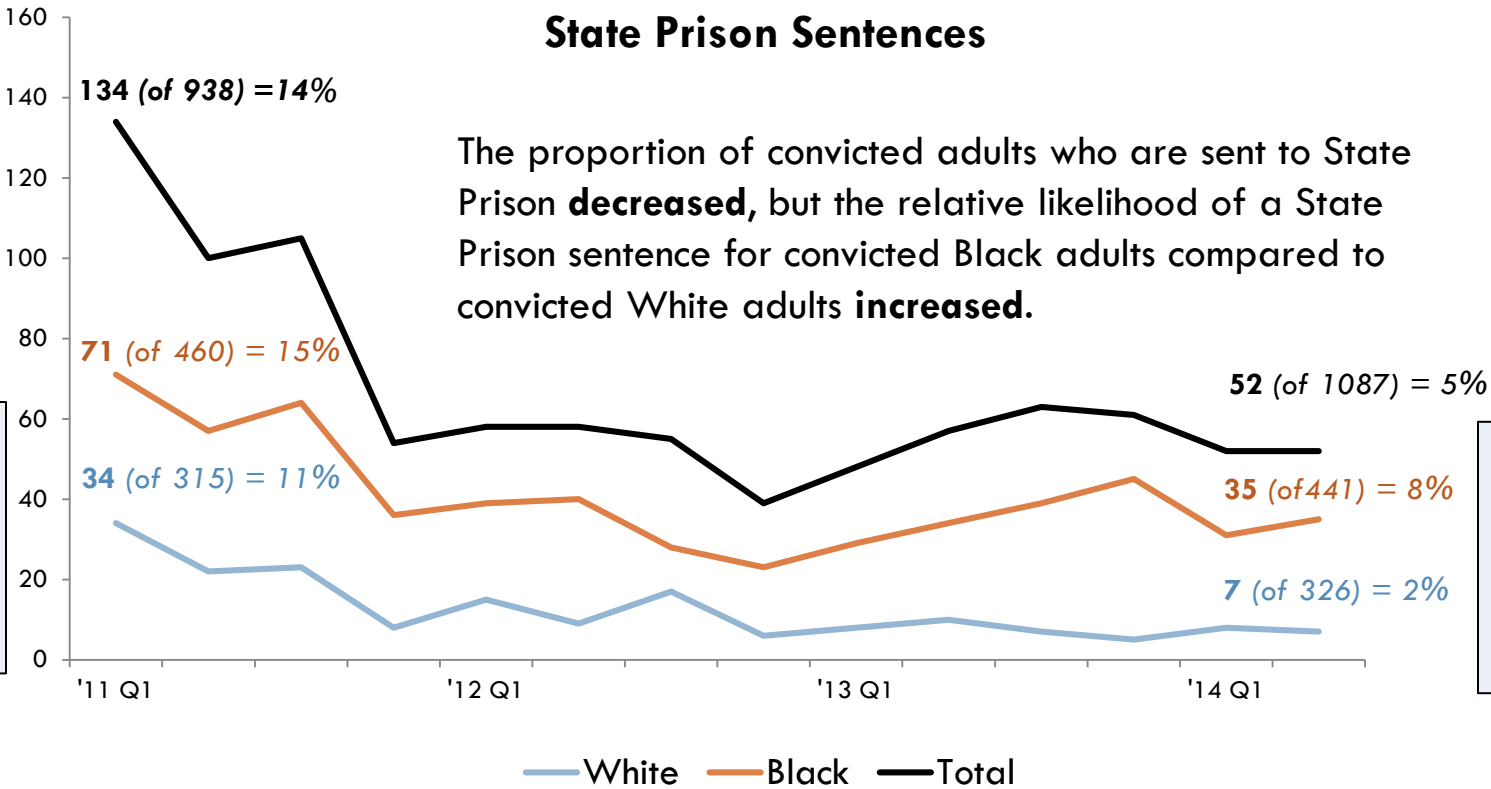
82 of 216

* Statistically significant (p=.05).

State Prison Sentences have Decreased for All Groups

(Q1 2011-Q2 2014)

38

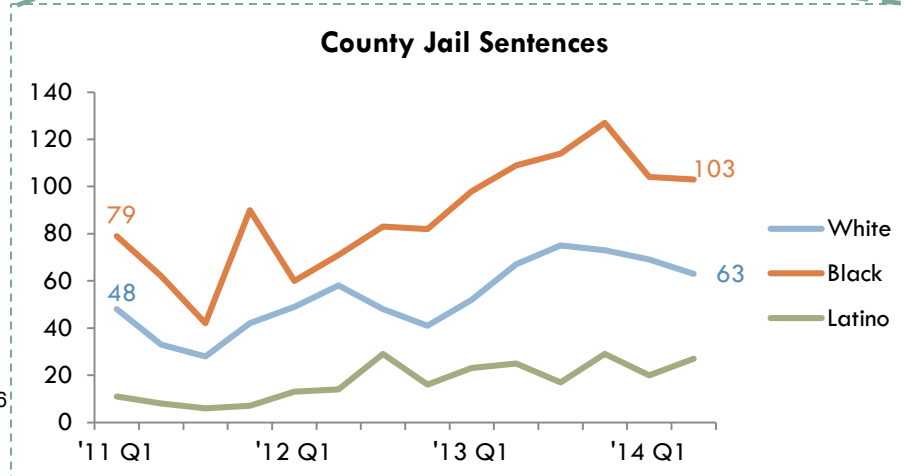
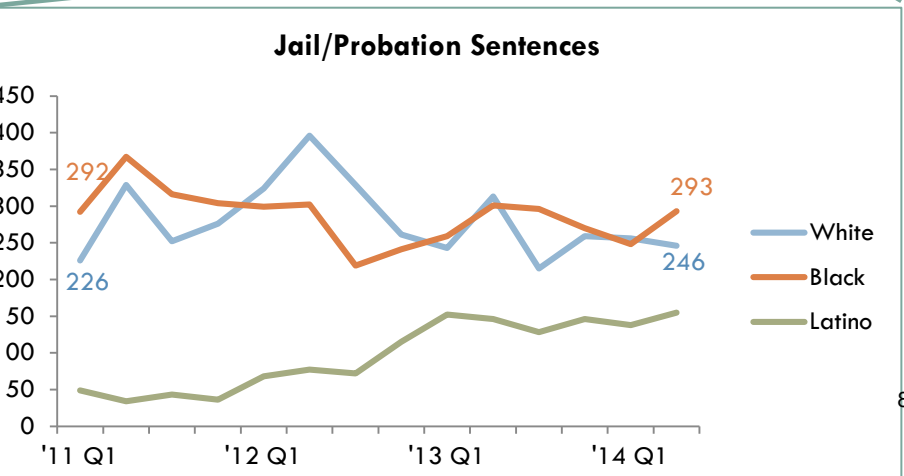
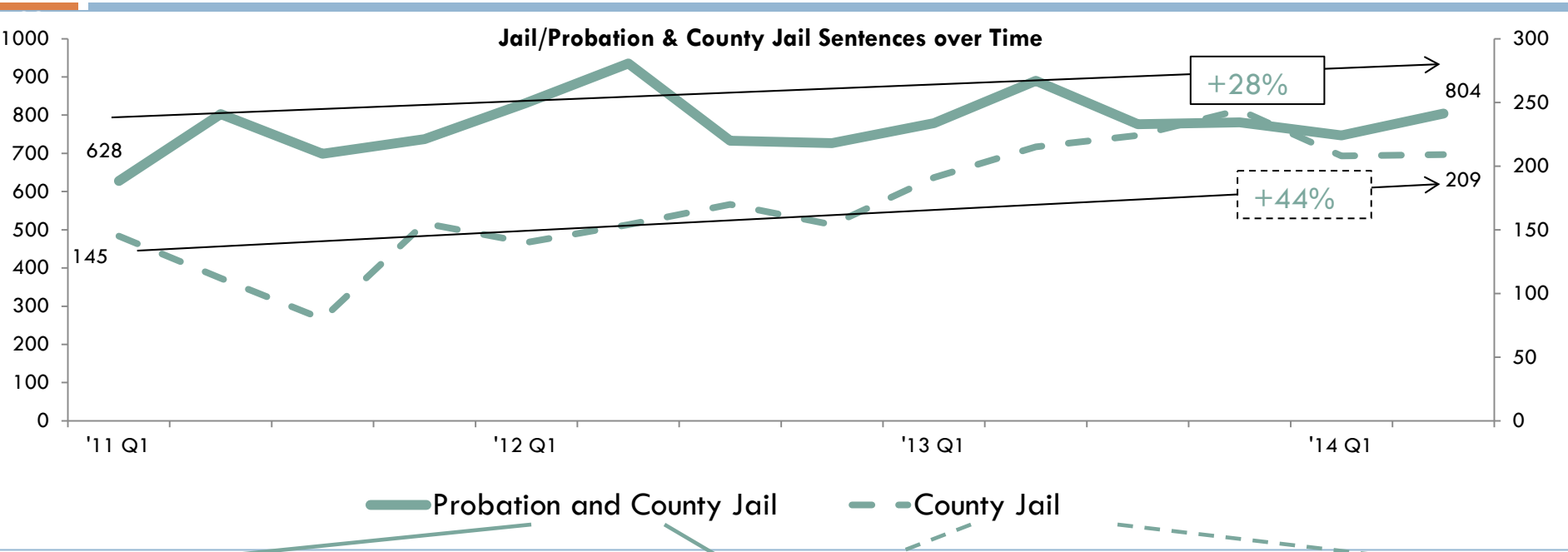


Q1 2011:
Black adults made up 53% of all State Prison Sentences.

Q2 2014:
Black adults made up 67% of all State Prison Sentences.

- Q1 2011: Convicted Black adults are **1.4 times as likely** as convicted White adults to be sentenced to Prison.
 - In Q1 2011, 11% of convicted White adults and 15% of convicted Black adults were sentenced to State Prison.
- Q2 2014: Convicted Black adults are **nearly 4 times as likely** as convicted White adults to be sentenced to Prison.
 - In Q2 2014, 2 % of convicted White adults and 8% of convicted Black adults were sentenced to State Prison.

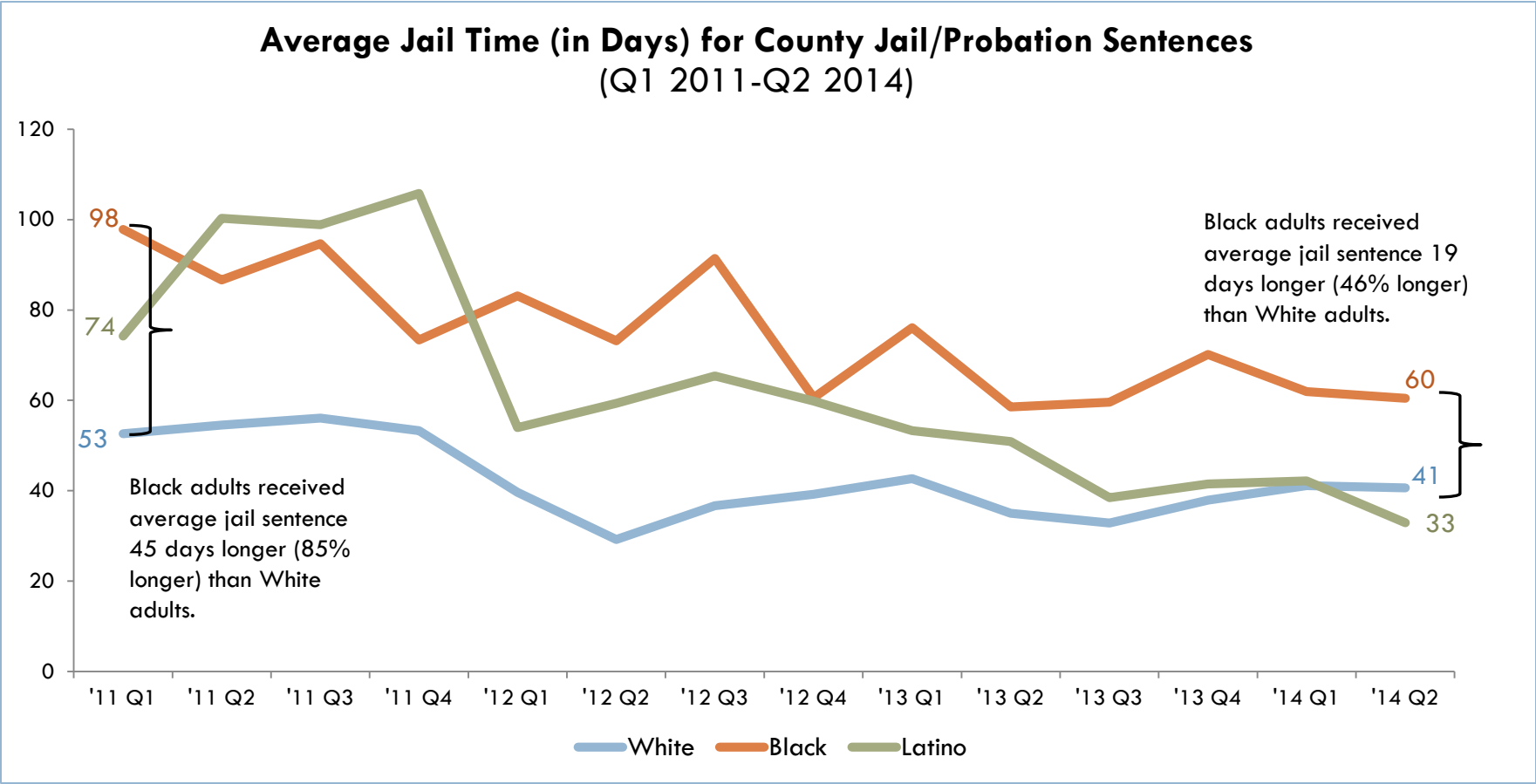
Use of Jail/Probation Sentences and County Jail have Increased



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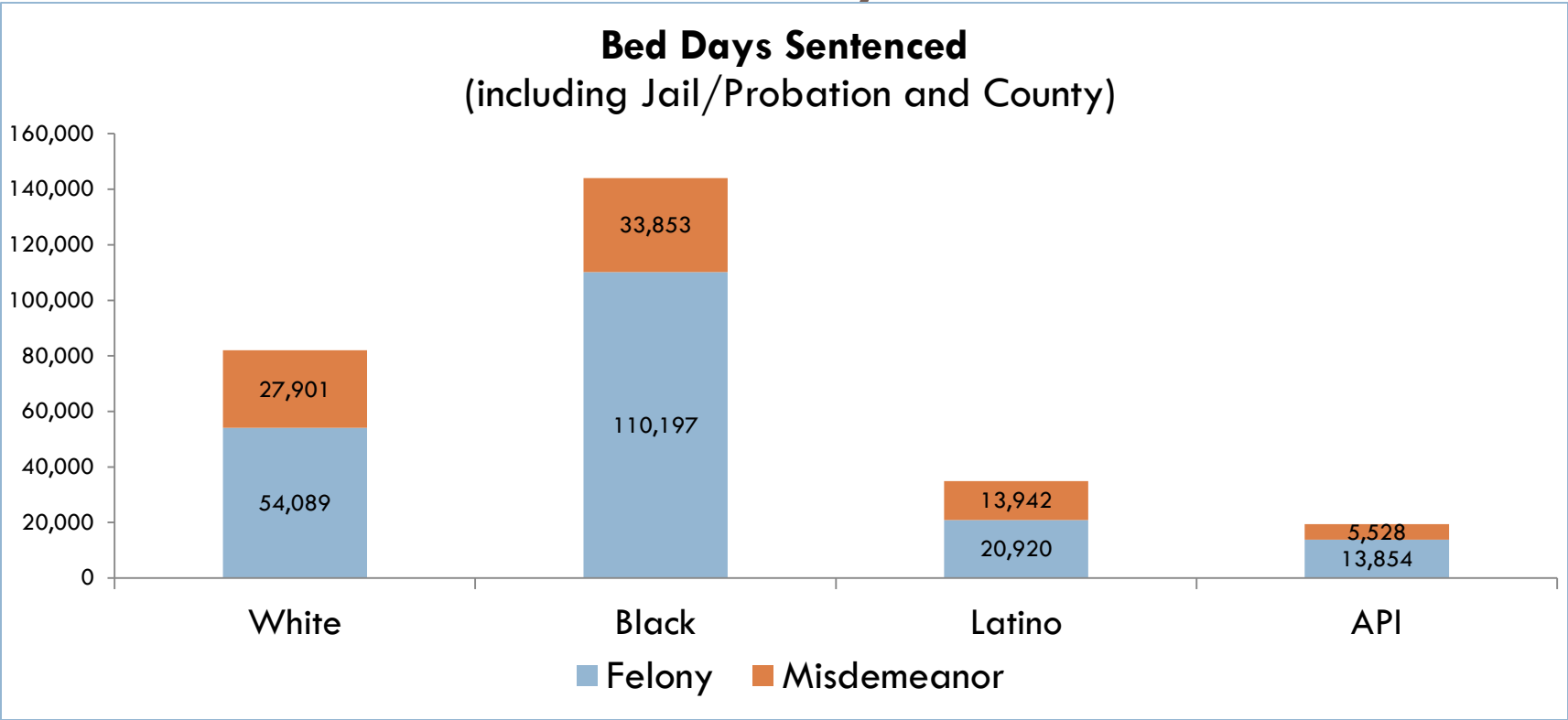
Average County Jail Sentences in Jail/Probation Sentences have decreased over time, but are consistently longer for Black and Latino Adults

40



Total Sentenced Bed Days (Q3 2013-Q2 2014)

41



- Between Q3 2013 & Q2 2014, there were **288,177 bed days sentenced** as the result of court sentences to jail (either through county jail alone (50%) or as a part of a jail/probation sentence (50%).
- Proportion of bed days:
 - White adults account for 28 % of sentenced bed days in the time period.
 - **Black adults account for 50% of sentenced bed days in the time period.**
 - Latino adults account for 12% of sentenced bed days in the time period.
 - API adults account for 12% of sentenced bed days in the time period.

Next Steps/Recommendations

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I. **Build data capacity/address data limitations**

- A. Appropriate existing committees (CMS and/or JUSTIS) should review reports and prioritize recommendations; ad hoc committees may need to be created.
- B. Consider: Protocols and Documentation; Creating a Data Dictionary; Staff Training; Modifications to Data Systems; Generating Regular Reports and Using Data.

II. **Develop capacity to answer key questions BI was unable to answer due to data limitations. For instance*:**

- A. How do racial/ethnic disparities change when citations are included in arrests?
- B. When bail is set, do defendants of color have higher bail amounts attached to their bail offer than White defendants? Are defendants of color less likely to post bail?
- C. Are people of color more likely to plead guilty? Does the likelihood of a guilty plea increase for defendants who remain in custody pretrial?
- D. Why are Motions to Revoke Probation or Parole filed? What are the outcomes of MTRs for clients of color?

Next Steps/Recommendations *cont.*

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- III. **Develop a system of reporting key indicators of racial and ethnic disparities on a regular basis; BI recommends quarterly. See sample table below.**

Pretrial Release Decision by Risk Assessment Score

		White	Black	Latino	Asian	Pacific Islander	Native American	Total
Total Booked in Jail	High Risk Score							
	Medium Risk Score							
	Low Risk Score							
	Not assessed for Risk							
Pretrial Release	High Risk Score							
	Medium Risk Score							
	Low Risk Score							
	Not assessed for Risk							
Release on Monetary Bail	High Risk Score							
	Medium Risk Score							
	Low Risk Score							
	Not assessed for Risk							
Remain in Jail	High Risk Score							
	Medium Risk Score							
	Low Risk Score							
	Not assessed for Risk							

- IV. **Institutionalize a process for deliberating on the data regularly, with traditional and non-traditional stakeholders.**

Burns Institute Contact Information

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THE W. HAYWOOD

BURNS INSTITUTE FOR JUVENILE JUSTICE FAIRNESS & EQUITY

Attachment B



**SAN FRANCISCO JUSTICE REINVESTMENT INITIATIVE:
RACIAL AND ETHNIC DISPARITIES ANALYSIS FOR THE REENTRY COUNCIL**

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Introduction

W. Haywood Burns Institute and the Importance of Data

The W. Haywood Burns Institute (BI) is a national non-profit organization that has worked successfully with local jurisdictions to reduce racial and ethnic disparities (R.E.D.) in the justice system by leading traditional and non-traditional stakeholders through a data-driven, consensus based process. It is BI's experience that local jurisdictions can implement successful and sustainable strategies that lead to reductions in racial and ethnic disparities at critical criminal justice decision-making points.

An essential component of reducing racial and ethnic disparities in the criminal justice system is the capacity to collect, analyze and use data. To target disparity reduction efforts, local stakeholders must have the ability to accurately identify the extent to which racial and ethnic disparities exist at key decision making points, which decision points exacerbate or mitigate the problem, and why people of color are involved at various points of contact in the justice system. To do so, system stakeholders and analysts must not only collect certain data, but they must know the appropriate data-related questions to ask to drive the work. Stakeholders and analysts must evaluate gaps in current data systems and the quality of the available data to assess their capacity to effectively identify and address disparities and sustain reductions. Finally, there must be an intentional process of deliberating on the data in collaborative meetings to drive policy.

BI encountered significant and repeated problems in using existing datasets to better understand disparities in San Francisco's criminal justice system. Data required to answer basic and fundamental questions about disparities were largely unavailable, or were in a format that required extensive clean up prior to analysis. This is troubling. If stakeholders are unable to understand the problem or review data on a regular basis, it will impede the development of appropriate policy solutions, and the sustainability of reform efforts. Importantly, the findings regarding the lack of data should serve as a call to action. If San Francisco is committed to reducing disparities, it must develop better data infrastructure to understand the problem.

This report is a first step in using available data to understand whether and to what extent racial and ethnic disparities exist at key decision making points. Despite the significant data access challenges, BI and San Francisco justice partners have confidence in the accuracy of the findings presented in this report.



Background

In February 2011, the Reentry Council of The City and County of San Francisco (Reentry Council) submitted a letter of interest to the Bureau of Justice Assistance (BJA) to participate in the local Justice Reinvestment Initiative (JRI). In May 2011, following BJA's selection of San Francisco as a JRI site, the Crime and Justice Institute (CJI) at Community Resources for Justice (CRJ) began working with and providing technical assistance to the Reentry Council.

From CJI's presentations to the Reentry Council, and based on these preliminary findings, the Reentry Council identified three policy areas with potential for achieving cost savings and reinvestment opportunities:

1. **Eliminate disproportionality in San Francisco's criminal justice system**
2. Create a uniform early termination protocol for probation
3. Maintain and expand pretrial alternatives to detention

Reducing the disproportionate representation of people of color in San Francisco's criminal justice system remains a priority in JRI activities. Learning more about these disparities was a priority for Phase II.

In November 2014, CJI contracted BI to provide an analysis of whether and to what extent racial and ethnic disparities exist at the five following key decision making points:

- Arrest
- Bail and Pretrial Jail
- Pretrial Release
- Sentencing
- Motion to Revoke Probation (MTR)¹

The analysis in this report describes the nature and extent of racial and ethnic disparities in the decision making points above. The analysis does not explore the causes of disparities. BI did not perform statistical analyses to isolate the extent to which race/ethnicity – rather than a variety of other factors – predicts justice system involvement. Additionally, the analysis does not explore the extent to which individual bias impacts the disproportionate representation of people of color in the justice system.

The disparities analysis was contingent upon availability of reliable data in an agreed-upon

Due to the data limitations, BI narrowed its analysis to answer the following questions:

1. Arrest
 - i. Are people of color more likely than White people to be arrested in San Francisco?
 - ii. Are there certain categories of offenses that people of color are more likely to be arrested for?
 - iii. How have racial and ethnic disparities in arrests changed from 2011 to 2014?
2. Booking to Jail (pretrial)
 - i. Are defendants of color booked into jail pretrial at higher rates than White defendants?
 - ii. Are there racial and ethnic disparities in rates of booking to jail when broken down by gender?
 - iii. What are the top resident zip codes of adults booked into jail pretrial?
3. Pretrial Release
 - i. Are defendants of color who meet the criteria for pretrial release less likely to be released on Own Recognizance (OR) than White defendants?
 - ii. At what stage in the pretrial process are defendants released? (example: prior to or by duty commissioner review, before arraignment, or by arraignment judge)
 - iii. How have racial and ethnic disparities in pretrial releases changed from 2011 to 2014?
4. Sentencing
 - i. What types of sentences do defendants receive?
 - ii. How long are the sentences?
 - iii. Are defendants of color more likely to receive more restrictive sentences than White defendants?
 - iv. What sentences do defendants receive for top convicted charges?
 - v. How have racial and ethnic disparities in sentencing changed from 2011 to 2014?

¹ Due to lack of data, the analyses regarding Motions to Revoke (MTR) were not possible.



format. As mentioned above, there were many limitations related to data availability and data integrity.² These limitations can be broken down into the following categories³:

- Unavailability of key data.
- Lack of information system protections.
- Incomplete fields in databases.
- Lack of clear protocols in data collection.
- Data not available in format conducive to analysis.
- Definitions of certain variables were misunderstood or outdated.

Despite the significant challenges, basic questions about racial and ethnic disparities were answered and are summarized in the next section.

Prior to the release of this report, local justice system partners in San Francisco had the opportunity to review and vet the findings for accuracy. Thus, while the analysis included is only a first step in identifying disparities, BI and San Francisco justice partners have confidence in the accuracy of the findings presented in this report.

² The original list of questions the analysis sought to answer is included in Appendix A.

³ BI submitted an additional report to the Reentry Council ("Summary of Data Challenges Encountered during Analysis of Racial and Ethnic Disparities in San Francisco's Criminal Justice System"), which provides examples of these limitations. Our observations informed the data-related recommendations in this report.

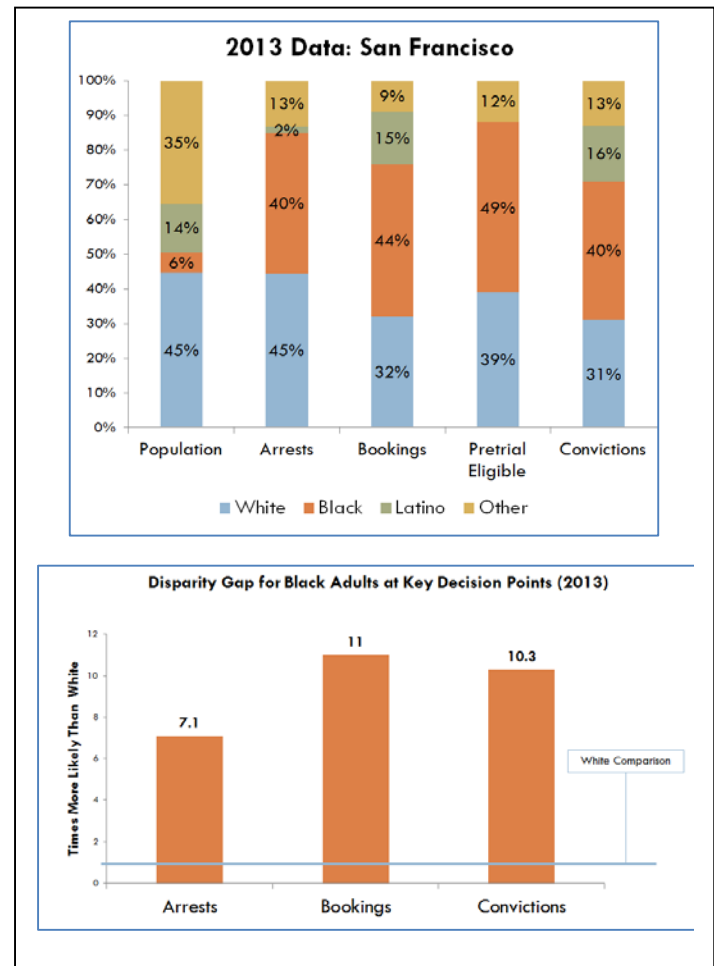
Summary of Key Findings

Demographic Shifts in San Francisco:

- Data indicate that San Francisco's demographic make-up is changing. Between 1994 and 2013, the number of Black adults decreased by 21 percent. At the same time, the number of Latino adults increased by 31 percent.

Disproportionality at Every Stage:

- In 2013, there were a disproportionate number of Black adults represented at every stage of the criminal justice process. While Black adults represent only 6% of the adult population, they represent 40% of people arrested, 44% of people booked in County Jail, and 40% of people convicted.
- When looking at the relative likelihood of system involvement- as opposed to the proportion of Black adults at key decision points – disparities for Black adults remain stark. Black adults are 7.1 times as likely as White adults to be arrested, 11 times as likely to be booked into County Jail, and 10.3 times as likely to be convicted of a crime in San Francisco.



Findings Regarding Data Capacity:




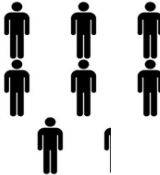
- Data required to answer several key questions regarding racial and ethnic disparities were unavailable. As stakeholders move forward to more fully understand the disparities highlighted in the report, they will need to build capacity for a more comprehensive and system-wide approach to reporting data on racial and ethnic disparities.
- Lack of "ethnicity" data impeded a full analysis of the problem of disparities. Justice system stakeholders must improve their capacity to collect and record data on ethnicity of justice system clients. Lack of data regarding Latino adults' involvement is problematic for obvious reasons—if we do not understand the extent of the problem, we cannot craft the appropriate policy and practice solutions. Additionally, when population data disregard ethnicity, and only focus on race, the vast majority of these "Hispanics" are counted as White. The result is a likely inflated rate of system involvement for White adults⁴, and an underestimation of the disparity gap between White and Black adults.

⁴ Nationally, when population data disregard ethnicity, and only focus on race, the vast majority of these "Hispanics" (89%) would be identified as "White."). Puzanchera, C., Sladky, A. and Kang, W. (2014). "Easy Access to Juvenile Populations: 1990-2013." Online Available: <http://www.ojjdp.gov/ojstatbb/ezapop/>

Arrests:

- In 2013, Black Adults in San Francisco were more than seven times as likely as White adults to be arrested.
- Despite a significant overall reduction in arrest rates in San Francisco, the disparity gap – relative rate of arrest for Black adults compared to White adults – is increasing.
- Whereas the disparity gap in arrests statewide is decreasing, the disparity gap in San Francisco is increasing.
- Rates of arrest are higher for Black adults than White adults for every offense category.
- Despite reductions in rates of arrest for drug offenses, the Black/White disparity gap increased for every drug offense category.

Disparity Gap for Arrests (1994 and 2013):





	1994	2013	
White 1			White 1
Black 4.6			Black 7.1

For every 1 White adult arrested in San Francisco in 1994, there were 4.6 Black adults arrested. For every 1 White adult arrested in San Francisco in 2013, there were more than 7 Black adults arrested.

Bookings to Jail (Pretrial):

- Black adults in San Francisco are 11 times as likely as White adults to be booked into County Jail. This disparity is true for both Black men (11.4 times as likely) and Black Women (10.9 times as likely).
- Latino adults are 1.5 times as likely to be booked as White adults⁵.
- Booking rates for Black and Latino adults have increased over the past three years while booking rates for White adults have decreased.
- The top three residence zip codes of Black adults booked into County Jail were: 94102 (includes the Tenderloin), 94124 (Bayview-Hunters Point), and 94103 (South of Market).
- The top three residence zip codes for Latino adults booked into jail were: 94110 (Inner Mission/Bernal Heights), 94102 (includes the Tenderloin), and 94112 (Ingelside-Excelsior/Crocker-Amazon).
- A vast majority (83 percent) of individuals booked into jail in San Francisco had residence zip codes within the County. Overall, only 17 percent of individuals booked into jail had residence zip codes outside of San Francisco⁶.

Disparity Gap for Bookings (2013):

	White 1
	Black 11
	Latino 1.5
	API 0.4

For every 1 White adult booked into San Francisco County Jail, there were 11 Black adults and 1.5 Latino adults booked.

Pretrial Release:

- Booked Black adults are more likely than booked White adults to meet the criteria for pretrial release⁷.

⁵ Data on Latino adults booked into County Jail is likely an undercount. When population data disregard ethnicity, the vast majority of Hispanic/Latino people are identified as White. This results in an *inflated* rate of system involvement for White adults; and subsequently an *underestimation* of the disparity gaps between White/Black adults and White/Latino adults.





⁶ Data regarding the homeless population was unavailable. Of the total 19,273 bookings in 2013, there were 3,973 (21%) that did not include a zip code. Some of these missing zip codes may be homeless adults who reside in San Francisco.

- Black adults are less likely to be released at all process steps: Black adults are less likely to receive an “other” release (i.e., cited, bailed, and dismissed); less likely than White adults to be released by the duty commissioner; and less likely to be granted pretrial release at arraignment.
- Rates of pretrial releases at arraignment are higher for White adults for almost every quarter.
- Out of all adults who meet the criteria for pretrial release (the entirety of the SFPDP database):
 - 39 percent of Black adults had prior felony(ies) compared to 26 percent of White adults, however, White adults with a prior felony were almost always more likely to be released at arraignment than Black adults with a prior felony;
 - 44 percent of Black adults had prior misdemeanor(s) compared to 45 percent of White adults, however, White adults with a prior misdemeanor were almost always more likely to be released at arraignment than Black adults with a prior misdemeanor; and
 - 62 percent of Black adults had a high school diploma or GED compared to 66 percent of White adults, however, White adults with a HSD/GED were almost always more likely to be released at arraignment than Black adults with a HSD/GED.

Convictions/Sentencing:

- For every White adult arrested and convicted in 2013, 1.4 Black adults were arrested and convicted.⁸ (Due to lack of data about Latinos at arrest, no comparison of convictions to arrest was made for Latinos.)
- Black adults in San Francisco (in the general population) are ten times as likely as White adults in San Francisco (in the general population) to have a conviction in court.
- Latino adults in San Francisco (in the general population) are nearly twice as likely as White adults in San Francisco (in the general population) to have a conviction in court.⁹
- The vast majority of all people convicted are sentenced to Jail/Probation. Black adults with Jail/Probation sentences are more likely to receive formal probation than White adults. Whereas 31 percent of White Adults receive formal probation, 53 percent of Black adults did.
- Black adults are more likely to be sentenced to State Prison and County Jail alone and less likely to be sentenced to Jail/Probation than White adults.
- When they receive Jail/Probation sentences, Black adults are more likely to have a longer jail sentence than White adults.
- Over the course of the last year, there were 288,177 bed days as the result of court sentences to jail (either through County Jail alone or as a part of a Jail/Probation sentence). Black adults account for 50 percent of these sentenced bed days.

Disparity Gap for Convictions (2013):

	White 1
	Black 10.3
	Latino 1.7
	API 0.4

For Every 1 White adult convicted of a crime in San Francisco, there were more than 10 Black adults and nearly 2 Latino adults convicted.

⁷ Data for both Bookings and Pretrial eligible include the most recent year available (Q3 2013-Q2 2014). The data come from two distinct databases. Further analysis is needed to better understand this finding. For example, White adults may be more likely to be cited out and are therefore not included as “eligible” for pretrial release, and protocol for identifying “ethnicity” in the two information systems may not be consistent.

⁸ When population data disregard ethnicity, the vast majority of Hispanic/Latino people are identified as White. This results in an *inflated* rate of system involvement for White adults; and subsequently an *underestimation* of the disparity gaps between White/Black adults and White/Latino adults.

⁹ See note above. It is important to note this for all of the analyses in the conviction/sentencing section which compare White and Latino rates.



- Although more White adults are convicted on DUI charges with blood alcohol levels greater than or equal to .08 than Black adults, Black and Latino adults convicted of these charges are more likely to have a longer jail sentence (as part of a Jail/Probation sentence) than White adults.¹⁰
- Of all Black adults convicted, 6 percent were convicted of transporting or selling controlled substances; of all White adults convicted, only 1 percent was convicted of this charge. While the number of adults convicted of transporting or selling controlled substances has decreased substantially over the past 3 years, the proportion is consistently higher for Black adults.¹¹
- Black adults convicted of transporting or selling controlled substances are more likely to be sentenced to State Prison than White adults convicted of the same offense.
- Black adults convicted of transporting or selling controlled substances are more likely to stay longer in County Jail as part of a Jail/Probation sentence.

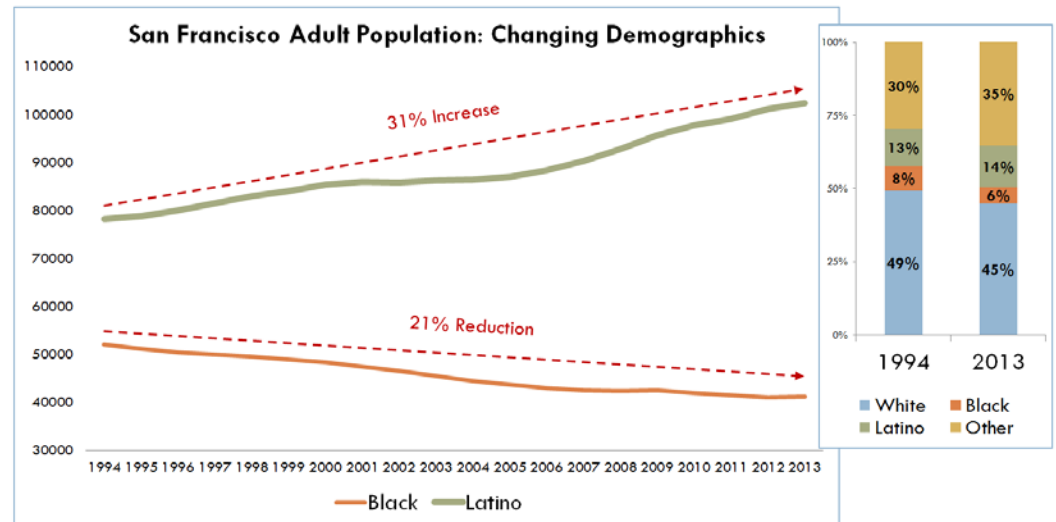
¹⁰ Analysis of specific charges includes the entire timeframe, in order to increase the number of cases analyzed. The criminal code referenced here is VC 23152(b)/M.

¹¹ Analysis of specific charges includes the entire timeframe, in order to increase the number of cases analyzed. The criminal code referenced here is HS 11352(a)/F.

San Francisco's Changing Demographics and Overrepresentation at Key Decision Points

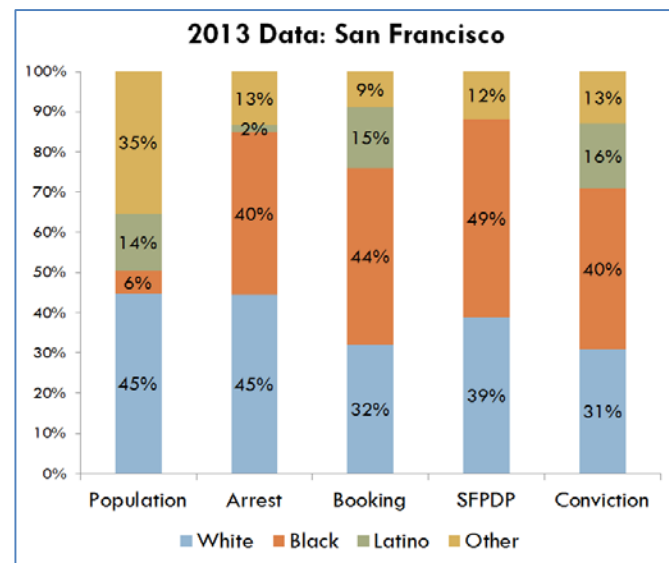
Data indicate that San Francisco's demographic make-up is changing. Between 1994 and 2013, the number of Black adults decreased by 21 percent. At the same time, the number of Latino adults increased by 31 percent.

The proportion of the adult population that is Black decreased from eight percent to six percent, and the proportion of the adult population that is Latino increased from thirteen percent to fourteen percent. While compared to White adults, Asian adults are underrepresented in criminal justice system involvement; the proportion of the population that is Asian has also increased, from 30 percent to 35 percent.



Latino Adults

The growing number of Latino adults in the County calls for a clear and consistent protocol for accurately identifying and recording ethnicity in all criminal justice information systems. As indicated in the Phase I findings, not only are Black adults disproportionately represented in the criminal justice system, race and ethnicity are inconsistently recorded in criminal justice departments' data systems. The lack of a standardized format for race and ethnicity data collection across criminal justice agencies makes it impossible to ascertain what disparities may or may not exist for all communities of color. As identified in Phase I of JRI, challenges include differences in the way race and ethnicity is recorded by law enforcement agencies leading to difficulties in comparing groups across the system. Since the issue has been identified, efforts have been made to improve properly identifying and recording race and ethnicity. However, as the analysis below describes, most of the existing information systems still lack data on ethnicity. As a result, the analysis of the extent to which Latino adults are involved in the criminal justice system is limited.



Although Latino adults represent 14 percent of the adult population, data indicates they represent only two percent of arrests and less than one percent of adults eligible for San Francisco Pretrial Diversion Program (SFPDP). While the proportion of Latino adults represented in booking and conviction data is higher, stakeholders BI worked with expressed concern that there is still work to be done to ensure they are using best practice for identifying and recording race *and* ethnicity.



Lack of data regarding Latino adults' involvement is problematic for obvious reasons—if we do not understand the extent of the problem, we cannot craft the appropriate policy and practice solutions. Additionally, when population data disregard ethnicity, and only focus on race, the vast majority of these “Hispanics” are counted as White. The result is a likely inflated rate of system involvement for White adults¹², and an underestimation of the disparity gap between White and Black adults.

Black Adults

Black adults are overrepresented at each stage of the criminal justice process investigated. In 2013, Black adults represented 6 percent of adults in the population, but they represented 40 percent of adult arrests; 44 percent of adults booked; 49 percent of adults eligible for SFPDP, and 40 percent of adults convicted.

Asian Pacific Islander and “Other” Adults

Due to lack of consistent data, this analysis did not focus on Asian Pacific Islander (API) or “other” adults. Future disparities analyses should include these populations but must account for differences between subgroups within the larger API population. Historical, cultural and economic differences between groups of Asian and Pacific Islander immigrants to the United States often result in a wide variety of experiences and outcomes within American society, including interaction with and rates of involvement in the criminal justice system. Improved data collection on race and ethnicity will support this type of analysis.

¹² (Nationally, when population data disregard ethnicity, and only focus on race, the vast majority of these “Hispanics” (89%) would be identified as “White.”) Easy Access to Juvenile Populations. <http://www.ojjdp.gov/ojstatbb/ezapop/>.



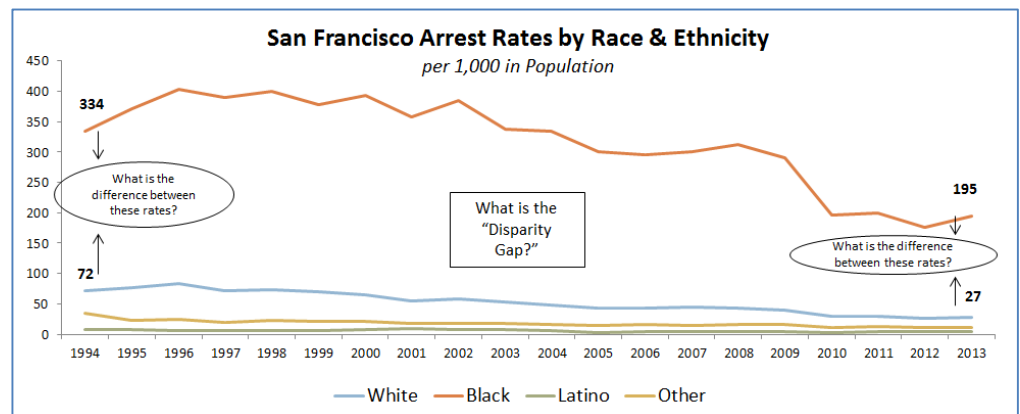
Arrests

San Francisco Police Department (SFPD) was unable to provide data on the total number of arrests in San Francisco disaggregated by race and ethnicity. In lieu of local data from the Reentry Council member agencies, BI used the State of California Department of Justice (DOJ) “Monthly Arrest and Citation Register” (MACR) to compile data on arrests in San Francisco. An “arrest” using these data includes “any person taken into custody because an officer has reason to believe the person violated the law¹³.” When an individual is arrested for multiple charges, MACR captures only the most serious offense based on the severity of possible punishment. Importantly, these arrest data do not include cite and release interactions with police. To understand the full scope of racial and ethnic disparities at arrest, SFPD must build capacity to collect and report on all arrests and contacts.

Key Findings

- In 2013, Black Adults in San Francisco were more than seven times as likely as White adults to be arrested¹⁴.
- Despite a significant overall reduction in arrest rates in San Francisco, the disparity gap – relative rate of arrest for Black adults compared to White adults - is increasing.
- Whereas the disparity gap in arrests statewide is decreasing, the disparity gap in San Francisco is increasing.
- Rates of arrest are higher for Black adults than White adults for every offense category.
- Despite reductions in rates of arrest for drug offenses, the Black/White disparity gap increased for every drug offense category.

Over the past two decades, arrest rates in San Francisco have decreased, but reductions for White adults outpaced Black adults. Between 1994 and 2013, arrests rates fell by 62 percent for White adults (from 72 arrests per 1,000 White adults in the population to 27 arrests).



During that same time, arrest rates fell by 42 percent for Black adults (from 334 arrests per 1,000 to 195 arrests).

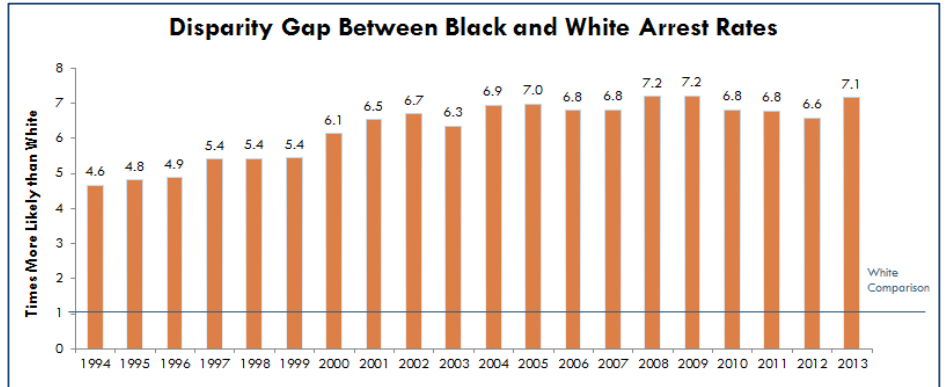
		1994	1998	2002	2006	2010	2013	Percent Change 1994-2013
White	# of Arrests	22,011	23,466	18,052	13,026	9,151	8,836	
	Rate per 1000	72	74	58	44	29	27	-62%
Black	# of Arrests	17,374	19,809	17,896	12,735	8,198	8,027	
	Rate per 1000	334	400	385	296	196	195	-42%

¹³ California Department of Justice, Criminal Justice Statistics Center, Monthly Arrest and Citation Register (MACR) Data Files; CJSJC published tables (accessed November 2014).

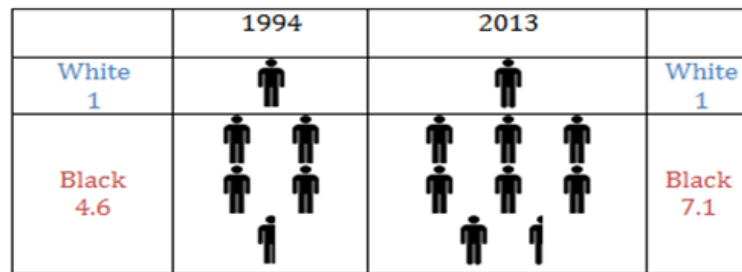
¹⁴ When population data disregard ethnicity, the vast majority of Hispanic/Latino people are identified as White. This results in an *inflated* rate of system involvement for White adults; and an *underestimation* of the disparity gaps between White/Black adults and White/Latino adults.

Disparity Gap in Arrests: San Francisco

The result of different arrest rate reductions is that despite significant reductions in arrest rates, the disparity between Black and White adults has increased. In 1994, for every White adult arrested, 4.6 Black adults were arrested, but in 2013 for every White adult arrested, 7.1 Black adults were arrested.



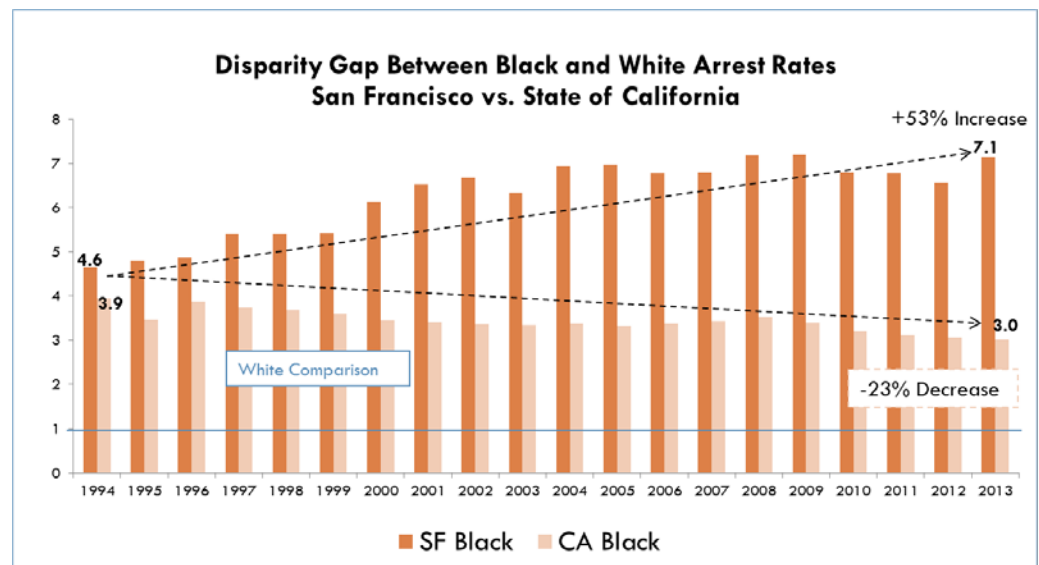
For every on 1 White adult arrested in 1994, 4.6 Black adults were arrested



For every on 1 White adult arrested in 2013, 7.1 Black adults were arrested.

Disparity Gap: San Francisco Arrests Compared to State of California Arrests

During the same time period that San Francisco's disparity gap increased by 45 percent, from Black adults being 4.6 times as likely as White adults to be arrested to 7.1 times as likely, the disparity gap in arrest rates for the State of California decreased. Statewide, in 1994, Black adults were 3.9 times as likely as White adults to be arrested. In 2013, Black adults were 3 times as likely.

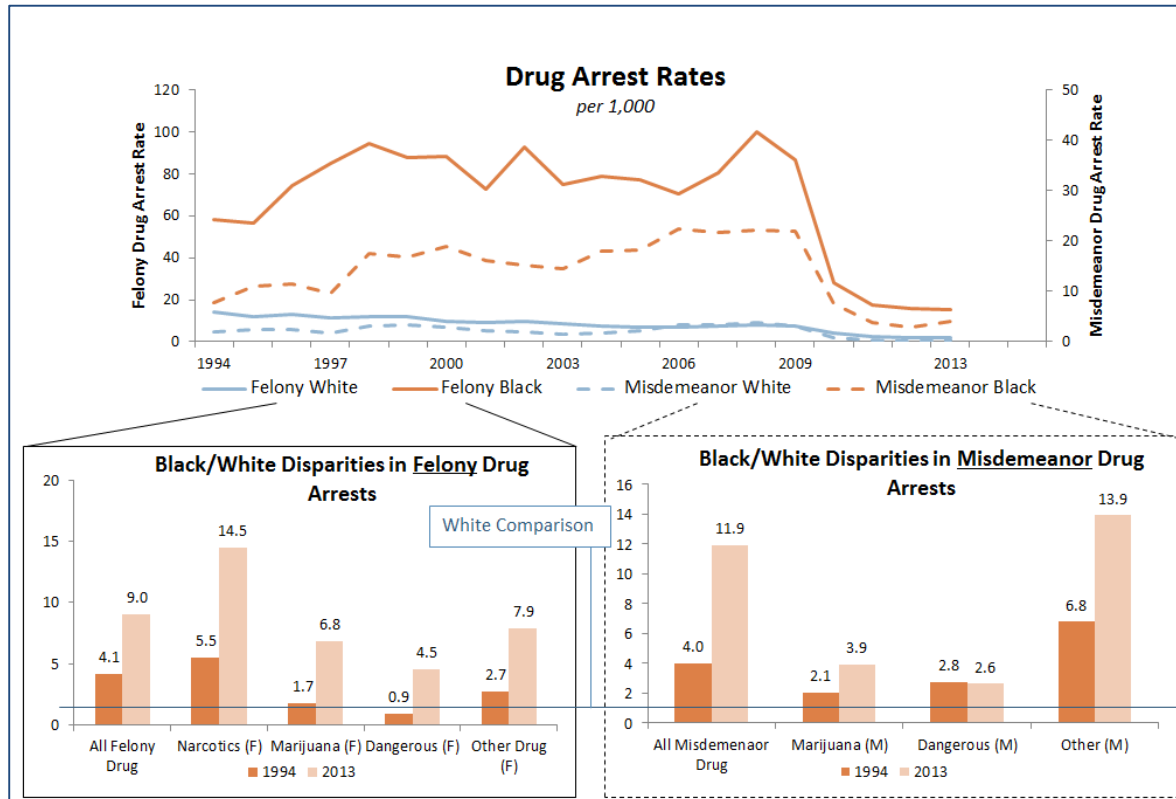




Disparities in Drug Arrest

Between 1994 and 2013, rates for felony drug arrests in San Francisco decreased by 88 percent for White adults (decreasing from 14.1 per 1,000 to 1.7) and by 74 percent for Black adults (decreasing from 58.5 per 1,000 to 15.5). During the same time, rates for misdemeanor drug offenses decreased by 85 percent for White adults (from 2 per 1,000 to 0.3 per 1,000), while rates for Black adults decreased by 48 percent (from 7.9 per 1,000 to 4.1).

The disparity gap between White and Black adult arrests has increased for almost every felony and misdemeanor drug offense.



A review of changes in the disparity gap for other offenses is available in Appendix B.



Bookings to Jail (Pretrial)

When an adult in San Francisco is arrested or has violated the terms and conditions of his or her probation or parole, he or she may be booked into County Jail. The following analysis explores pretrial bookings to County Jail. Unfortunately, the analysis was restricted due to limited data.

For this analysis, BI used data from the Court Management System (CMS) and supplemented it with race and ethnicity data from the Sheriff Department's Jail Management System (JMS). The full time frame for the data analyzed is January 1, 2011 to June 30, 2014. Data required extensive clean up to answer the most basic questions about booking to pretrial jail. Many questions we were interested in exploring could not be answered. After we cleaned up the data,¹⁵ there were 63,318 bookings to jail in the full time frame with data on race and ethnicity. In 2013, 19,273 cases included data on race and ethnicity.

Key Findings

- Black adults in San Francisco are 11 times as likely as White adults to be booked into County Jail. This disparity is true for both Black men (11.4 times as likely) and Black Women (10.9 times as likely).
- Latino adults are 1.5 times as likely to be booked as White adults¹⁶.
- Booking rates for Black and Latino adults have increased over the past three years while booking rates for White adults have decreased.
- The top three residence zip codes of Black adults booked into County Jail were: 94102 (includes the Tenderloin), 94124 (Bayview-Hunters Point), and 94103 (South of Market).
- The top three residence zip codes for Latino adults booked into jail were: 94110 (Inner Mission/Bernal Heights), 94102 (includes the Tenderloin), and 94112 (Ingelside-Excelsior/Crocker-Amazon).
- A vast majority (83 percent) of individuals booked into jail in San Francisco had residence zip codes within the County. Overall, only 17 percent of individuals booked into jail had residence zip codes outside of San Francisco¹⁷.

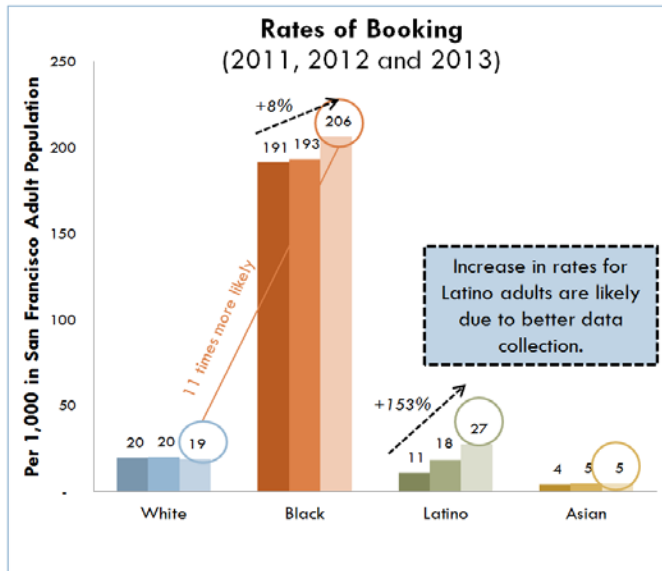
The rate of booking to County Jail has increased in San Francisco over the past 3 years for people of color, but it has decreased for White adults. The rate of booking for Black adults increased from 191 per 1,000 in 2011 to 206 per 1,000 in 2013.

Data indicate that the rate of booking for Latino adults increased by 153 percent. The significant increase is likely due – in some part – to better data collection practices to identify ethnicity. However, the data should be explored further. In 2013, Black and Latino adults were more likely to be booked into County Jail than White adults. For every one White adult booked into jail, there were eleven (11) Black adults and one and a half (1.5) Latino adults.

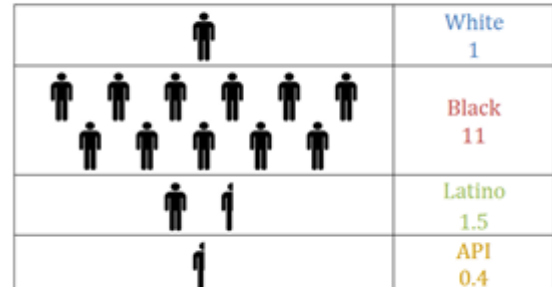
¹⁵ The data clean-up process for the booking data is described in the separate report BI submitted regarding data challenges ("Summary of Data Challenges Encountered during Analysis of Racial and Ethnic Disparities in San Francisco's Criminal Justice System").

¹⁶ Data on Latino adults booked into County Jail is likely an undercount. When population data disregard ethnicity, the vast majority of Hispanic/Latino people are identified as White. This results in an *inflated* rate of system involvement for White adults; and subsequently an *underestimation* of the disparity gaps between White/Black adults and White/Latino adults.

¹⁷ Data regarding the homeless population were unavailable. Of the total 19,273 bookings in 2013, there were 3,973 (21%) that did not include a zip code. Some of these missing zip codes may be homeless adults who reside in San Francisco.



Disparity Gap for Bookings (2013):

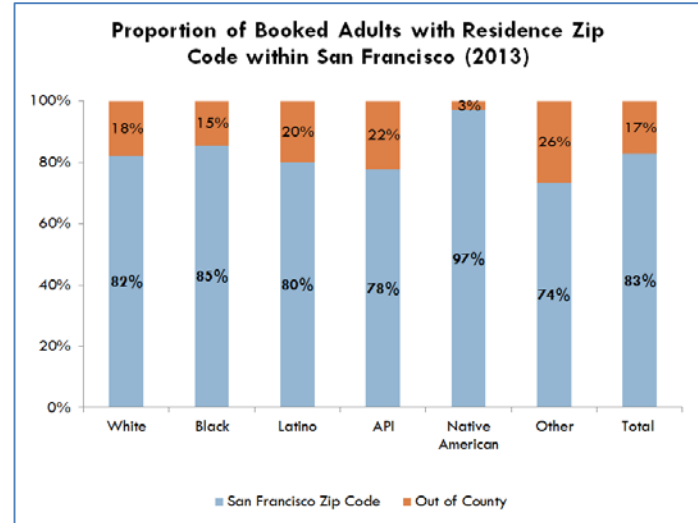


	White	Black	Latino	API	Nat. Am.	Other	Total
2011 Pop.	319,436	41,404	99,104	243,503	2,223	n/a	705,670
2011 Booked	6,269	7,920	1,072	1,012	62	603	16,938
2011 Rate per 1,000	20	191	11	4	28		24
2012 Pop.	322,713	41,094	101,132	249,203	2,234	n/a	716,376
2012 Booked	6,493	7,940	1,863	1,228	66	684	18,274
2012 Rate per 1,000	20	193	18	5	30		26
2013 Pop.	324,372	41,237	102,261	255,069	2,248	n/a	725,187
2013 Booked	6,095	8,508	2,803	1,203	82	582	19,273
2013 Rate per 1,000	19	206	27	5	36		27

Zip Code Analysis

BI explored the top residence zip codes of adults booked into County Jail pretrial. The vast majority of all adults booked in County Jail in San Francisco have a residence zip code within San Francisco (83 percent)¹⁸.

The top zip codes were different for Black and Latino adults, but 94102 was a top zip code for both. Exploring top zip codes where people who are booked into jail reside can help local stakeholders better understand existing services and programs in those areas, as well as service gaps and needs. Additionally, justice stakeholders can explore policies and practices that impact justice system involvement such as police deployment and locations of neighborhood courts.



	White	Black	Latino	API	Nat. Am.	Other	Total
94102	3177	3939	675	313	49	150	8303
94124	471	3915	386	237	8	115	5132
94103	1201	1464	301	129	12	74	3181
94110	1037	794	909	99	17	103	2959
94112	672	728	541	247	10	117	2315
94109	1123	752	160	149	11	67	2262

¹⁸ Zip Code analysis is based on cases for which zip code was recorded (in 2013, 15,272 cases). Data regarding the homeless population was unavailable. Of the total 19,273 bookings in 2013, there were 3,973 (21%) that did not include a zip code. Some of these missing zip codes may be homeless adults who reside in San Francisco.



Pretrial Release

Some defendants booked into County Jail are released pretrial. The types of release include release on own recognizance (OR), release to supervision programs operated by the San Francisco Pretrial Diversion Program (SFPDP), and other releases (released with a citation, case dismissal, bail posting, etc.). The mission of SFPDP is to facilitate, within various communities, positive and effective alternatives to fines, criminal prosecution, and detention.

Key Findings

- Booked Black adults are more likely than booked White adults to meet the criteria for pretrial release¹⁹.
- Black adults are less likely to be released at all process steps: Black adults are less likely to receive an “other” release (i.e., cited, bailed, and dismissed); less likely than White adults to be released by the duty commissioner; and less likely to be granted pretrial release at arraignment.
- Rates of pretrial releases at arraignment are higher for White adults for almost every quarter.
- Out of all adults who meet the criteria for pretrial release (the entirety of the SFPDP database):
 - 39 percent of Black adults had prior felony(ies) compared to 26 percent of White adults, however, White adults with a prior felony were almost always more likely to be released at arraignment than Black adults with a prior felony;
 - 44 percent of Black adults had prior misdemeanor(s) compared to 45 percent of White adults, however, White adults with a prior misdemeanor were almost always more likely to be released at arraignment than Black adults with a prior misdemeanor; and
 - 62 percent of Black adults had a high school diploma or GED compared to 66 percent of White adults, however, White adults with a HSD/GED were almost always more likely to be released at arraignment than Black adults with a HSD/GED.

Overview of Data

BI analyzed the data from the San Francisco Pretrial Diversion Project (SFPDP) database from the first quarter of 2011 to the second quarter of 2014. This analysis was done with the goal of answering the following questions²⁰:

- Are defendants of color who meet the criteria for pretrial release less likely to be released on OR than White defendants?
- At what stage in the pretrial process are defendants released?
- How have racial and ethnic disparities in pretrial releases changed from 2011 to 2014?

The analysis was done in two parts: first a detailed look at the last full year of data received, quarter three of 2013 to quarter two of 2014, broken down by race and ethnicity; and second, three and a half year trends that looked at the relative release rates over time.

BI received four data files from SFPDP for 2011, 2012, 2013 and the first half of 2014. The full time frame of the data analyzed is January 1, 2011 to June 30, 2014. All four files were merged resulting in a single file of 26,657 cases. 161 cases (rows) were then deleted for lack of any data (blank), and 221 cases were excluded for lack of race and ethnicity data. The resulting number of valid cases is 26,496. For the last full year (quarter three 2013 to quarter two 2014), there are 7,840 valid cases.

¹⁹ Data for both Bookings and Pretrial eligible include the most recent year available (Q3 2013-Q2 2014). The data come from two distinct databases. Further analysis is needed to better understand this finding. For example, White adults may be more likely to be cited out and are therefore not included as “eligible” for pretrial release, and protocol for identifying “ethnicity” in the two information systems may not be consistent.

²⁰ These questions were not the entirety of this analysis but after careful study of the available data and numerous communications with staff at SFPDP, the limitations within the information system and data became clear, resulting in a need to limit the scope of the analysis. See Appendix A for full list of questions.



Limited Race and Ethnicity Data

In 2013, Latino adults represented 14.1 percent of the adult population in San Francisco. For the same year, the SFPDP data indicate that Latino adults represent only 0.2 percent of adults eligible for pretrial services. The relatively small numbers of Latinos, Asians, and Others in the SFPDP data make it difficult to identify meaningful trends.²¹ Therefore only White/Black disparities will be analyzed.²²

Pretrial Release Overview

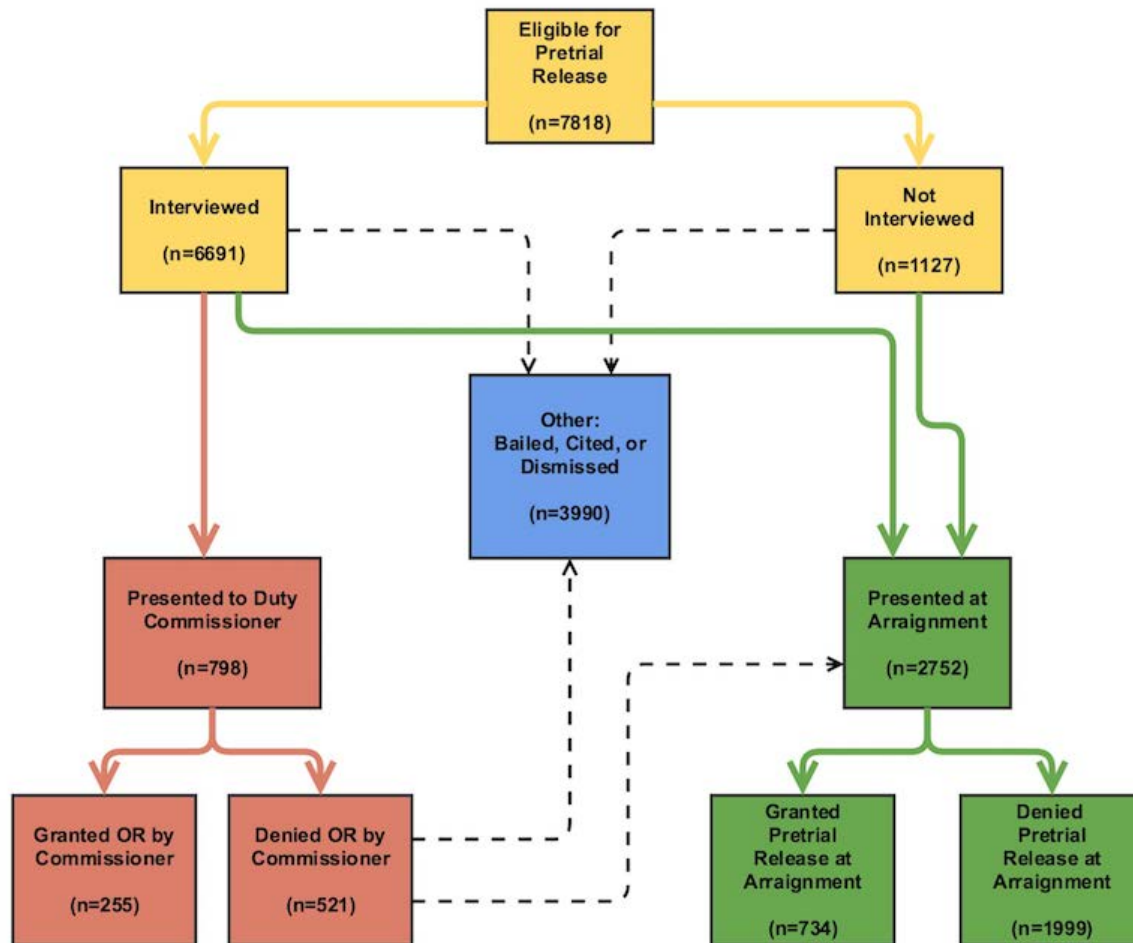
The following analysis includes only for Black and White adults.²³ The charts in this section show the number and respective percentage of the 6,801 individuals (3,118 White and 3,683 Black) as they proceeded through the various decision thresholds associated with pretrial release. The data indicate there was no disproportionality between White and Black adults who met criteria for pretrial release and were interviewed by SFPDP (both 85%). It should be noted that the 15 percent of White and Black adults who were not interviewed were not precluded from release at arraignment. Adults not interviewed by SFPDP are only precluded from being granted OR release by the duty commissioner, see Appendix C.

²¹ An analysis of racial and ethnic disparities depends heavily on the availability of relevant data at each stage with comparable population parameters. Counts, rates, and relative rate indices can fluctuate widely over time (e.g., year to year), especially with small case counts. When case counts are too low they tend to produce unreliable results. For example, in the last full year, there were only 25 Latinos (0.3%), 100 Asians (1.3%), and 892 “other” individuals (11.4%), compared to 3,118 Whites (40%) and 3,683 Blacks (47%). When these figures are broken down further into the various stages of the SFPDP process, the number of cases is even smaller. For example, of the 25 Latino individuals, five were presented to the duty commissioner. A comparison of what happened to those five individuals versus what happened to the 349 White individuals presented to the duty commissioner in the same time period would not yield meaningful results.

²² Note: When population data disregard ethnicity, the vast majority of Hispanic/Latino people are incorrectly identified as White. This results in an *inflated* rate of system involvement for White adults; and subsequently an *underestimation* of the disparity gaps between White/Black adults and White/Latino adults. It is important to note this for all of the analyses in the arrest section which compare White and Black arrest rates.

²³ This section highlights outcomes from the last full year of data BI received, Quarter 3 of 2013 to Quarter 4 of 2014

Pretrial Release Flow²⁴



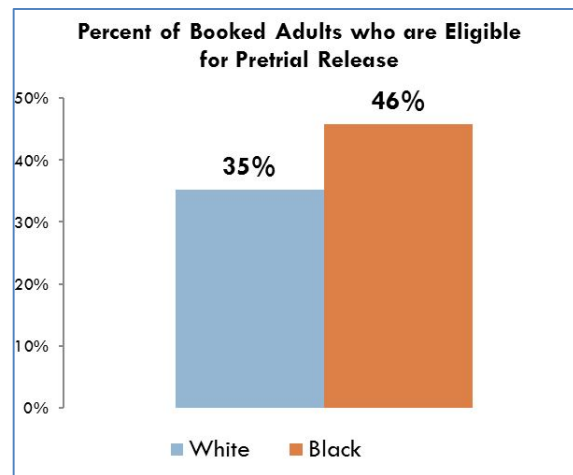
When adults booked into County Jail are identified as meeting the criteria for pretrial release (Eligible for Pretrial Release), they are interviewed to further assess appropriateness for pretrial release and SFPDP services. Once interviewed, their information packet may be presented to a duty commissioner where they may be granted or denied release on their own recognizance (OR). Adults who meet the criteria for pretrial release, but whose information is not presented to the duty commissioner or who are not granted OR by the duty commissioner may be granted or denied release at arraignment. In addition to those released by the duty commissioner or arraignment judge, adults may be released pretrial because their case was dismissed, they were cited out or they posted bail.

²⁴ Description of terms in this chart is included in Appendix C.

Pretrial Release Compared to Bookings

Black adults booked into San Francisco County Jail are more likely than White adults to be eligible for pretrial release. According to booking data, there were 5,940 White adults and 7,947 Black adults booked into County Jail during the most recent year. According to SFPD data, during the same time period, there were 3,118 White adults and 3,683 Black adults eligible for some form of pretrial release. By comparing these data, we can learn the proportion of adults booked that were eligible for pretrial release²⁵.

Whereas 35 percent of booked White adults were eligible for pretrial release, 46 percent of booked Black adults were eligible.²⁶

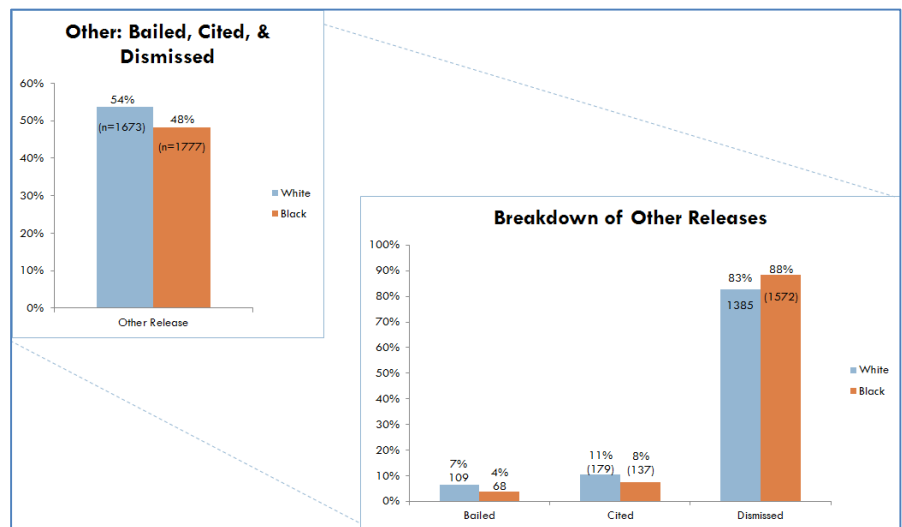


Q3 2013-Q2 2014	White	Black
Bookings	5,940	7,947
Pretrial Release Eligible	3,118	3,683
% of Booked Adults Eligible for Pretrial Release	35%	46%

Other Release: Bailed, Cited, and Dismissed

The data indicate that 51 percent of all cases that met the criteria for pretrial release were released under the “other releases” category. The proportion of White adults who met the criteria for pretrial release who were released in the “other” category (54%) was higher than the proportion of Black adults that met the criteria for pretrial release who were released under “other” (48%).

The vast majority of these released adults had their cases dismissed. Black adults were more likely than White adults to have their case dismissed. White adults were more likely to post bail or be cited out than Black adults.



²⁵ Data for both Bookings and Pretrial eligible include the most recent year available (Q3 2013-Q2 2014). The data come from two distinct databases. Further analysis is needed to better understand this finding. For example, White adults may be more likely to be cited out and are therefore not included within “eligible” for pretrial release, and protocol for identifying “ethnicity” in the two information systems may not be consistent.

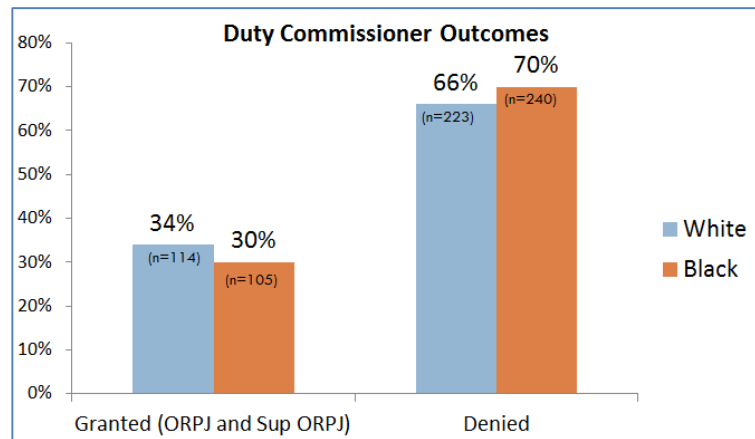
²⁶ Data for both Bookings and Pretrial eligible include the most recent year available (Q3 2013-Q2 2014). The data come from two distinct databases.



Presented to Duty Commissioner

Per Penal Code Section 1270.1, not everyone eligible for pretrial release or arraignment review is eligible for presentation to the duty commissioner. In the year analyzed, 682 people were presented to the duty commissioner.

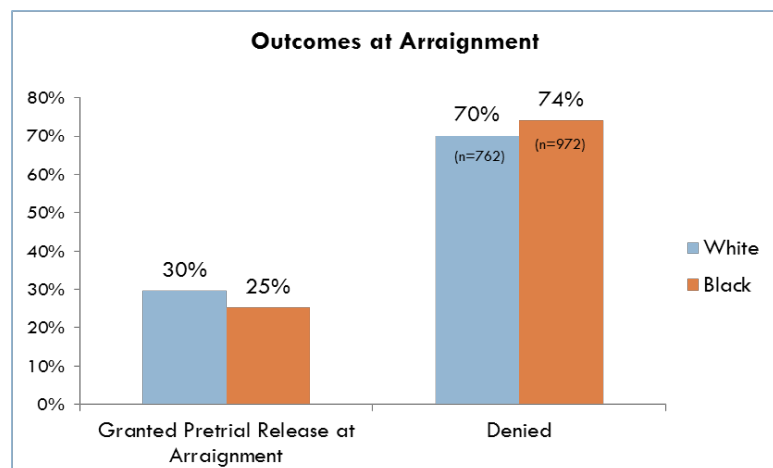
White adults presented to the duty commissioner were more likely to be granted OR than Black adults. Thirty-three (33) percent of White adults presented to the duty commissioner were granted OR compared to 30 percent of Black adults presented.²⁷



Presented at Arraignment

Sixty five percent of adults eligible for pretrial release were released prior to arraignment. Adults who meet pretrial release criteria, and who have not yet been released, are presented at arraignment.

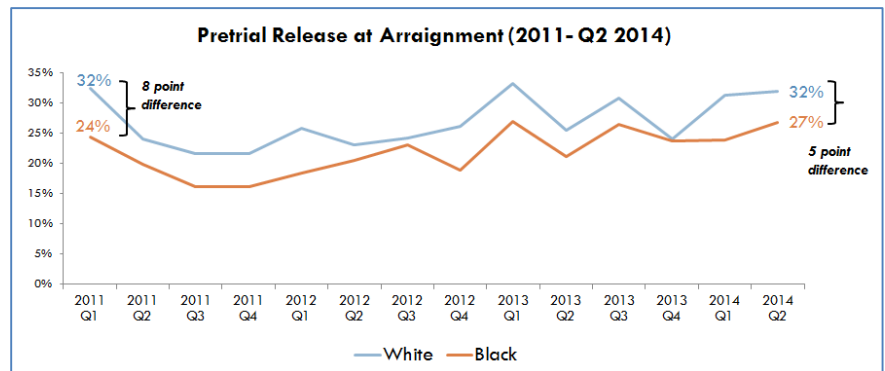
Black adults were less likely to be granted pretrial release at arraignment. Whereas 30 percent of White adults were released at arraignment, only 25 percent of Black adults were.



²⁷ See Appendix C for description of ORNF.

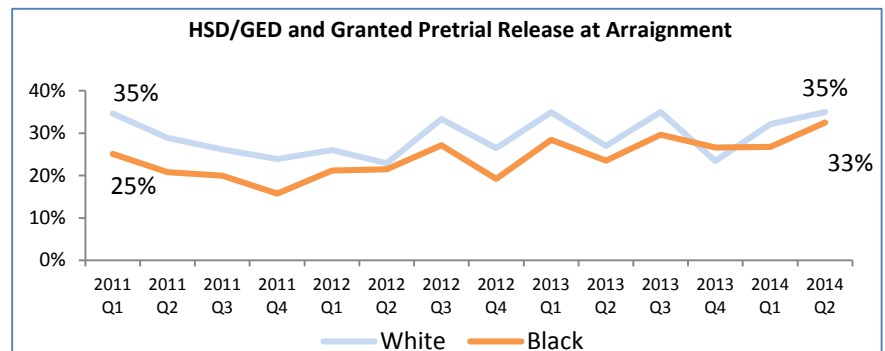
Trends in Pretrial Releases at Arraignment

White adults are consistently more likely to be granted pretrial release at arraignment than Black adults for nearly every quarter. In Quarter 1 2011, 24 percent of Black adults and 32 percent of White adults were granted pretrial release at arraignment. In Quarter 2 2014, the difference narrowed because a higher proportion of Black adults were granted pretrial release (27 percent), but White adults were still more likely to receive pretrial release.



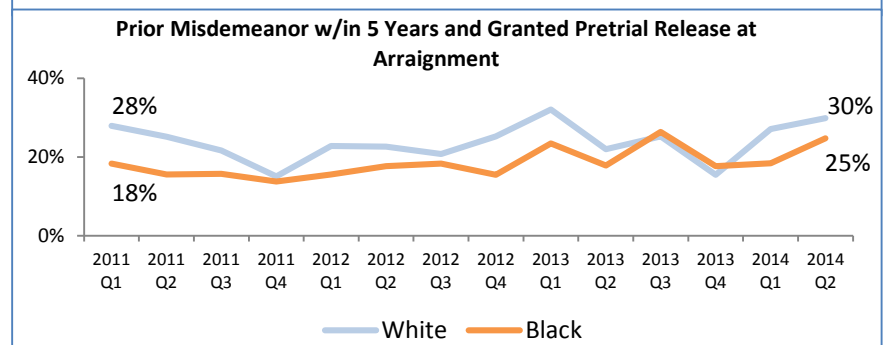
Educational Status

Out of all cases in the SFPDP database, 66 percent of White adults and 62 percent of Black adults in the full timeframe had a high school diploma (HSD) or a GED. However, when disaggregating data by educational status, White adults are still more likely to be released than Black adults in most quarters.



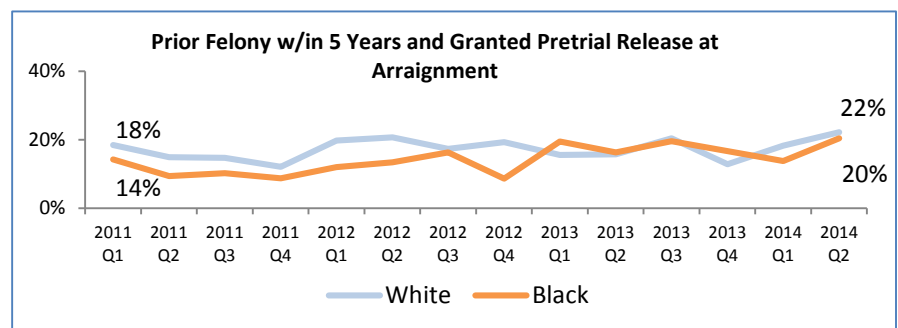
Prior Misdemeanor Convictions

Out of all cases in the SFPDP database, 45 percent of White adults and 44 percent of Black adults within the full timeframe had a prior misdemeanor within five years.²⁸ When limiting the pool of data to adults with a prior misdemeanor conviction within the last five years, White adults are still more likely to be released at arraignment than Black adults in most quarters.



Prior Felony Convictions

Out of all cases in the SFPDP database, 26 percent of White adults and 39 percent of Black adults within the full timeframe had a prior felony within five years. When limiting the pool of data to adults with a prior felony conviction within the last five years, White adults are still more likely to be released at arraignment than Black adults in most quarters.



²⁸ Not all prior convictions are San Francisco convictions.



Sentencing

If the judge finds beyond a reasonable doubt that a person committed the alleged offense, the person is convicted and the judge imposes a sentence. The sentences included in this analysis include all adults sentenced, regardless of whether they were in custody pretrial.

Key Findings

- For every White adult arrested and convicted in 2013, 1.4 Black adults were arrested and convicted.²⁹ (Due to lack of data about Latinos at arrest, no comparison of convictions to arrest was made for Latinos.)
- Black adults in San Francisco (in the general population) are ten times as likely as White adults in San Francisco (in the general population) to have a conviction in court.
- Latino adults in San Francisco (in the general population) are nearly twice as likely as White adults in San Francisco (in the general population) to have a conviction in court.³⁰
- The vast majority of all people convicted are sentenced to Jail/Probation. Black adults with Jail/Probation sentences are more likely to receive formal probation than White adults. Whereas 31 percent of White Adults receive formal probation, 53 percent of Black adults did.
- Black adults are more likely to be sentenced to State Prison and County Jail alone and less likely to be sentenced to Jail/Probation than White adults.
- When they receive Jail/Probation sentences, Black adults are more likely to have a longer jail sentence than White adults.
- Over the course of the last year, there were 288,177 bed days as the result of court sentences to jail (either through County Jail alone or as a part of a Jail/Probation sentence). Black adults account for 50 percent of these sentenced bed days.
- Although more White adults are convicted on DUI charges with blood alcohol levels greater than or equal to .08 than Black adults, Black and Latino adults convicted of these charges are more likely to have a longer jail sentence (as part of a Jail/Probation sentence) than White adults.³¹
- Of all Black adults convicted, 6 percent were convicted of transporting or selling controlled substances; of all White adults convicted, only 1 percent was convicted of this charge. While the number of adults convicted of transporting or selling controlled substances has decreased substantially over the past 3 years, the proportion is consistently higher for Black adults.³²
- Black adults convicted of transporting or selling controlled substances are more likely to be sentenced to State Prison than White adults convicted of the same offense.
- Black adults convicted of transporting or selling controlled substances are more likely to stay longer in County Jail as part of a Jail/Probation sentence.

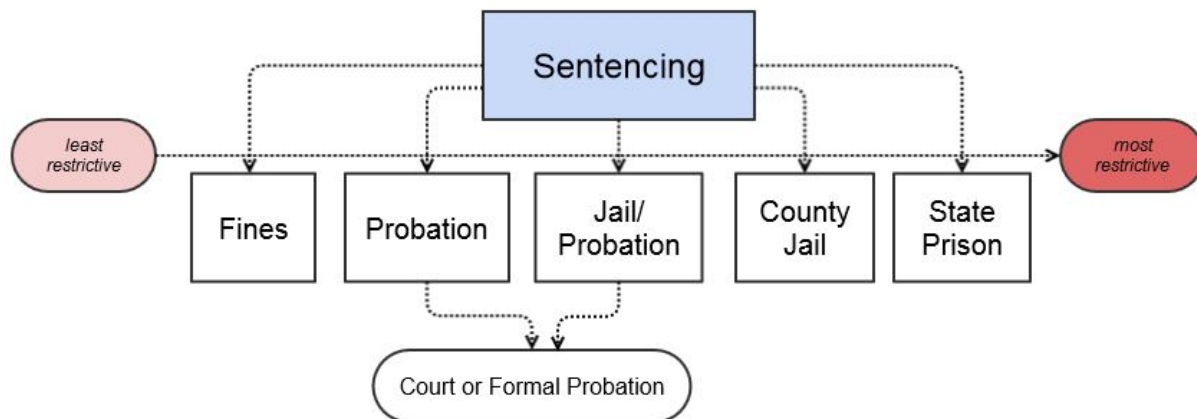
The analysis of sentencing was intended to explore basic questions around potential racial and ethnic disparities in sentences for convicted adults in San Francisco, not to answer questions regarding why the disparities exist or where the responsibility for the disparities lies. The figure on the next page illustrates sentencing options.

²⁹ When population data disregard ethnicity, the vast majority of Hispanic/Latino people are identified as White. This results in an *inflated* rate of system involvement for White adults; and subsequently an *underestimation* of the disparity gaps between White/Black adults and White/Latino adults.

³⁰ See note above. It is important to note this for all of the analyses in the conviction/sentencing section which compare White and Latino rates.

³¹ Analysis of specific charges includes the entire timeframe, in order to increase the number of cases analyzed. The criminal code referenced here is VC 23152(b)/M.

³² Analysis of specific charges includes the entire timeframe, in order to increase the number of cases analyzed. The criminal code referenced here is HS 11352(a)/F.



In analyzing sentencing, BI answers the following questions:

- What types of sentences do defendants receive?
- How long are the sentences?
- Are defendants of color more likely to receive more restrictive sentences than White defendants?
- What sentences do defendants receive for the top convicted charges?
- How have racial and ethnic disparities in sentencing changed from 2011 to 2014?

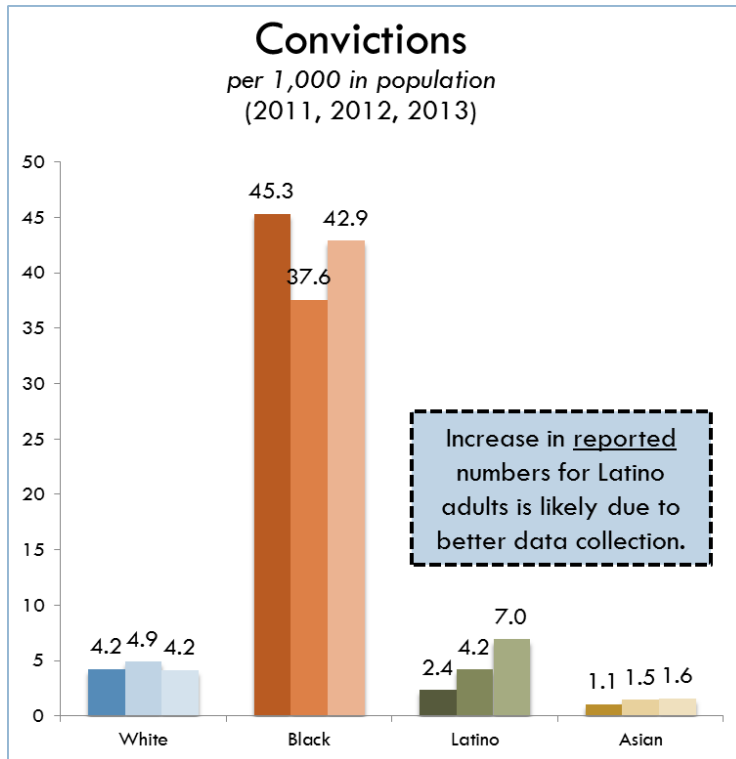
In answering these questions, BI used data from the Court Management System (CMS) and supplemented it with race and ethnicity data from the Sheriff Department's Jail Management System (JMS). The full time frame for the data analyzed is January 1, 2011 to June 30, 2014.³³

Disparity Gap in Convictions

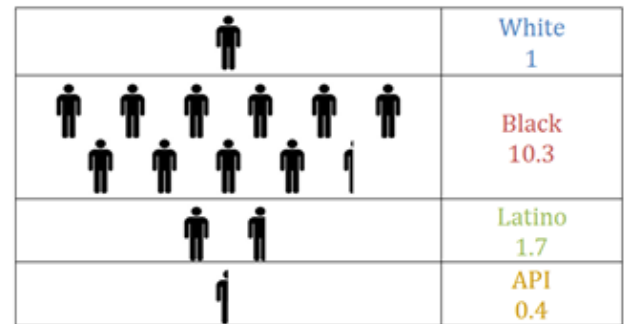
In 2013, more than 10 Black adults were convicted for every White adult convicted in San Francisco. Almost two Latino adults were convicted for every White adult convicted. For every White adult arrested and convicted in 2013, 1.4 Black adults were arrested and convicted. (Due to lack of data about Latinos at arrest, no comparison of convictions to arrest was made for Latinos). The disparity gap in convictions between Black and White adults remains high, whether convictions are compared to arrests or to the total adult population.

Convictions per 1,000 in the population appear to be increasing quickly for Latinos, but this could be a reflection of changes in data collection practices. The number of convicted Latino adults increased by more than 200 percent between 2011 and 2013, rising from 235 to 711.

³³ There were a total of 18,621 convictions in this data set. The data required extensive clean up to answer the questions. This included removing 335 cases with no SF#, the only means of reliably identifying an individual, leaving 18,286 cases. BI was advised not use the "case disposition" field in the CMS data to inform its understanding of sentence types. Instead the four sentence types and length variables were used to create 15 unique combinations of sentences each with a unique code. Eight of these unique codes, representing 80 cases, were excluded because they appeared to be data entry errors. This left 18,206 valid cases; however, of these cases 3,588 (19.7%) were missing race and ethnicity data, leaving 14,618 cases with both an SF# and race and ethnicity data. In order to show the most recent information, pieces of this analysis limit the timeframe to the last full year of data, quarter 3 of 2013 to quarter 2 of 2014, which included 4,806 cases with valid data on race and ethnicity.



Disparity Gap for Convictions (2013):

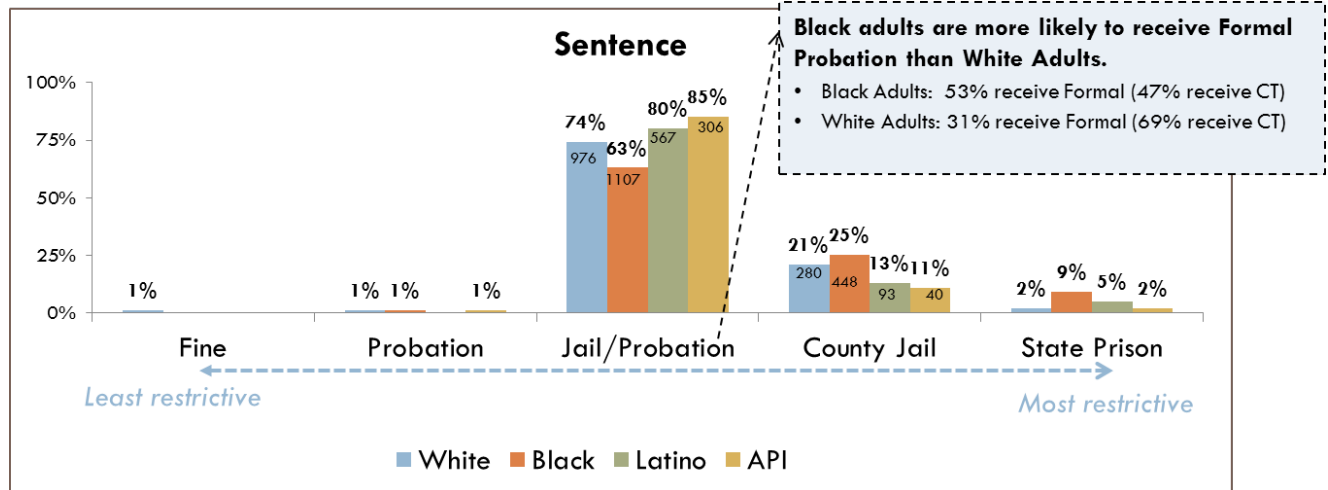


	White	Black	Latino	API	Native American
2011 Population	319,436	41,404	99,104	243,503	2,223
2011 Convictions	1,352	1,877	235	261	9
2011 Rate per 1,000	4.2	45.3	2.4	1.1	4.0
2011 Disparity Gap	1	10.7	.6	.3	1.0
2012 Population	322,713	41,094	101,132	249,203	2,234
2012 Convictions	1,588	1,544	426	370	6
2012 Rate per 1,000	4.9	37.6	4.2	1.5	2.7
2012 Disparity Gap	1	7.6	.9	.3	.5
2013 Population	324,372	41,237	102,261	255,069	2,248
2013 Convictions	1,355	1,769	711	406	24
2013 Rate per 1,000	4.2	42.9	7.0	1.6	10.7
2013 Disparity Gap	1	10.3	1.7	.4	2.6

Sentence Types

Black adults are more likely to be sentenced to State Prison and County Jail and less likely to be sentenced to Jail/Probation sentences than White adults.

Data shown is for the latest full year: Q3 2013-Q2 2014



The vast majority of all sentences were Jail/Probation. Convicted White adults were more likely than convicted Black adults to receive a Jail/Probation sentence. Whereas 74 percent of White adults received a Jail/Probation sentence, 63 percent of convicted Black adults were sentenced to Jail/Probation. For the probation portion of Jail/Probation sentence, Black adults were more likely to receive formal probation than Black adults. Fifty-three (53) percent of Black adults received Formal Probation and 47 percent received Court Probation (a form of informal probation). In contrast, only 31 percent received Formal Probation and 69 percent of White adults received Court Probation. While BI was unable to determine who was eligible for Court vs. Formal Probation from the data received, a next step would be to examine who was *eligible* for Court Probation but *received* Formal (disaggregated by race and ethnicity).³⁴

Convicted Black adults were more likely than convicted White adults to be sentenced to County Jail. Twenty-one (21) percent of White adults were sentenced to County Jail, whereas 25 percent of Black adults were sentenced to County Jail.

Convicted Black and Latino adults were also more likely than convicted White adults to be sentenced to State Prison. Whereas two (2) percent of convicted White adults were sentenced to State Prison, five (5) percent of Latino adults and nine (9) percent of Black adults were sentenced to State Prison.

³⁴ A variable to identify eligibility for Court Probation would need to be captured in the database.



Sentence Length

When they receive a Jail/Probation sentence, Black adults are more likely to have a longer jail sentence than White adults.

The tables below show mean and median sentences for Jail/Probation, County Jail, and State Prison sentences. The sentence lengths are further disaggregated by felony and misdemeanor offenses. Not surprisingly, the sentence lengths for felonies exceed the sentence length for misdemeanors.

Latest Full Year: Q3 2013 - Q2 2014	Mean Sentence				Median Sentence			
	Jail/Probation		County	Prison	Jail/Probation		County	Prison
	Probation	Jail (Days)	Jail (Days)	(Months)	Probation	Jail (Days)	Jail (Days)	(Months)
White	N=976		N=280	N=27	N=976		N=280	N=27
Felony	39.4	128.6	314.5	33.3	36	73	180	24
Misdemeanor	34.9	18.3	75.5	*	36	8	30	*
Total	35.7	38.3	160.3	33.3	36	10	60	24
Black	N=1,107		N=448	N=150	N=1,107		N=448	N=150
Felony	38.1	117.3	266	149	36	75	128	36
Misdemeanor	34.9	23.2	80.2	*	36	10	26	*
Total	36.3	62.9	166.1	149	36	20	71	36
Latino	N=567		N=93	N=37	N=567		N=93	N=37
Felony	39.2	110.3	282.5	37.2	36	71	210	36
Misdemeanor	36.5	19.8	78.9	*	36	10	30	*
Total	37.1	38.6	139.4	37.2	36	10	69	36
Asian Pacific Islander	N=306		N=40	N=7	N=306		N=11	N=7
Felony	38.9	129.7	334.2	46.7	36	62	365	30
Misdemeanor	35.9	15.3	85.2	*	36	7	180	*
Total	36.4	38.9	198	46.7	36	10	29	30

Jail/Probation sentences comprised 72 percent of all sentences in the latest year. The average number of days sentenced for White adults in the last year of data is 38 days in County Jail, compared to an average of 63 days for Black adults. The White-Black disparity persists when looking at the median; White adults have a median of ten days in County Jail compared to 20 days for Black adults.³⁵

There did not appear to be disparities in lengths of probation in the Jail/Probation sentences. In the last full year, the mean sentence to probation ranged from 34.2 months to 37.1 months, and the median sentence was 36 months for all groups.

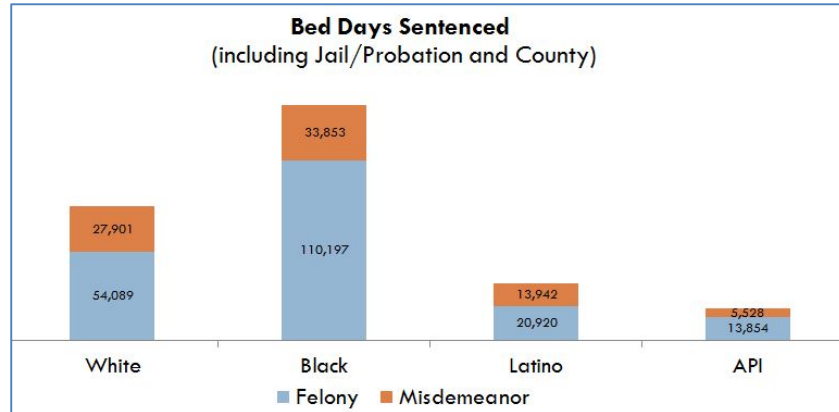
Black adults are more likely to receive a longer State Prison sentence than White adults. Whereas the average State Prison sentence for White adults was 33 months, the average for Black adults was 149 months. When looking at County Jail sentences alone, while the differences in sentences were not statistically significant, Black and Latino adults had longer sentences than White adults. Moreover, 68 percent of adults sentenced to County Jail in the last full year were people of color. This is cause for concern.

³⁵ The Mann-Whitney test was used to test significance in differences of median County Jail sentence length for Jail/Probation sentences and the results showed that there is a significant difference in the median jail sentence for Black and White adults. The Games-Howell Post Hoc test was used to determine if the differences in the mean sentences were significant, and the results showed that the mean sentence for Black adults is significant when compared to White.

County Jail Bed Days

Over the course of the last year, there were **288,177 sentenced bed days** as the result of court sentences to jail (either through county jail alone (50%) or as a part of a jail/probation sentence (50%)).³⁶

- White adults account for 28 percent of sentenced bed days over the last year.
- **Black adults account for 50 percent of sentenced bed days over the last year.**
- Latino adults account for 12 percent of sentenced bed days over the last year.
- API adults account for 12 percent of sentenced bed days over the last year.



Sentences for DUI (VC 23152(b)/M)

DUI was selected for closer analysis because it is the top conviction charge.³⁷ In the full time frame, 14 percent of all convictions were for DUIs. The vast majority of sentences for DUI were Jail/Probation, comprising 98 percent of all sentences for DUIs.

Although more White adults are convicted on DUI charges³⁸ than Black adults, Black and Latino adults are more likely to have a longer County Jail sentence (as part of a Jail/Probation sentence) than White adults. Whereas on average, Black and Latino adults were sentenced to 17 days and 18 days of County Jail, respectively, White adults were sentenced to 13 days County Jail.

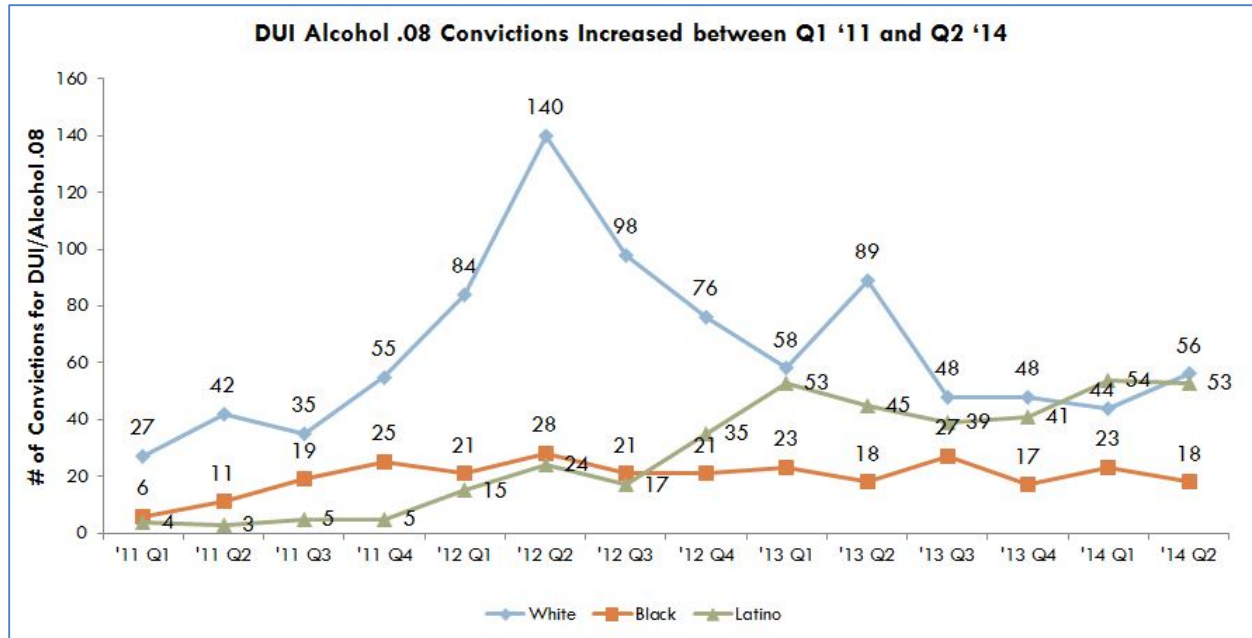
DUI Sentences	White	Black	Latino	API	Nat. Am.	Other	Total
County Jail	11 (1%)	10 (4%)	9 (2%)	1 (0%)	1 (25%)	1 (1%)	33 (2%)
Probation	1 (0%)	0 (0%)	0 (0%)	3 (1%)	0 (0%)	0 (0%)	4 (0%)
Jail/Probation Jail (days)	White	Black	Latino	API	Nat. Am.	Other	Total
N	888	268	384	276	3	177	1,996
Mean	13	17	18	12	7	15	15
Median	7	8	10	5	5	5	8

Additionally, the number of DUI convictions has increased over time, signaling that this is an offense that is still relevant in San Francisco.

³⁶ This refers to sentenced bed days, not bed days served. The number of days served may be less than the number sentenced due to half time credits available for some convictions.

³⁷ See Appendix D for the top offenses for which people were convicted broken down by race and ethnicity.

³⁸ Analysis includes the entire timeframe, in order to include more cases. California code is VC 23152(b)/M, which is driving with a blood alcohol level greater than or equal to .08.



Sentences for Transporting or Selling Controlled Substances (HS 11352(A)/F)

In addition to analyzing DUIs, BI reviewed sentencing outcomes for adults convicted of felony transporting or selling controlled substances (Health and Safety Code 11352(A)). This offense was selected because it was the second most frequent offense for which Black adults were convicted. Of all Black adults convicted, 6 percent were convicted of transporting or selling controlled substances. Of all White adults convicted, only 1 percent was convicted of this charge.

Sentences for transporting or selling controlled substances—HS 11352(A)/						
	White	Black	Latino	API	Other	Total
County Jail	6 (8%)	53 (15%)	3 (7%)	4 (31%)	1 (6%)	67 (13%)
Jail/Probation	64 (90%)	238 (66%)	33 (77%)	4 (31%)	13 (81%)	352 (70%)
State prison	1 (1%)	38 (11%)	7 (16%)	2 (15%)	2 (13%)	50 (10%)
Suspended State Prison to Jail/Probation	0 (0%)	32 (9%)	0 (0%)	3 (23%)	0 (0%)	35 (7%)
Total	71	361	43	13	16	504

Black adults convicted of transporting or selling controlled substances³⁹ are more likely to stay longer in jail as part of a Jail/Probation sentence. While the number of

Jail/Probation Jail (days)	White	Black	Latino	API	Other	Total
N	64	238	33	4	13	352
Mean	86	151*	129	114	128	136
Median	43	120	74	92	120	91

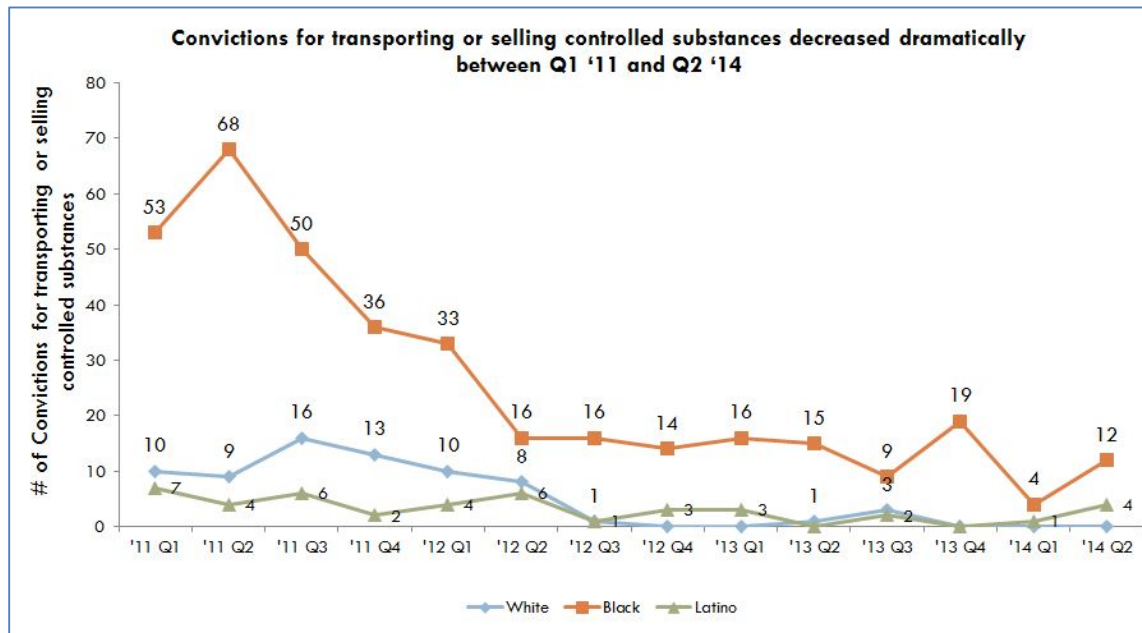
adults convicted for transporting or selling controlled substances has decreased substantially over the past 3 years, the proportion is consistently higher for Black adults.

³⁹ Analysis includes the entire timeframe, in order to include more cases. California code is HS 11352(A)/F.



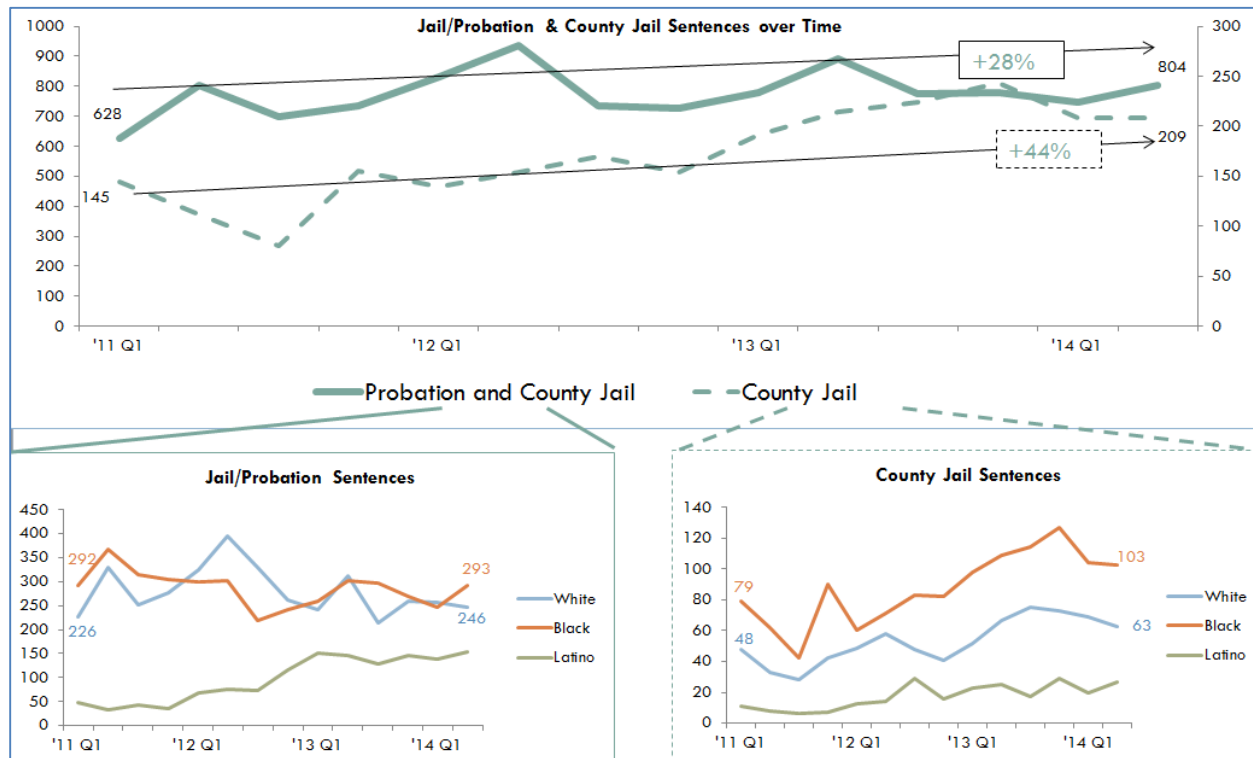
White adults convicted of transport /sell narcotics are more likely to receive a Jail/Probation sentence than Black adults, 90 percent compared to 66 percent. The County Jail portion of the Jail/Probation sentence is longer for Black and Latino adults convicted of transport/sell narcotics. Whereas White adults are sentenced to an average of 86 days, Black adults are sentenced to 151 days and Latino adults to 129 days. The number of convictions has decreased dramatically since the first quarter of 2011.

Black adults are more likely to be sentenced to County Jail or State Prison for transport/sell narcotics.



Sentencing Trends

State prison sentences decreased for all groups since the first quarter of 2011. During the same time period the use of Jail/Probation Sentences and County Jail Sentences has increased.



Given legal reforms in recent years, such as AB109 and Proposition 47, reductions in the use of State Prison sentences are not surprising. However, the time frame of our analysis suggests that the declining use of State Prison sentences was a trend that began before the impacts of these reforms were fully realized. AB 109 went into effect in October 2011 and Prop 47 was passed and implemented in November 2014.

In the first quarter of 2011, 72 percent of White adults (226 of 315) received Jail/Probation compared to 63 percent of Black adults (292 of 460). In the second quarter of 2014, 75 percent of White adults (246 of 326) received Jail/Probation, compared to 64% of Black adults (293 of 441). Stated differently, in the first quarter of 2011 White adults are 1.13 times more likely to get a Jail/Probation sentence than Black adults, and in the second quarter of 2014 White adults are 1.14 times more likely to get a Jail/Probation sentence.

In the first quarter of 2011, 15 percent of White adults (48 of 315) and 17 percent of Black adults (79 of 460) received a County Jail sentence. In the second quarter of 2014, 20 percent of White adults (63 of 326) and 25 percent of Black adults (103 of 441) received a County Jail sentence. In other words, in the first quarter of 2011 Black adults were 1.13 times more likely to get a County Jail sentence than White adults, and in the second quarter of 2014, Black adults are 1.21 times more likely to get a County Jail sentence than White adults.

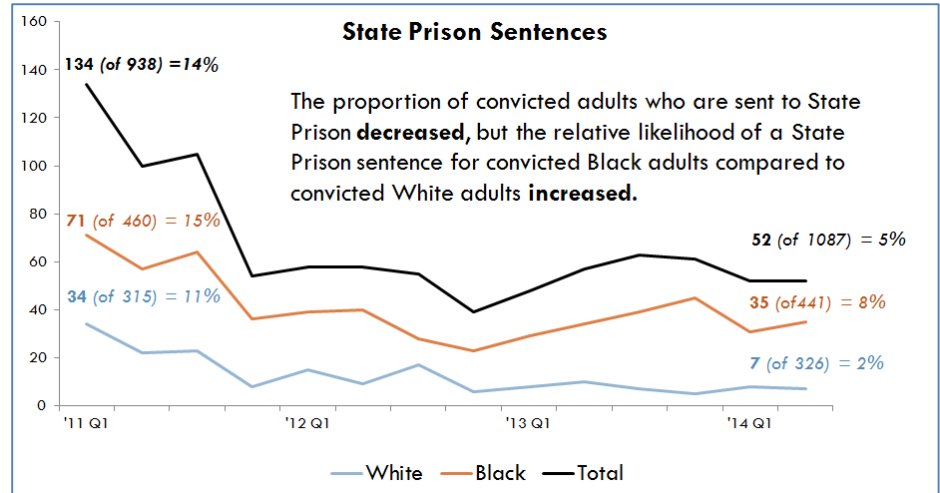
Trends in State Prison Sentences

Despite overall decreases, the use of State Prison sentences continues to be relevant to the discussion of disparities. The proportion of convicted adults sentenced to State Prison decreased from 14 percent of all convictions in the first quarter of 2011 to just five percent of all convictions in quarter 2 of 2014. In the first quarter of 2011, 15 percent of Black adults convicted received a sentence of State Prison, and 11 percent of White adults convicted received a sentence of State Prison.

In the second quarter of 2014, eight percent of Black adults convicted were sentenced to State Prison, and two percent of White adults convicted were sentenced to State Prison.

In comparing sentences to State Prison for White and Black adults, the disparity grew. Whereas in the first quarter of 2011, convicted Black adults were 1.4 times as likely as convicted White adults to be

sent to State Prison, in quarter two of 2014, convicted Black adults were nearly four times as likely to be sent to State Prison. In other words, the proportion of Black adults sentenced to State Prison increased over time. During the first quarter of 2011, Black adults made up 53 percent of all State Prison sentences. By the second quarter of 2014, Black adults made up 67 percent of all State Prison sentences.

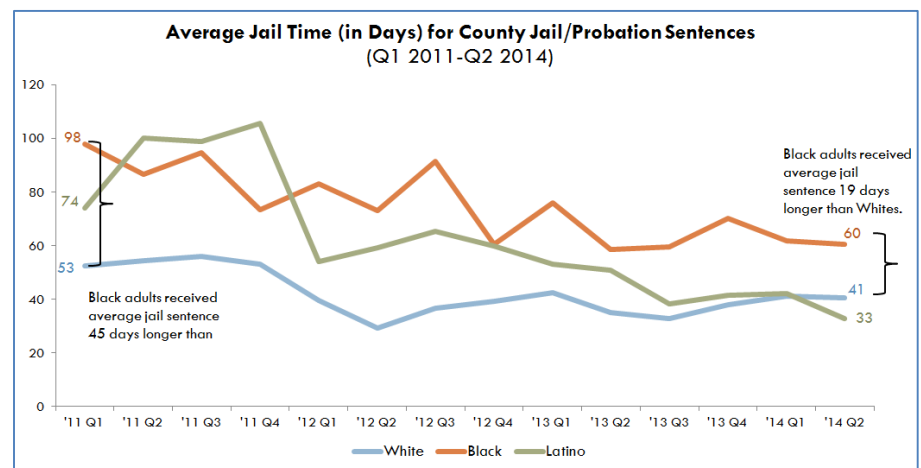


Trends in Length of County Jail (for Jail/Probation Sentences)

In Q1 2011, Black adults received an average jail sentence that was 45 days longer (85% longer) than White adults. In Q2 2014,

Black adults received an average jail sentence that was 19 days longer (46% longer) than White adults.

Although the average length of a County Jail sentence for Jail/Probation sentences have decreased, they are still consistently longer for Black and Latino adults.





Building Data Capacity to Reduce Racial and Ethnic Disparities

The purpose of these recommendations is to aid in the development of data capacity, including data collection, analysis, and use. These recommendations build on a separate report BI submitted to the Reentry Council detailing the problems we encountered with respect to data availability and data integrity.

Accessing reliable and accurate data is a common challenge for justice systems. Often criminal justice information systems are built for case management, not analytics. As a result, asking basic questions of the vast and often separate information systems is complicated. Based on our minimal experience in working with key criminal justice information systems in San Francisco, this will require a commitment.

In making our observations and recommendations, BI would like to acknowledge that the San Francisco Adult Probation Department spent a significant amount of time and effort outreaching to various internal and external partners to make sense of the data. This outreach often resulted in a new understanding of data variables. Often, BI discovered that the data variables required to answer questions about disparities in the system were meaningless or were previously misunderstood. What was clear is that the knowledge necessary to improve data capacity in a meaningful way is shared by individuals in different departments and agencies. Therefore, there must be collective and collaborative effort to build data capacity, or efforts will be severely hindered.

While BI recognizes that there is much we do not understand about the information systems and protocols in place, we hope these observations will help stakeholders continue to build capacity to use data to better understand decision-making in San Francisco's criminal justice agencies.

Both our identification of problems and recommendations are limited in nature as an information system or data capacity assessment was not part of our scope of work. However, due to the extensive challenges we encountered in attempting to perform our analysis, we felt it would be helpful to share our experiences and recommendations.

The appropriate existing committees that already focus on building data infrastructure (CMS Committee and/or JUSTIS Committee) should review these reports, and prioritize the most relevant recommendations for further investigation and implementation. Additional ad-hoc or subcommittees may also be helpful to focus upon specific issues that are identified.

Protocols and Documentation

I. Develop clear protocols for gathering and entering key data into the information systems

For instance, there is currently no clear and consistent procedure for collecting race and ethnicity data across criminal justice agencies. All agencies should adopt a consistent protocol and consistent race and ethnicity categories. The current best practice is to use a two-tiered questioning process:

- A. The first question: Do you identify as Hispanic or Latino?
- B. The second question: What is your race or ethnicity?

II. Relevant agencies should develop or review and update existing training manuals

It is not clear to BI which agencies have training manuals and when these were last reviewed and updated. A key component for ensuring strong data quality is having a detailed training process for users of the system. This is



accomplished in part by documentation. A training manual helps to ensure that users are trained according to a defined and agreed upon process. Additionally, agencies should evaluate quality assurance measures to ensure that data collection practice aligns with written protocol.

III. Create and Distribute a Data Dictionary

A significant portion of time was spent attempting to understand the terminology used in the various systems during our analysis of the data provided by the various stakeholders. While it is unavoidable to have some niche specific jargon within any professional environment, having a dictionary of this terminology and the meaning of the different variables in the various data systems can:

- A. Make each system more uniform and consistent by allowing its various users to have a common understanding of what it is they are inputting; and
- B. Act as a place to store knowledge that is currently known only to one or two people within the various stakeholder agencies, which will cut down the time in the future for this type of analysis.

Staff Training

I. Train staff to enter data according to protocol.

Training staff in data entry protocols is important. It is equally important to make the system as user friendly as possible and to develop protocols that are simple in relation to a more efficient and protected system.

II. Incentivize Proper Data Collection Procedures

In addition to a training manual, it is good practice to create incentives for users of IT systems to be invested in the quality of the data that they are capturing. Two suggestions for incentivizing stronger and more consistent data collection are:

- A. Develop and/or implement user logging system. Utilizing a user logging system is a valuable way to enforce data collection rules. Essentially a user logging system captures who, when, and where data was added or modified. With this information, statistics may be developed that suggest varying levels of data quality for system users. Data quality measures may provide valuable statistics for performance reviews while also providing greater transparency into where data quality issues are occurring so that they can be addressed more directly and quickly.
- B. Educate staff on the value of data. Educating users as to why the data they are collecting is important may also serve as a valuable tool for greater data quality. A particular approach that may be useful is to share data analytics with the users who collect the data that feeds into the statistics. In addition, consider creative ways to empower users to be part of the analytical process.

Modifications to Data Systems to Improve Data Integrity

I. Limit the number of open fields in information systems

This will help eliminate the problem of the same data being entered in multiple ways, such as encountered with the SFPDP database.

II. Leverage Constraint Potential of Information Systems/Enforce Protections



In addition to greater efficiency, this provides the opportunity to leverage the information system to recall and enforce data rules. A simple example is requiring release dates to be later than booking dates. These types of constraints might address a good portion of the challenges encountered within the MTR data.

Generating Reports and Using Data

I. Develop infrastructure to report on key data disaggregated by race and ethnicity

Jurisdictions that are committed to reforming any part of their system or ensuring that all people are being treated fairly and equitably must have the appropriate infrastructure in place. As a starting point in San Francisco, the relevant data committee should identify what information system modifications and data collection processes are required to answer the disparities questions developed by BI and refined by San Francisco stakeholders (as described in Appendix A).

II. Develop regular reports (BI recommends quarterly)

Once the capacity is in place, San Francisco should develop a report that will be reviewed regularly by stakeholders to measure progress on an ongoing basis.



Conclusion and Next Steps

Having worked in over 100 jurisdictions, BI continues to see racial and ethnic disparities similar to those in this report. The prevalence of these disparities undermines any notion of “justice” in our criminal justice system. Given the disparities in San Francisco outlined in this report, it is incumbent on local stakeholders to address the inequities within the criminal justice system.

We hope this analysis provides a starting point for stakeholders to consider more effective reform strategies that promote equity and reduce the significant racial and ethnic disparities outlined in this report.

To further disparity reduction efforts, BI recommends:

- (1) Build data capacity per the suggestions in this report.
- (2) Develop capacity to answer the key questions BI was unable to answer due to data limitations. For example:
 - Arrest:
 1. How do racial and ethnic disparities change (if at all) when citations are included in arrests?
 2. Are people of color more likely than White adults to have a more restrictive outcome to their arrest? (i.e. remain in jail vs. divert or citation for appearance);
 3. Where are people of color arrested most frequently?
 - Pretrial Jail and Bail Decisions:
 1. Do defendants of color remain in jail pretrial at higher rates than White defendants?
 2. When bail is set, do defendants of color have higher bail amounts attached to their bail offer than White defendants?
 3. Are defendants of color less likely to post bail?
 4. Do defendants of color have a longer pretrial length of stay than White defendants?
 5. How do lengths of stay differ by release types (i.e. cited out; dismissed; release on bail; release on pretrial services; release with credit for time served)?
 6. Are defendants of color more likely than White defendants to remain in jail during the trial?
 - Charging and Sentencing:
 1. Are defendants of color who remain in jail during trial more likely to have more restrictive sentences?
 2. How does race and ethnicity impact charging decisions?
 3. Are people of color more likely to plead guilty? Does the likelihood of a guilty plea increase for defendants who remain in custody pretrial?
 - Motions to Revoke Probation (MTR):
 1. Are probation clients (“clients”) of color more likely than White clients to have MTRs filed?
 2. Which departments or agencies are filing the MTRs?
 3. Why was the MTR filed? (new arrest, drug use, fail to report, violate stay away order, etc.)
 4. Do clients of color have their probation revoked for different reasons than White clients?
 5. What are the outcomes of MTRs for clients of color (i.e., modification of probation leading to jail? Modification leading to treatment mandate? Revocation leading to state prison?)
- (3) Develop a system of reporting key indicators of racial and ethnic disparities on a regular basis; BI recommends quarterly. These reports should be disseminated to key partners and be made publicly available. The reports can be used to both identify where disparities exist and to identify target populations for disparity reduction work. Regular reports may be used to monitor trends and whether system involvement for people of color is increasing or decreasing. Below are examples of basic tables that stakeholders may agree to populate. The tables are included as a starting point for discussion --for each key decision point, there are additional data to consider.

**Key Decision Points to Monitor**

	White	Black	Latino	Asian	Pacific Islander	Native American	Total
Arrests							
Bookings to Jail							
Filings							
Declinations							
Convictions							

Jail Bookings by Most Serious Offense Category

		White	Black	Latino	Asian	Pacific Islander	Native American	Total
Felony	Person							
	Property							
	Drug							
	Public Order							
	Sex							
	Other							
	Total							
Misdemeanor	Person							
	Property							
	Drug							
	Public Order							
	Sex							
	Other							
	Total							
Technical/ Administrative	Violation of Probation							
	Bench Warrant							
	Other Technical Violation							

Average Daily Population in Jail

	White	Black	Latino	Asian	Pacific Islander	Native American	Total
Average Daily Population (Total)							
ADP Felony Pretrial							
ADP Misdemeanor Pretrial							
ADP Probation Violation							
ADP FTA Warrant Hold							
ADP AWOL Warrant Hold							
ADP ICE Hold							
ADP Sentenced to Jail Misdemeanor							
ADP Sentenced to Jail Felony							

Length of Stay in Jail (Average and Median) by Release Type

	White	Black	Latino	Asian	Pacific Islander	Native American	Total
Cite Out							
Dismiss							
Release on Bail							
Release to Pretrial Services							
Release with Credit for Time Served							

**Bail Set and Post**

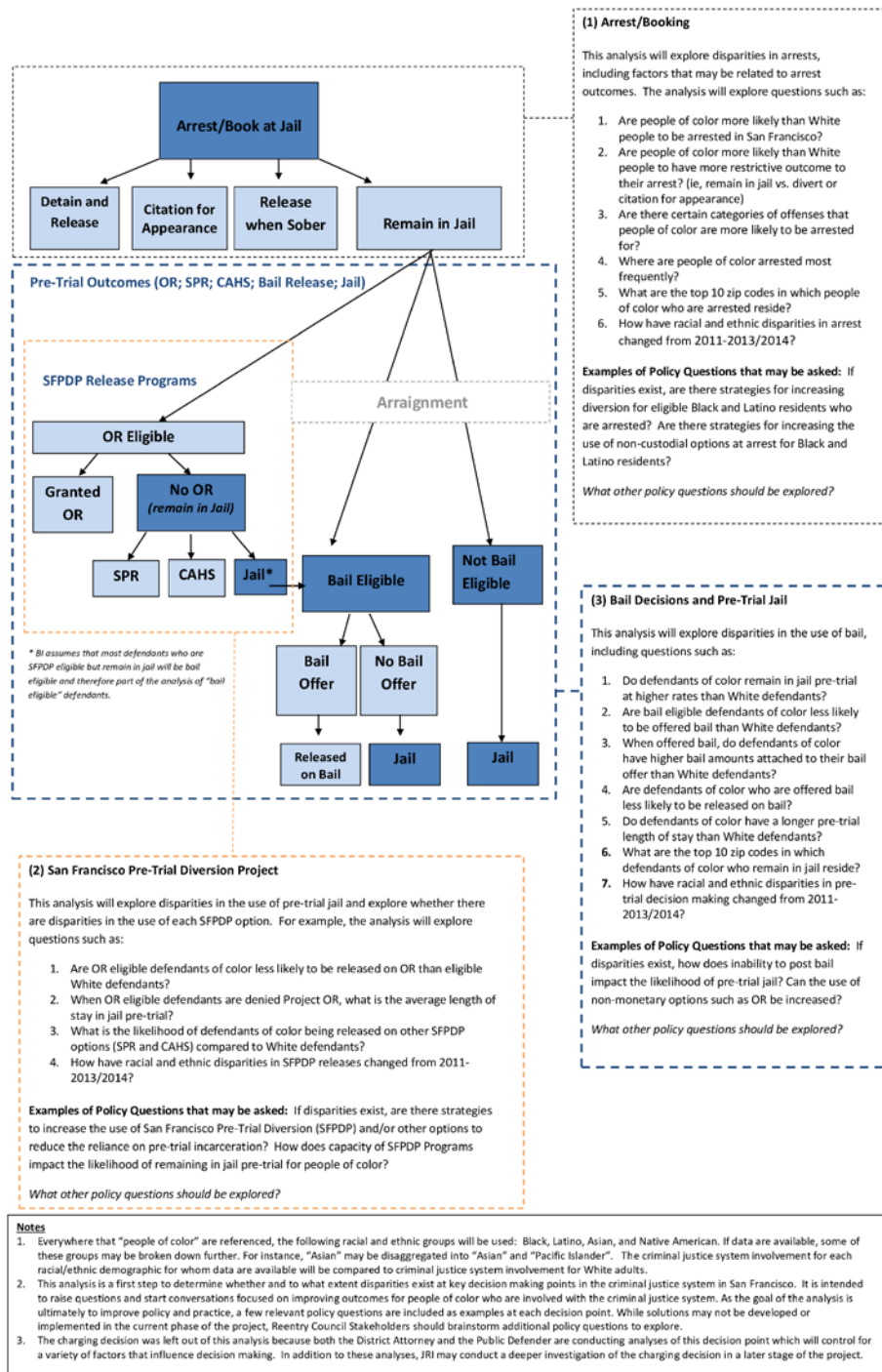
		White	Black	Latino	Asian	Pacific Islander	Native American	Total
\$1 - \$100	Bail Set							
	Bail Posted							
\$101- \$500	Bail Set							
	Bail Posted							
\$501- \$1000	Bail Set							
	Bail Posted							
\$1001- \$5000	Bail Set							
	Bail Posted							
\$5001- \$10,000	Bail Set							
	Bail Posted							
\$10,001- \$20,000	Bail Set							
	Bail Posted							
\$20,000+	Bail Set							
	Bail Posted							

Pretrial Release Decision by Risk Assessment Score

		White	Black	Latino	Asian	Pacific Islander	Native American	Total
Total Booked in Jail	High Risk Score							
	Medium Risk Score							
	Low Risk Score							
	Not assessed for Risk							
Pretrial Release	High Risk Score							
	Medium Risk Score							
	Low Risk Score							
	Not assessed for Risk							
Release on Monetary Bail	High Risk Score							
	Medium Risk Score							
	Low Risk Score							
	Not assessed for Risk							
Remain in Jail	High Risk Score							
	Medium Risk Score							
	Low Risk Score							
	Not assessed for Risk							

- (4) Institutionalize a process for deliberating on the data regularly. Importantly, not only should the data be collected and reported, the data must be discussed by a collaborative made up of traditional and non-traditional stakeholders. During these meetings, stakeholders should consider how local policy and practice change could result in reductions in disparities. As data capacity is strengthened, these are the types of focused conversations we encourage San Francisco stakeholders to have.

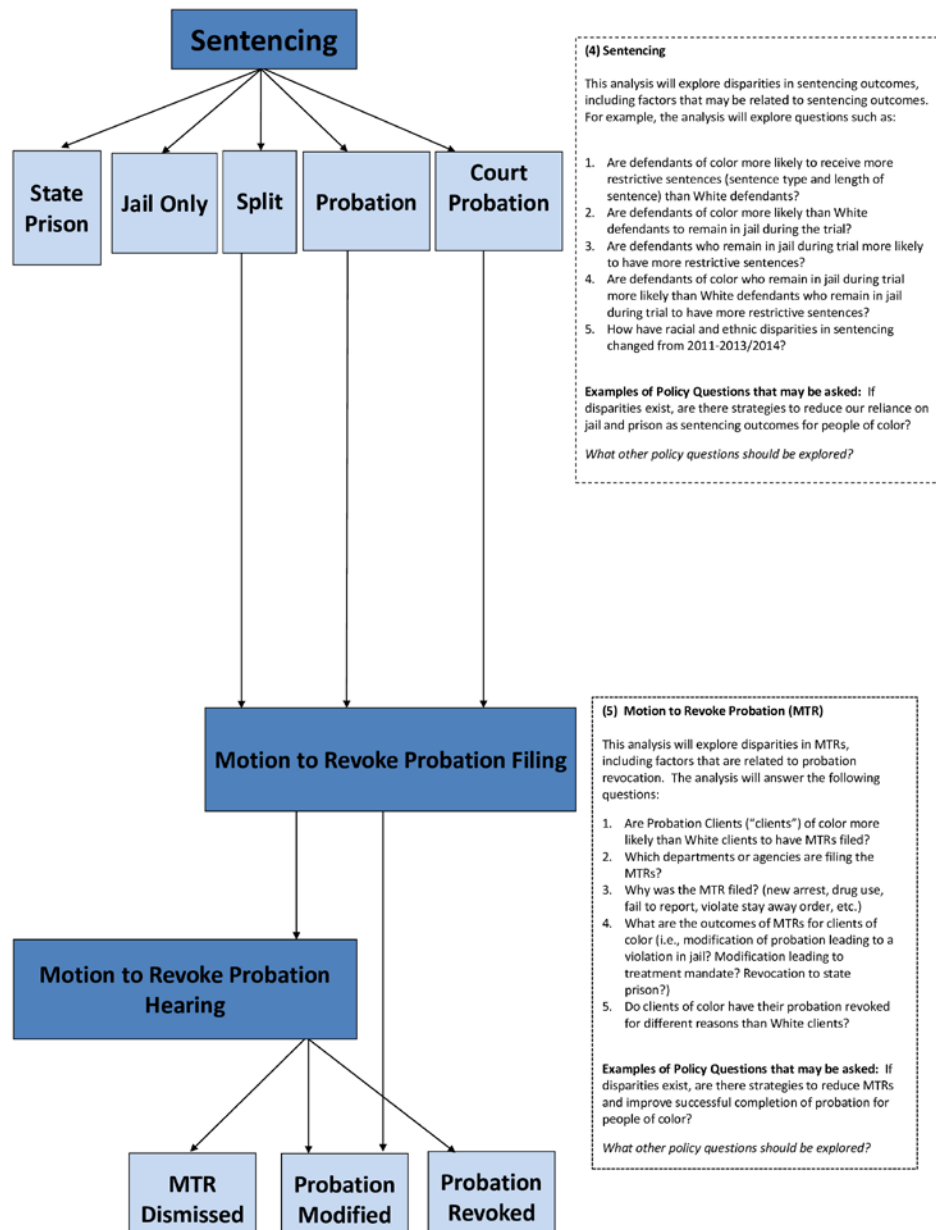
Appendix A: Initial Questions and Flow Charts⁴⁰



⁴⁰ This initial analysis focus purposefully excluded charging decisions, a key decision point. JRI stakeholders agreed that BI's analysis would not look at charging decisions, as both the Public Defender and District Attorney were already engaged in their own studies of this decision point. Their studies will provide a more in-depth look at charging decisions and will be shared with JRI partners.



Appendix A: Initial Questions and Flow Charts



* Everywhere that "people of color" are referenced, the following racial and ethnic groups will be used: Black, Latino, Asian, and Native American. If data are available, some of these groups may be broken down further. For instance, "Asian" may be disaggregated into "Asian" and "Pacific Islander". The criminal justice system involvement for each racial/ethnic demographic for whom data are available will be compared to criminal justice system involvement for White adults.



Appendix B: Disparity Gap in Arrests (2013)

	Disparity Gap (Times More Likely Than White)	White Arrest Rate (per 1000)	Black Arrest Rate (per 1000)
Kidnapping (F)	62.9	0.003	0.19
Lewd or Lascivious (F)	23.6	0.003	0.07
Robbery (F)	17.0	0.34	5.77
Other Sex Law Violations (F)	15.7	0.05	0.73
Checks / Access Cards (M)	15.7	0.003	0.05
Narcotics (F)	14.5	0.69	10.04
Sex Offenses (F)	14.4	0.06	0.80
Other Drugs (M)	13.9	0.28	3.90
Weapons (M)	11.8	0.03	0.36
Weapons (F)	11.7	0.22	2.52
Forgery / Checks / Access Cards (F)	11.3	0.10	1.19
Other Felonies (F)	11.3	4.06	45.78
Other Offenses (F)	10.9	4.45	48.55
Burglary (F)	9.9	0.75	7.42
Homicide (F)	9.6	0.03	0.27
All Felony	9.4	10.56	98.82
Property Offenses (F)	9.0	1.81	16.34
Drug Offenses (F)	9.0	1.72	15.52
Other Misdemeanors (M)	8.9	1.33	11.91
Theft (F)	8.8	0.62	5.46
Failure to Appear Non-Traffic (M)	8.7	2.48	21.53
Other Drugs (F)	7.9	0.01	0.07
Disturbing the Peace (M)	7.4	0.06	0.41
Selected Traffic Violations (M)	7.2	2.86	20.59
Motor Vehicle Theft (F)	7.1	0.29	2.04
Violent Offenses (F)	7.0	2.52	17.61
Malicious Mischief (M)	6.9	0.02	0.17
Marijuana (F)	6.8	0.35	2.38
Trespassing (M)	6.0	0.57	3.40
Liquor Laws (M)	6.0	0.11	0.68
All Misdemeanor	5.7	16.68	95.84
Prostitution (M)	5.6	0.40	2.26
Other Theft (M)	5.3	0.09	0.46
Assault (F)	5.3	2.12	11.23
Forcible Rape (F)	5.2	0.03	0.15
Burglary Tools (M)	5.2	0.06	0.29
Assault and Battery (M)	5.2	1.98	10.23
Arson (F)	4.9	0.05	0.24
Dangerous Drugs (F)	4.5	0.67	3.03
Marijuana (M)	3.9	0.01	0.02
Petty Theft (M)	3.9	0.69	2.72
Drunk (M)	3.4	3.31	11.20
Lewd Conduct (M)	2.8	0.04	0.12
Dangerous Drugs	2.6	0.06	0.15
Hit and Run (M)	2.6	0.05	0.12
Manslaughter Vehicular (F)	2.6	0.01	0.02
Annoying Children (M)	2.6	0.01	0.02
City / County Ordinances (M)	2.6	0.01	0.02
Disorderly Conduct (M)	2.6	0.16	0.41
Driving Under the Influence (M)	2.3	1.80	4.20
Vandalism (M)	2.0	0.23	0.46
Indecent Exposure (M)	2.0	0.01	0.02
Hit and Run (F)	1.7	0.04	0.07
Obscene Matter (M)	1.3	0.02	0.02
Driving Under the Influence (F)	1.2	0.12	0.15



Appendix C: Description of SFPDP Process Diagram and Terminology

“Eligible for Pretrial Release” is the largest and most inclusive category in the SFPDP system. It includes all individuals in the entire SFPDP data set. Eligible for Pretrial Release is not a term used in the SFPDP database, but rather a term BI created, after discussions with Reentry Staff, to label everyone in the SFPDP database. “Eligible for Pretrial Release” is the base of comparison for much of the analysis conducted with regard to pretrial release.

“Interviewed,” indicates an individual was interviewed to determine eligibility for presentation to the duty commissioner. “Not Interviewed” is a term BI created to include all individuals that did not, for whatever reason, get interviewed to determine if they could be presented to the duty commissioner.

“Other: Bailed, Cited, or Dismissed” represents individuals that are cited out, bailed out, or have their case dismissed at some stage in the process, but not at arraignment or by the duty commissioner. Within this category “Bailed,” “Cited,” and “Dismissed,” some dispositions are distinguished within the SFPDP database as “Before Presentation” (BP), i.e., before presentation to the duty commissioner. These individuals were denoted by a BP prefix to their disposition in the SFPDP Rebooking Status variable. For example, both of these are dispositions within the SFPDP system: “Bailed” and “BP Bailed.” These distinctions are not relevant for this analysis and were therefore omitted.

“Presented to Duty Commissioner” means that an individual was interviewed for eligibility and then presented to the duty judge. BI focused on two types of dispositions: “Granted OR by Commissioner” and “Denied OR by Commissioner.” “Granted OR by Commissioner” indicates that an individual who was interviewed and presented to the duty commissioner was then released on their Own Recognizance (OR) by the duty judge. This can happen in two ways, either regular ORPJ or Supervised-ORPJ (terminology used within the SFPDP database), the only difference being the reporting requirements. Correspondingly “Denied OR by Commissioner” means that the individual was not granted ORPJ or Supervised-ORPJ. Another disposition at the Duty Commissioner stage is ORNF stands for “Own Recognizance Not Filed.” ORNF is a designation within the SFPDP system that means the staff did not file the case for a variety of reasons, for example a person would have been presented to the duty judge, but they paid bail before their case was concluded or their case was dismissed. These individuals were not counted in the “Granted OR by Commissioner” category. Persons who were considered “ineligible” (SFPDP database terminology) for a duty commissioner outcome were subtracted from the total number of individuals presented for a given quarter, i.e., the denominator, for each analysis conducted. These individuals are only included in the totals listed, for example at the top of the SFPDP System Flow, and are not part of the rate (percentage) calculations. An individual is considered “ineligible” because of a hold on their file that precludes a duty judge from releasing that individual, for example, an ICE hold. This applies to the entire three and a half year duty commissioner outcome trends.

“Presented at Arraignment” includes all individuals that were actually arraigned. There are several paths through the SFPDP process for a person to end in the “Presented at Arraignment” category. BI focused on whether a person was granted or denied “Pretrial Release at Arraignment.” Persons who had an arraignment status of “Hold” (SFPDP database terminology) were subtracted from the total number of individuals presented for a given quarter, i.e., the denominator. These individuals are only included in the totals listed, for example at the top of the SFPDP System Flow, and are not part of the rate (percentage) calculations. An individual with a hold is not eligible for release at arraignment due to, for example, an ICE hold. This applies to the entire three and a half year arraignment outcome trends.

“Granted Pretrial Release at Arraignment” is a category that means that a person at arraignment was released by the court either on CTOR or Supervised-CTOR (terminology in the SFPDP database), the only difference being reporting requirements. “Denied Pretrial Release at Arraignment” means that once an individual was arraigned, he or she was denied CTOR.

All the relevant information regarding this process is stored in four separate columns of data in the SFPDP data base: interview status (whether an individual was interviewed or not), rebooking status (whether an individual was released before presentation to the duty commissioner or before presentation at arraignment), duty judge⁴¹ outcome (whether an individual was released or denied release by the duty commissioner), and arraignment outcome (whether an individual was released or denied). Due to the fact that within the base of all individuals various conclusions could occur leading to a lack of contiguity and because of a lack of a non-variable base (for example, all arrested), the only basis for comparison in most cases was whether an individual was eligible for an interview (defined above).

⁴¹ The term “judge” is used in the SFPDP database and not “commissioner” which is the more appropriate term, according to staff.



Appendix D: Conviction/Sentencing Data

Conviction Numbers Broken Down by Gender and Race/Ethnicity for Each Year

TOTAL	White	Black	Latino	API	Nat. Am.	Other	Total
2011	1352	1877	235	261	9	168	3902
2012	1588	1544	426	370	6	230	4164
2013	1355	1769	711	406	24	161	4426
2014	668	840	359	173	7	79	2126
Total	4963	6030	1731	1210	46	638	14618

MALE	White	Black	Latino	API	Nat. Am.	Other	Total
2011	1155	1563	209	225	8	155	3315
2012	1291	1281	388	300	5	191	3456
2013	1126	1438	619	338	18	138	3677
2014	539	696	326	140	7	74	1782
Total	4111	4978	1542	1003	38	558	12230

FEMALE	White	Black	Latino	API	Nat. Am.	Other	Total
2011	197	314	26	36	1	13	587
2012	297	263	38	70	1	39	708
2013	229	331	92	68	6	23	749
2014	129	144	33	33	0	5	344
Total	852	1052	189	207	8	80	2388



Top 25 Charges Resulting In Conviction (2011 through Q2 2014)

	White	Black	Latino	API	Native American	Other	Total
DUI (M) [23152(B)VC]	900	278	393	280	4	178	2033
Burglary (F) [459PC]	249	412	47	38	2	22	770
Reckless Driving (M) [23103VC]	244	72	70	120	2	55	563
Burglary (M) [459PC]	200	256	37	47	3	11	554
Sale or Transport of Controlled Substance (F) [11352(A)HS]	71	361	43	13	0	16	504
DUI (M) [23152(A)VC]	205	73	59	67	1	49	454
"SOLICIT SPECIF H AND S ACTS" (M) [653F(D)PC]	150	206	31	13	0	11	411
Battery (M) [242PC]	120	101	54	31	1	21	328
Receiving Stolen Property (M) [496(A)PC]	103	147	34	19	0	13	316
Possession of Controlled Substance (M) [11350(B)HS]	53	189	19	8	0	9	278
Grand Theft (F) [487(C)PC]	32	201	28	10	0	7	278
Possession of Controlled Substance (F) [11350(A)HS]	50	195	16	7	0	6	274
Theft (M) [484A4905PC]	131	94	19	25	1	4	274
Possession of Methamphetamines (M) [11377(A)HS]	150	61	27	14	0	6	258
Robbery (F) [211PC]	27	176	32	14	0	6	255
Receiving Stolen Property (F) [496(A)PC]	64	98	30	15	0	5	212
ADW (F) [245(A)1PC]	58	98	29	12	2	10	209
Assault GBI (F) [245(A)4PC]	48	95	37	15	0	1	196
Possession for Sales (F) [11351HS]	19	141	13	4	1	6	184
Possession of Concentrated Cannabis (M) [11357(C)HS]	101	48	13	7	1	6	176
Drug Possession for Sale (F) [11351,5HS]	8	129	10	2	0	1	150
Possession of Methamphetamines for Sale (F) [11378HS]	78	35	18	14	1	4	150
Domestic Battery (M) [243(E)1PC]	46	58	29	8	0	6	147
Vandalism (M) [594(B)1PC]	63	51	20	7	1	5	147
Accessory After the Fact (M) [32PC]	32	64	20	14	0	2	132
All Other	1706	2236	584	397	21	177	5121
Total	4963	6030	1731	1210	46	638	14618



Top 25 Convicted Charges Resulting In Sentence to Jail/Probation (2011 through Q2 2014)

	White	Black	Latino	API	Native American	Other	Total
DUI (M) [23152(B)VC]	888	268	384	276	3	177	1996
Reckless Driving (M) [23103VC]	239	67	65	119	2	50	542
Burglary (F) [459PC]	138	249	30	27	1	13	458
DUI (M) [23152(A)VC]	202	68	56	67	0	47	440
Burglary (M) [459PC]	143	184	29	43	1	10	410
Sale or Transport of Controlled Substance (F) [11352(A)HS]	64	238	33	4	0	13	352
"SOLICIT SPECIF H AND S ACTS" (M) [653F(D)PC]	126	158	25	10	0	9	328
Battery (M) [242PC]	99	80	45	25	0	19	268
Possession of Controlled Substance (F) [11350(A)HS]	42	170	14	7	0	5	238
Receiving Stolen Property (M) [496(A)PC]	76	107	26	18	0	10	237
Possession of Controlled Substance (M) [11350(B)HS]	46	144	14	3	0	6	213
Grand Theft (F) [487(C)PC]	21	143	18	9	0	7	198
Possession of Methamphetamines (M) [11377(A)HS]	107	46	19	11	0	5	188
Theft (M) [484A4905PC]	83	57	12	15	0	2	169
Assault GBI (F) [245(A)4PC]	40	74	34	14	0	1	163
Possession of Concentrated Cannabis (M) [11357(C)HS]	91	35	11	6	1	6	150
Receiving Stolen Property (F) [496(A)PC]	44	68	24	8	0	4	148
Robbery (F) [211PC]	14	89	18	7	0	2	130
ADW (F) [245(A)1PC]	36	53	15	9	0	8	121
Vandalism (M) [594(B)1PC]	51	41	17	6	1	5	121
Domestic Battery (M) [243(E)1PC]	41	43	24	6	0	5	119
Drug Possession for Sale (F) [11351,5HS]	8	84	7	1	0	0	100
Possession of Methamphetamines for Sale (F) [11378HS]	54	21	12	8	0	3	98
Possession for Sales (F) [11351HS]	12	71	7	2	1	4	97
Assault (M) [245(A)1PC]	41	39	6	6	0	2	94
All Other	1219	1410	414	309	12	129	3493
Total	3925	4007	1359	1016	22	542	10871



Top 25 Convicted Charges Resulting In Sentence to County Jail (2011 through Q2 2014)

	White	Black	Latino	API	Native American	Other	Total
Burglary (M) [459PC]	57	71	8	4	2	1	143
Burglary (F) [459PC]	62	64	5	5	0	4	140
Theft (M) [484A4905PC]	46	36	6	10	1	2	101
"SOLICIT SPECIF H AND S ACTS" (M) [653F(D)PC]	23	47	6	3	0	2	81
Receiving Stolen Property (M) [496(A)PC]	27	40	8	1	0	3	79
Possession of Methamphetamines (M) [11377(A)HS]	43	15	8	3	0	1	70
Sale or Transport of Controlled Substance (F) [11352(A)HS]	6	53	3	4	0	1	67
Possession of Controlled Substance (M) [11350(B)HS]	7	43	5	5	0	3	63
Parole Revocation (F) [3455(A)PC]	8	42	7	3	1	1	62
Battery (M) [242PC]	20	21	9	5	1	2	58
Accessory After the Fact (M) [32PC]	4	27	5	3	0	0	39
Contempt of Court (M) [166(A)4PC]	13	17	1	4	1	0	36
Grand Theft (F) [487(C)PC]	6	22	6	0	0	0	34
DUI (M) [23152(B)VC]	11	10	9	1	1	1	33
Possession for Sales (F) [11351HS]	5	23	3	0	0	0	31
Possession of Methamphetamines for Sale (F) [11378HS]	17	8	4	2	0	0	31
Receiving Stolen Property (F) [496(A)PC]	11	13	5	1	0	0	30
Unlawful Taking of Vehicle (M) [10851(A)VC]	9	11	6	1	0	1	28
Drug Possession for Sale (F) [11351,5HS]	0	25	2	0	0	1	28
Domestic Battery (M) [243(E)1PC]	5	15	5	2	0	1	28
Vandalism (M) [594(B)1PC]	12	10	3	1	0	0	26
Driving Without License (M) [12500(A)VC]	5	15	5	0	0	0	25
Possession of Controlled Substance (F) [11350(A)HS]	5	17	1	0	0	1	24
Resisting Arrest (M) [148(A)1PC]	3	13	6	2	0	0	24
Possession of Concentrated Cannabis (M) [11357(C)HS]	7	13	2	1	0	0	23
All Other	279	398	98	50	6	22	853
Total	746	1224	245	120	18	48	2401



Top 25 Convicted Charges Resulting In Sentence to State Prison (2011 through Q2 2014)

	White	Black	Latino	API	Native American	Other	Total
Burglary (F) [459PC]	37	72	12	6	1	4	132
Robbery (F) [211PC]	9	63	10	6	0	3	91
ADW (F) [245(A)1PC]	21	37	13	0	2	2	75
Possession for Sales (F) [11351HS]	2	41	3	2	0	2	50
Sale or Transport of Controlled Substance (F) [11352(A)HS]	1	38	7	2	0	2	50
Inflict Corporal Injury on Spouse (F) [273,5(A)PC]	9	29	4	1	0	0	43
Grand Theft (F) [487(C)PC]	5	26	3	1	0	0	35
Felon/Addict in Possession of Weapon (F) [12021A1PC]	4	26	2	2	0	0	34
Receiving Stolen Property (F) [496(A)PC]	7	14	1	6	0	1	29
Assault GBI (F) [245(A)4PC]	5	15	3	0	0	0	23
Felon in Possession of Weapon (F) [29800A1PC]	2	17	1	1	0	1	22
Possession of Methamphetamines for Sale (F) [11378HS]	6	6	1	4	0	1	18
Reckless Evading of Police Officer (F) [2800,2AVC]	4	9	2	0	1	2	18
Drug Possession for Sale (F) [11351,5HS]	0	14	1	1	0	0	16
Elder Abuse (F) [368(B)1PC]	3	7	0	2	0	0	12
Unlawful Taking of Vehicle (F) [10851(A)VC]	4	4	1	1	0	1	11
Grand Theft (F) [487(A)PC]	2	5	2	1	0	0	10
Attempted Robbery (F) [664,211PC]	4	6	0	0	0	0	10
Possession of Controlled Substance (F) [11350(A)HS]	1	7	1	0	0	0	9
Possession of Methamphetamines (F) [11377(A)HS]	1	3	3	1	0	1	9
Criminal Threat (F) [422PC]	3	5	1	0	0	0	9
Possession of Marijuana for Sales (F) [11359HS]	0	5	2	1	0	0	8
Assault with Firearm (F) [245(A)2PC]	0	6	2	0	0	0	8
Voluntary Manslaughter (F) [192(A)PC]	0	4	1	1	0	1	7
Indecent Exposure (F) [314,1PC]	2	5	0	0	0	0	7
All Other	47	107	25	10	1	10	200
Total	179	571	101	49	5	31	936

**The W. Haywood Burns Institute
475 14th Street, Suite 800
Oakland, CA 94612**

**415.321.4100
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info@burnsinstitute.org**



**THE W. HAYWOOD
BURNS INSTITUTE** FOR JUVENILE JUSTICE FAIRNESS & EQUITY

Workplace Diversity training provided by Target Solutions

Description:

Ethnic diversity is racial, national and religious variety of groups of people who have varying backgrounds or cultures. An awareness about different cultures and backgrounds helps bring unity and tolerance to the workplace or community. This training course has 7 learning modules with a ten-question exam.

Course Duration:

1 hour(s)

Lessons:

Lesson 1 - Benefits of Workplace Diversity
Lesson 2 - Challenges of Workplace Diversity
Lesson 3 - Creating a Positive Work Atmosphere
Lesson 4 - Federal Job Discrimination Laws
Lesson 5 - Who Anti-Discrimination Laws Affect
Lesson 6 - Filing a Charge
Lesson 7 - Dealing with a Charge
Lesson 8 - Resolving a Charge
Summary – Summary





September 10, 2015

In response to an inquiry from the County Administrator's office, Risk Management would like to offer the following information regarding Contra Costa County's eLearning Diversity training.

What Are the Employer's Responsibilities for Diversity in the Workplace?

Employers have an obligation to provide employees with a safe work environment free from discrimination, harassment and intimidation. Without the proper training and management, a diverse workplace can become a breeding ground for behavior and actions that rise to the level of unlawful and unfair employment practices. Therefore, employers have several responsibilities concerning diversity in the workplace.

Definition

Since the enactment of early nondiscrimination laws such as Title VII of the Civil Rights Act of 1964, the meaning of diversity changed dramatically. In the 1960s, diversity typically referred to differences such as race, color, sex, national origin and religion. In fact, Title VII of the Civil Rights Act specifically prohibits discrimination based on these factors. In later years, the meaning of diversity expanded to include individuals with disabilities, workers age 40 and over, and veterans. However, the definition of diversity in the workplace isn't confined to the characteristics and status codified by law. Workplace diversity includes differences attributed to generation, culture and work styles, and preferences.

Training

An employer's communication policy pertaining to workplace diversity doesn't end with a simple Equal Opportunity Employer (EOE) stamp. Employers also have a responsibility for training employees and managers on topics related to diversity. The U.S. Equal Employment Opportunity Commission strongly recommends a workplace diversity component within every employer's training and development offerings.

The agency states: "Such training should explain the types of conduct that violate the employer's anti-harassment policy; the seriousness of the policy; the responsibilities of supervisors and managers when they learn of alleged harassment; and the prohibition against retaliation." New employees, from entry-level to seasoned workers and from executive leadership to front-line production workers, must receive company training on workplace diversity. Effective training teaches employees how to recognize behaviors that are inconsistent with company policy and actions that demonstrate lack of respect for differences among employees, customers, vendors and suppliers.

Contra Costa County has taken a strong position on ensuring that the workforce learns about the anti-harassment policy; the seriousness of the policy; communicating the responsibilities of the supervisors and managers as it relates to their respective role in handling alleged harassment; and ensured widespread communication on the importance of completing workplace diversity training.

Workplace diversity training is provided through an eLearning platform, Target Solutions. This web-based platform is an exceptional utility program that offers our county employees efficient, time saving, risk management tools. Target Solutions is used by more than 2,500 public entities nationwide. The platform also monitors key compliance tasks, distributes organizational policies, and manages employee certifications and licenses. The workplace diversity training is self-paced and cross-browser compliant with cutting-edge interactions.

On July 1, 2014, David Twa, County Administrator directed all the Department Heads /Directors to ensure that their respective existing staff and new employees be trained according to the County Board of Supervisors' directive. David Twa's memo designated the Workplace Diversity training as a mandated training topic. That directive originated from the Board of Supervisors' Internal Operations report of October 24, 1991. Prior to the memo, this training was not enforced.

Through collaboration of David Twa's memo, the eLearning platform delivery and tracking system, and designating the training as mandatory – 4, 076 Contra Costa County employees have completed the workplace diversity training. Please refer to the table on the following page.

Workplace Diversity Completions by Department As of August 2015			
Department	Number of Completions	Total Number of Employees	
Treasurer	28	26	108%
Auditor	49	52	94%
Sheriff's Office	946	1091	87%
District Attorney	183	236	78%
Child Support Services	164	227	72%
County Administrators	120	168	71%
Human Resources	32	54	59%
County Counsel	24	50	48%
County Clerk-Recorder	27	62	44%
Department Heads	10	25	40%
Probation	161	417	39%
Veteran Services	5	13	38%
Health Services	2051	5508	37%
Assessor	43	153	28%
Animal Services	70	253	28%
Board of Supervisors	6	45	13%
Library	32	433	7%
Public Works	28	397	7%
Public Defender	3	87	3%
Agriculture	2	73	3%
Employment and Human Services	87	3300	3%
Retirement	1	55	2%
Conservation and Development	4	258	2%
Totals:	4076	12983	31%

**Total number of employees taken from Target Solutions data, based off CCC PeopleSoft software program; Figures may include temporary employees and contractors.*

In Closing

Increasing attention to workplace diversity has created a new vernacular which includes buzzwords used to describe employer's responsibilities for creating workplaces that recognize and appreciate diversity among its workforce. Inclusiveness is one such buzzword. Contra Costa County has a responsibility to practice, not just advertise, inclusiveness. We practice inclusiveness by expanding recruitment practices through innovative outreach methods that produce a wider pool of qualified applicants.

Creating a diversity friendly workplace in Contra Costa County isn't about political correctness, procuring a buzzword, a quota issue, or dodging a consent decree order. It's about making sure that our employees of all backgrounds and potential employees feel valued.

I O.-2

TO: BOARD OF SUPERVISORS

FROM: INTERNAL OPERATIONS COMMITTEE

DATE: October 14, 1991



Contra
Costa
County

SUBJECT: APPOINTMENTS TO THE ADVISORY COUNCIL ON EQUAL EMPLOYMENT
OPPORTUNITY AND REVIEW OF DEPARTMENTAL AFFIRMATIVE ACTION
IMPLEMENTATION PLANS

SPECIFIC REQUEST(S) OR RECOMMENDATION(S) & BACKGROUND AND JUSTIFICATION

RECOMMENDATIONS:

1. Authorize the Internal Operations Committee to interview, on November 25, 1991, all applicants for seats on the Advisory Council on Equal Employment Opportunity representing women, minorities, and other protected groups and return to the Board of Supervisors on December 3, 1991 with recommendations for appointments to these seats.
2. Request the Director of Personnel to again contact all employee organizations representing County employees, asking for their nominations to the two seats representing employee organizations on the Advisory Council on Equal Employment Opportunity, authorize our Committee to interview all such applicants if our Committee judges interviews to be appropriate or necessary and return to the Board of Supervisors December 3, 1991 with our recommendations.
3. Request the Affirmative Action Officer to again contact organizations representing the disabled, including organizations representing disabled veterans, urging them to nominate representatives for the seat on the Advisory Council on Equal Employment Opportunity which is reserved for the disabled and authorize the Internal Operations Committee to interview, on November 25, 1991, all applicants for seats on the Advisory Council on Equal Employment Opportunity representing the disabled and return to the Board of Supervisors on December 3, 1991 with a recommendation for appointment to this seat.

CONTINUED ON ATTACHMENT yes YES

SIGNATURE:

RECOMMENDATION OF COUNTY ADMINISTRATOR RECOMMENDATION OF BOARD COMMITTEE

APPROVE

SIGNATURE(S):

ACTION OF BOARD ON

ROBERT I. SCHRODER

October 22, 1991

SUNNE WRIGHT McPEAK

APPROVED AS RECOMMENDED ☒ OTHER ☐

VOTE OF SUPERVISORS

UNANIMOUS (ABSENT ~)

AYES:

NOES:

ABSENT:

ABSTAIN:

CC:

Please see Page 3.

I HEREBY CERTIFY THAT THIS IS A TRUE
AND CORRECT COPY OF AN ACTION TAKEN
AND ENTERED ON THE MINUTES OF THE BOARD
OF SUPERVISORS ON THE DATE SHOWN.

ATTESTED OCT 22 1991

PHIL BATCHELOR, CLERK OF THE BOARD OF
SUPERVISORS AND COUNTY ADMINISTRATOR

BY [Signature]

DEPUTY

I.O.-2

4. Establish as the first task for the Advisory Council on Equal Employment Opportunity the review of all departmental plans for implementation of the County's Affirmative Action Plan and return to the 1992 Internal Operations Committee by January 31, 1992 with their comments and recommendations. For this purpose, refer to the 1992 Internal Operations Committee the oversight of the departmental plans for the implementation of the County's Affirmative Action Plan.
5. Express to the County Administrator the Board's dismay that three County departments (West County Fire Protection District, Office of the Superior Court Administrator-Jury Commissioner, and Social Services Department) were unable to submit their implementation plans within the prescribed deadlines, even with three months advance notice and request the County Administrator to insure that these plans are submitted immediately.
6. Request the Affirmative Action Officer to conduct an analysis of the completeness and adequacy of each department's affirmative action implementation plan and share her comments and recommendations with the County Administrator for his subsequent discussion with the department heads.
7. Clarify the Board's intent that the following goals be established for individual County departments and for the County as a whole, as is indicated:
 - A. Each County department has as a goal to achieve parity with the workforce in Contra Costa County in terms of women and minorities, measured by "class" or "occupational grouping" as those terms are defined by the Affirmative Action Officer.
 - B. The County as an employer has as a goal to achieve parity with the working age population in Contra Costa County in terms of the percentage of women and minorities who are employed by the County.
 - C. The County as an employer has as a goal to achieve parity with the countywide labor force by occupational grouping and salary level, as those terms are agreed on between the Affirmative Action Officer and Director of Personnel, recognizing that the County may be limited in terms of how such data can be presented, depending on what comparable data on the general labor force is available.
8. Request the Affirmative Action Officer to prepare and make available to the Internal Operations Committee data which compares the women and minority employment by salary level in the general population with similar data for the County as an employer.
9. Request the Director of Personnel to insure that all new County employees attend the County's Affirmative Action/Equal Employment Opportunity/Sexual Harassment and Adapting to Cultural Diversity Workshop as a part of their new employee orientation and that all County employees attend such training not less often than once every ~~three~~ ^{years}.

BACKGROUND:

On July 9, 1991, the Board of Supervisors approved recommendations from our Committee in the area of affirmative action, including agreeing to establish an Advisory Council on

I.O.-2

Equal Employment Opportunity and asking all departments to prepare and submit a plan for how that department would implement the County's Affirmative Action goals.

On October 14, 1991, our Committee met with the Affirmative Action Officer, Director of Personnel and a number of concerned individuals. We received and reviewed applications from those who have applied for membership on the Advisory Council. Since the members of our Committee do not know all of the applicants, we would like the opportunity to interview all of the applicants and then make recommendations for appointments to the Advisory Council.

We were pleased that all but three departments have submitted their implementation plans. In reviewing the plans we noted some omissions which need to be completed and several plans which appear to be excellent. We are, therefore, asking the Affirmative Action Officer to review each of the plans and advise the County Administrator of areas in which each plan may require additional work. Once amended plans are submitted, we would like the Advisory Council to review them and comment on the implementation plans to the 1992 Internal Operations Committee by January 31, 1992.

We have suggested the need to clarify some of our goals which may not have been clear when originally adopted by the Board in July and have, therefore, outlined more clearly what we intend in terms of comparing the County's workforce with that in the private sector.

cc: County Administrator
Scott Tandy, Chief Assistant Administrator
Emma Kuevor, Affirmative Action Officer
Harry Cisterman, Director of Personnel



Fostering a Diverse & Inclusive Workplace

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Introduction

Workplace diversity is a people issue, where we try to understand our differences and similarities. We define diversity broadly to include not just race and gender, but all the different identities and perspectives that people bring, such as profession, education, parental status, geographic location and so forth.

Diversity is about including and learning from others who are not the same as us... about dignity and respect for everyone, and about creating a workplace environment that encourages learning from others and leverages the diverse perspectives and contributions.

This course has the following objectives:

- To increase your understanding of how your identity influences how you perceive others and how others perceive you
- To understand our filters and how filters create barriers
- To leverage our differences to create more business value
- To foster and promote a more diverse, inclusive workplace

Why is Diversity Important

What is the business case for diversity? Certainly, it is the “right thing to do.” But beyond that, diversity can improve the quality of our workforce and provide us a competitive business advantage. As society changes, our markets and customers change and our workforce must reflect those changes as well.

Traditional “minority” groups are now the majority in 6 out of the 8 largest cities in the United States with a combined buying power in the billions of dollars. Women are the primary investors in more than half of U.S. households. A diverse workforce can better understand our customers, identify market needs and suggest potential new products and services.

Diversity initiatives can attract the best and brightest employees to our workplace. Our future depends on the quality of our employees today and our ability to attract and retain the top-notch talent of tomorrow.

We also need a diverse workforce to increase our creativity and innovation since employees from varied backgrounds can bring different perspectives, ideas and solutions to the table.

Our society is quickly changing and it's up to us to broaden our horizons and expand our awareness of different types of people.

Dimensions of Identity

In order to understand and foster diversity, we all need to become aware of and understand our own social and personal characteristics and how those characteristics influence our perspective.

We also need to understand the characteristics of other people with whom we work and do business.

The first step to awareness is to understand the 4 dimensions of identity:

- Individual
- Primary
- Secondary
- Universal

Individual identity means those core characteristics that make up our unique personality and perspective on life.

Primary identity refers to those characteristics that we cannot easily change such as our race, gender, age, and so forth.

Secondary identity consists of characteristics that are more easily changed such as our marital status, religion, education, income level, and so on.

Universal identity means those traits we all share and can understand in one another such as our love for our family.

Individual Identity

We all have a unique way of interacting with others and a unique perspective. Individual identity is the most powerful motivator of how a particular person will think or act. Our individual identity is far more relevant and predictive of how we will act than our primary or secondary identity.

So, understanding someone's individual identity is the best way to understand and predict that person's behavior and reactions.

Primary Identity

Our primary identity consists of core characteristics that have a powerful effect on our perspective AND on how others perceive us. Examples of primary identity include:

- Race
- Gender
- Age
- Ethnicity and National Origin
- Disabilities

- Sexual Orientation

According to the Society for Human Resources Management (SHRM), the 9 factors we first notice about someone are:

- Race
- Gender
- Age
- Appearance
- Facial expressions
- Eye contact
- Movement
- Personal space
- Touch

We notice what matters to us. So the fact that race, gender, and age are the top three things we notice about someone indicates the role our primary identity plays in how we perceive others and how others perceive us.

Secondary Identity

Our secondary identity can change over time, but it also affects our perspective and how others perceive us. Secondary identity dimensions can include:

- Marital or parental status
- Religion
- Education
- Income level
- Geographic location
- Career
- Sports, hobbies or other personal interests

The primary and secondary identity dimensions can either be a source of commonality between people, OR, a difference that separates people.

Universal Identity

Our universal identity includes those traits we all share and can relate to as human beings across the globe such as:

- Love for family
- Need to support family
- Need for dignity and respect
- Need for esteem and a sense of belonging

Bias & Stereotype

As we mature, our perspective on people and situations increasingly stems from our life experiences and the attitudes of our friends and family. While this is a very natural evolution, it also creates blinders that cloud how you view people.

These blinders become stereotypes and biases.

What are Stereotypes and Biases?

A stereotype is a conventional, formulaic, and oversimplified conception, opinion, or image.

Bias is a preference or an inclination, especially one that inhibits impartial judgment.

Identifying Your Blinders

Blinders are intangible feelings that get in the way of facts.

To identify blinders, ask yourself questions such as:

- Do I have the same reaction to members of a given group each time you encounter him or her?
- Do I have these reactions before--or after--I have a chance to know the individual?

If the answer is “before you know the individual,” you’re operating on stereotypes and blinders.

Work to label these automatic responses as stereotypes and remind yourself that they are not valid indicators of one’s character, skills or personality.

Stereotyping is a learned habit, and it can be unlearned with practice.

Common Challenges

Diversity challenges can stem from all types of identity differences. However, there are a few common diversity challenges that we all seem to experience and that would be helpful to explore further.

Gender

The gender difference is arguably the greatest difference and therefore, the greatest challenge for people working together.

Race

Race and cultural background plays a big factor in either uniting or dividing people, depending on whether a person is “in the group” or outside it.

When fostering an inclusive workplace, the key is to get to know and include all types of people... not just those who look and act like you.

National Origin & Cultural Differences

In today's society, it's relatively common to work alongside people who were born in different countries and exposed to very different cultural backgrounds.

Also, given increasing globalization, it's easy for any company to conduct business globally and work with people from all over the world. Therefore, becoming more aware of cultural differences is essential.

Not surprisingly, it's easier for people to accurately recognize emotions within their own culture than in others. A Chinese businessperson is more likely to accurately label the emotions underlying the facial expressions of a Chinese colleague than those of an American colleague.

So here is a diversity tip: people need to know the emotional norms in each culture they do business in, or the cultures of the people they work with, to minimize unintended signals or miscommunications. Expanding your knowledge base and doing a little cultural research could provide huge dividends.

Religion

Every year some people in the workplace feel excluded and/or uncomfortable during the holiday season. Remember that many religions have important celebrations not only during the month of

December, but at other times of the year as well. Be respectful and be inclusive of everyone's celebration.

Language

This is one of the most common tensions in today's workforce. A growing percentage of the workforce speaks two or more languages. Be respectful and be open-minded. Don't assume someone is talking about you if he or she is speaking in a language you can't understand. If you are multilingual, try to avoid speaking in another language in front of others who can't understand, as it often makes them feel uncomfortable and excluded.

Generational Issues

While each generation has its merits and strengths, their weaknesses and stereotypes can cause tension and disrespect. Younger workers may not appreciate or understand the intense work lives of Baby Boomers. Each generation also has a different view of, and approach to communication. While you may not subscribe to the text-messaging habits of Millennials, it's important to appreciate every generation's modes of communication to better manage an age-diverse staff.

The chart below shows some generalized differences between the 4 generations working together in today's workplace.

Generalized Differences	Traditionalist	Baby Boomers	Gen X	Millenials
Work Style	By the book: HOW is as important as WHAT gets done	Get it done whatever it takes--nights & weekends	Find the fastest route to results; protocol secondary	Work to deadlines--not necessarily to schedules
Communication	Formal and through proper channels	Somewhat formal and through structures network	Casual and direct; sometimes skeptical	Casual and direct; eager to please
Work/Family	Work and family should be kept separate	Work comes first	Value work/life balance	Value blending personal life into work
Loyalty	To the organization	To the importance and meaning of work	To individual career goals	To the people involved with the project
Technology	"If it ain't broke, don't fix it!"	Necessary for progress	Practical tools for getting things done	"What else is there?"

Breaking Down Barriers

We are each responsible for changing our stereotypes and taking down our blinders. Here, we will look at five easy steps to minimize blinders and foster a more inclusive environment.

Break Assumptions

- Collect information
- Divide out the facts from your opinions and theories
- Make judgment based only on the facts
- Periodically refine your judgment based on the facts
- Try to continue expanding your opinion of a person's potential.

Empathize

In order to understand people from different cultures, empathy is vital. Try to put yourself in someone else's shoes to see or appreciate their point of view.

Involve

Learn about the values and beliefs of others in the organization. Involving others in your world and involving yourself in others empowers and educates. Identify ways to value uniqueness among your colleagues. Look for ways to be inclusive and don't build walls between people.

Avoid Herd Mentality

Herd mentality refers to a one-dimensional, group perspective. This way of thinking curbs creativity, innovation and advancement as people are limited in how they can approach or engage with different types of people. An inclusive environment can only develop if people are encouraged to think as individuals, and share their different ideas and perspectives.

Do Not Tolerate Insensitive Behavior

People can and do behave insensitively. By attacking someone's person, you attack their dignity, which can only be divisive. Cultural competency is based upon people thinking through words and actions to ensure they do not act inappropriately. When insensitive behavior is witnessed, it is the responsibility of all to shun it and ensure it remains unacceptable.

Mentoring

Mentors can be critical to an employee's success in an organization.

Providing strong mentors helps employees develop confidence, competence and credibility in an organization - traits that lead to career advancement.

Mentors provide critical support in 5 ways:

- Mentoring relationships open the door to challenging assignments that allow employees to gain professional competence.
- By trusting and investing in the employee, a mentor sends a signal to the rest of the organization that the employee is a high performer, which helps the employee gain confidence and establish credibility.
- Mentors provide crucial career advice and counsel that prevents their protégés from getting sidetracked from the path leading to the executive level.
- Mentors often become powerful sponsors later in the employee's career, recruiting them repeatedly to new positions.
- Mentors protect their protégés by confronting subordinates or peers who level unfair criticism, especially if the criticism has discriminatory undertones.

All in all, mentoring is a win, win strategy. It helps the career advancement of employees AND it helps the organization DEVELOP and RETAIN diverse talent.

Conclusion

Fostering diversity is good for business. As organizations compete in an increasingly global marketplace, the different perspectives and experiences gained by having a rich mix of employees will be important to produce creative thinking, innovative solutions and a broader appeal to a larger customer base.

But to foster diversity, we first need to appreciate the strength we gain from our differences and diversity.

Here are 4 ways to show our appreciation for diversity:

- **Value it:** Valuing differences is a critical first step in melding a productive and inclusive workforce. Differences are an advantage, but only if you recognize them as such.
- **Demonstrate:** Talk is easy. Demonstrating your appreciation of differences and helping to create a more inclusive environment is more difficult. Be willing to consider and/or implement new ideas and ways of dealing with issues.
- **Reward:** You need to reward people who demonstrate an appreciation for everyone's uniqueness. Rewarding inclusive behavior is critical.

- **Learn:** Learn from colleagues whose value base and experiences are different from yours. Your efforts at learning send a message to your colleagues that you appreciate and value their differences. What develops when you are willing to learn from others is mutual respect, better communication and a greater understanding among everyone.

By understanding our own identity and blinders, and those of others, we can understand and appreciate our differences. By appreciating and being sensitive to our differences, we can foster a diverse and inclusive workplace, and leverage our diversity for our benefit.

Questions?

Feel free to ask questions about this topic by emailing
legalteam@emtrain.com

Inclusion, Belonging, and Excellence for One King County: Addressing Implicit Bias, Racial Anxiety, and Stereotype Threat

A Note to Participants

Thank you for being brave and open while you participate in this discussion, and for your commitment to ending racism within our lifetime. This session is designed to foster a nurturing community of learning, where all participants feel empowered to share and have positive interactions.

Achieving Fairness and Opportunity in King County Government Practices

Ensuring fairness and opportunity in how we operate as King County government and how we serve our communities, requires *proactively* dismantling institutional and structural racism.

The concepts and tools provided in this discussion enable us to actively and effectively promote equitable outcomes in our workplaces and communities.

Taking an Implicit Association Test (IAT)

Before you join this discussion, please take the Race Implicit Association Test and at least one other IAT of your choice:

<https://implicit.harvard.edu/implicit/takeatest.html>

A considerable part of this discussion is about understanding our individual unconscious biases – yes, we *all* have them. The IAT is an educational tool that evaluates a baseline of some of our most common unconscious biases.

The IAT can only be taken on a computer. It is advised that you take the IATs in a private place where you feel comfortable.

Feedback

How did it go? Share your insights with jake.ketchum@kingcounty.gov, candace.jackson@kingcounty.gov, or arun.sambataro@kingcounty.gov.



Inclusion, Belonging, and Excellence for One King County: Addressing Implicit Bias, Racial Anxiety, and Stereotype Threat

Participant Guide*

Total time = 90 minutes

Part 1: Getting Started (15 minutes)

Purpose: Achieve King County Equity and Social Justice foundational practice of “fostering an organizational culture that promotes fairness and opportunity.”[†]

Discussion Goals

1. Understand the concept of implicit bias and begin to identify our individual biases.
2. Learn how we experience racial anxiety and stereotype threat, and how these experiences impact our workplace and community interactions.
3. Discuss ways to mitigate implicit bias at decision points:
 - Hiring
 - Work relationships
 - Policy (drafting, interpretation, implementation)
 - Community engagement
 - Customer service
 - Personnel supervision

* Revised by Rachel Godsil from Within Our Lifetime Facilitator Guide created by Patrick L. Scully, Ph.D. Clearview Consulting, LLC. Adapted for King County Equity and Social Justice.

For more information, see <http://www.withinourlifetime.net/Blog/index.html>

[†] King County Ordinance 16948. October 2010 (Pg. 4, Line 80.)



Guidelines for Multicultural Interactions (by Laurin Mayeno and Elena Featherston, 2006, adapted from VISIONS, Inc.)

Be present... Bring your full attention to the process. Acknowledge anything that you need to let go of in order to be present.

Try on new ideas, perspectives... Be willing to open up to new territory and break through old patterns. Remember, “try on” is not the same as “take on.”

It’s OK to disagree... Avoid attacking, discounting or judging the beliefs and views of others. Instead, welcome disagreement as an opportunity to expand your world.

Confidentiality... It helps to remember that the story belongs to the teller.

Step up, step back... Be aware of sharing space in the group. Respect the different rhythms in the room; it is ok to be with silence.

Self-awareness... Respect and connect to your thoughts, feelings and reactions in the process. Monitor the content, the process and yourself.

Check out assumptions... This is an opportunity to learn more about yourself and others; do not “assume” you know what is meant by a communication especially when it triggers you – ask questions.

Practice “both/and” thinking... Making room for more than one idea at a time means appreciating and valuing multiple realities.

Intent is different from impact... and both are important. It is also important to own our ability to have a negative impact in another person’s life despite our best intention.

Listen deeply... Listen with intent to hear, listen for the entire content and what is behind the words. Engage heart and mind -- listen with alert compassion.

Speak from the “I...” is speaking from one’s personal experience rather than saying “we,” it allows us to take ownership of thoughts, feelings and actions.

Instructions for Participants

- *Around your table/group, share what you hope to get out of this discussion.*



Part 2: Understanding the Concepts (45 minutes, with video)

Short video from Rachel Godsil's presentation at the 2014 ESJ Annual Forum – Building a Culture of Equity (28 min.): https://www.youtube.com/watch?v=AGIRt-5HX_E&feature=em-share_video_user

Implicit bias refers to the process of associating stereotypes or attitudes toward categories of people without conscious awareness.

Racial anxiety is discomfort about the experience and potential consequences of inter-racial interaction:

- People of color can be anxious that they will be the target of discrimination and hostile or distant treatment;
- Whites can be anxious that they will be assumed to be racist and, therefore, will be met with distrust or hostility.

People experiencing racial anxiety often engage in less eye contact, have shorter interactions, and generally seem—and feel—awkward. Not surprisingly, if two people are both anxious that an interaction will be negative, it often is. So racial anxiety can result in a negative feedback loop in which both parties' fears appear to be confirmed by the behavior of the other.

Stereotype threat occurs when a person is concerned that she will confirm a negative stereotype about her group. When people are aware of a negative stereotype about their group in a domain in which they are identified, their attention is split between the activity at hand and concerns about being seen stereotypically.

Implicit Association Test (drawing from Discussion Materials, Patricia Devine) (15+minutes)

Questions for Participants

- *Have you taken the Race IAT and one other IAT of your choice?*
- *What are your thoughts or reactions?*
- *What does it mean for how you work with your colleagues? The public?*

If you took the Race IAT and found it easier to pair white faces with positive words and black faces with negative words or the Gender IAT and found it easier to associate words linked to work with men and family to women, you are not alone. More than 85% of whites are shown to have a “preference” for whites, for example. The good news is that this “preference” is not fixed – you can change it – and that you can make sure your behavior is not affected by this automatic response that is not consistent with your conscious beliefs.



Part 3: Preventing Effects of Implicit Bias (30 minutes)

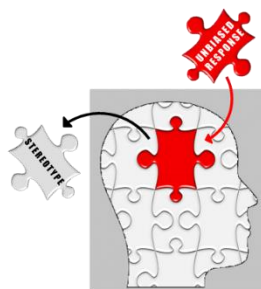
It is important that people consciously engage in the process (Wald and Tropp[†], 2013):

- Have intention and motivation to bring about change
- Become aware of bias
- Pay attention to when stereotypical responses or assumptions are activated
- Make time to practice new strategies

Instructions for Participants

Take a moment to review the interventions handout. (2 min.) We will focus on the interventions that we can practice easily on our own as individuals, and start to develop immediately within our workplaces, to bring about positive change.

Individual Interventions



**Stereotype
Replacement**



Individuation



**Increasing opportunities
for contact**

Institutional Interventions

- Improve Conditions of Decision-making
- Count

[†] Wald, J., Tropp, L. *Strategies for Reducing Racial Bias and Anxiety in Schools* (PDF document). Retrieved from http://www.onenationindivisible.org/wp-content/uploads/2013/11/Strategies-for-Reducing-Racial-Bias-and-Anxiety-in-Schools_Wald-and-Tropp.pdf

Questions for Participants

Consider a specific decision point (select one from list on page 2) and discuss how we can apply these concepts and interventions that we reviewed above, during decision-making to minimize/eliminate negative impact.

1. What are some known risk areas where bias can influence interactions and decision-making?
2. How is implicit bias, racial anxiety, or stereotype threat at play?
3. How can you determine whether bias, racial anxiety or stereotype threat might be impacting decisions?
4. Which of the interventions (see definitions sheet) are likely to be most useful and how can they be applied to the situation?
5. How will you measure success?

FOOD for THOUGHT

(additional reading on these mind sciences)

Blindspot: Hidden Biases of Good People by Mahzarin Banaji and Anthony Greenwald, explore hidden biases that we all carry from a lifetime of experiences with social groups – age, gender, race, ethnicity, religion, social class, sexuality, disability status, or nationality.

Whistling Vivaldi: How Stereotypes Affect Us and What We Can Do (Issues of Our Time) by Claude M. Steele offers a vivid first-person account of the research that supports his groundbreaking conclusions on stereotypes and identity.



Guidelines for Multicultural Interactions

Be present... Let go of anything that might be a distraction (deadlines, paperwork, children, etc.) and be intentional about your purpose in this moment. Bring your full attention to the process. Acknowledge anything that you need to let go of in order to be present.

Try on new ideas, perspectives ... as well as concepts and experiences that are different than your own. Be willing to open up to new territory and break through old patterns. Remember, "try on" is not the same as "take on."

It's OK to disagree... Avoid attacking, discounting or judging the beliefs and views of others. Discounting can be verbally or non-verbally. Instead, welcome disagreement as an opportunity to expand your world. Ask questions to understand the other person's perspective.

Confidentiality... There is another dimension of confidentiality that includes "asking permission" to share or discuss any statement another person makes of a personal nature. It helps to remember that the story belongs to the teller.

Step up, step back... Be aware of sharing space in the group. If you are person who shares easily, leave space for others to step into. Respect the different rhythms in the room, it is ok to be with silence. If you are a person who doesn't speak often, consider stepping forward and sharing your wisdom and perspective.

Self awareness... Respect and connect to your thoughts, feelings and reactions in the process. Be aware of your inner voice and own where you are by questioning why you are reacting, thinking and feeling as you do. Monitor the content, the process and yourself.

Check out assumptions... This is an opportunity to learn more about yourself and others; do not "assume" you know what is meant by a communication especially when it triggers you – ask questions.

Practice "both/and" thinking... Making room for more than one idea at a time means appreciating and valuing multiple realities (it is possible to be both excited and sad at the same time) – your own and others. While either/or thinking has its place it can often be a barrier to human communication

Intent is different from impact... and both are important. It is also important to own our ability to have a negative impact in another person's life despite our best intention. In generous listening, if we assume positive intent rather than judging or blaming, we can respond, rather than reacting or attacking when negative impact occurs.

Listen deeply ... Listen with intent to hear, listen for the entire content and what is behind the words. Encourage and respect different points of view and different ways of communicating. Engage heart and mind -- listen with alert compassion.

Speak from the "I"... is speaking from one's personal experience rather than saying "we," it allows us to take ownership of thoughts, feelings and actions

Laurin Mayeno and Elena Featherston, 2006
Adapted from VISIONS, Inc.



Definitions of Interventions*

Implicit Bias Interventions

Studies have shown that people who engage in the strategies described below reduce their implicit bias, are more aware of and concerned about discrimination, and are more enthusiastic about inter-racial contact. (Devine et al, 2012)

The following are steps that individuals can take to “break the prejudice habit”
(Devine et al, 2012):

Stereotype replacement: 1) Recognize that a response is based on stereotypes, 2) label the response as stereotypical, and 3) reflect on why the response occurred. This creates a process to consider how the biased response could be avoided in the future and replaces it with an unbiased response.

Counter-stereotypic imaging: Imagine counter-stereotypic others in detail – friends, co-workers, respected community members, even celebrities. This makes positive images more available and begins the process of replacing the negative, often inaccurate stereotypes.

Individuation: Learn specific information about your colleagues. This prevents stereotypic assumptions and enables association based on personal and unique, rather than group, characteristics.

Perspective taking: Imagine oneself to be a member of a stereotyped group. This increases psychological closeness to the stereotyped group, which ameliorates automatic group-based evaluations.

Increasing opportunities for contact: Increased contact between groups can reduce implicit bias through a wide variety of mechanisms, including altering their images of the group or by directly improving evaluations of the group. (Ex: learn about other cultures by attending community events and other public educational opportunities like exhibits, media, etc.)

Institutions can establish practices to prevent these biases from seeping into decision-making.

A group of researchers developed these four interventions listed, which have been found to be constructive (Kang et al., 2011):

1. **Doubt Objectivity:** Presuming oneself to be objective actually tends to increase the role of implicit bias; teaching people about non-conscious thought

* Revised by King County Office of Equity and Social Justice in collaboration with Rachel Godsil. Adapted from Within Our Lifetime Facilitator Guide created by Patrick L. Scully, Ph.D. Clearview Consulting, LLC. For more information, see <http://www.withinourlifetime.net/Blog/index.html>

processes will lead people to be skeptical of their own objectivity and better able to guard against biased evaluations.

2. **Increase Motivation to be Fair:** Internal motivations to be fair rather than fear of external judgments tend to decrease biased actions.
3. **Improve Conditions of Decision-making:** Implicit biases are a function of automaticity. Think slowly by engaging in mindful, deliberate processing, not in the throes of emotions prevents our implicit biases from kicking in and determining our behaviors.
4. **Count:** Implicitly biased behavior is best detected by using data to determine whether patterns of behavior are leading to racially disparate outcomes. Once one is aware that decisions or behavior are having disparate outcomes, it is then possible to consider whether the outcomes are linked to bias.

Racial Anxiety and Stereotype Threat Interventions

Most of these interventions were developed in the context of the threat experienced by people of color and women linked to stereotypes of academic capacity and performance, but can be useful in the work place and are also be translatable to whites who fear confirming the stereotype that they are racist so can be useful in reducing racial anxiety.

Social Belonging Intervention: Help employees realize that people of every identity category experience some challenge when they begin a new job or new set of responsibilities but that those feelings abate over time. This has been shown to have the effect of protecting employees from stigmatized identity categories from assuming that they do not belong due to their race or other identity category and helped them develop resilience in the face of adversity.

Wise Criticism: Convey high expectations and belief in the capacity to meet them. Giving feedback that communicates both high expectations and a confidence that an individual can meet those expectations minimizes uncertainty about whether criticism is a result of racial bias or favor (attributional ambiguity). If the feedback is merely critical, it may be the product of bias; if feedback is merely positive, it may be the product of racial condescension.

Behavioral Scripts: Setting set forth clear norms of behavior and terms of discussion can reduce racial anxiety and prevent stereotype threat from being triggered.

Growth Mindset: Teaching people that abilities including the ability to be racially sensitive are learnable/incremental rather fixed has been useful in the stereotype threat context because it can prevent any particular performance for serving as “stereotype confirming evidence.”





Local and Regional Government
alliance on
race & Equity

Equity Workshop

Building Healthy Communities
The California Endowment Staff & Partners

November 24, 2014

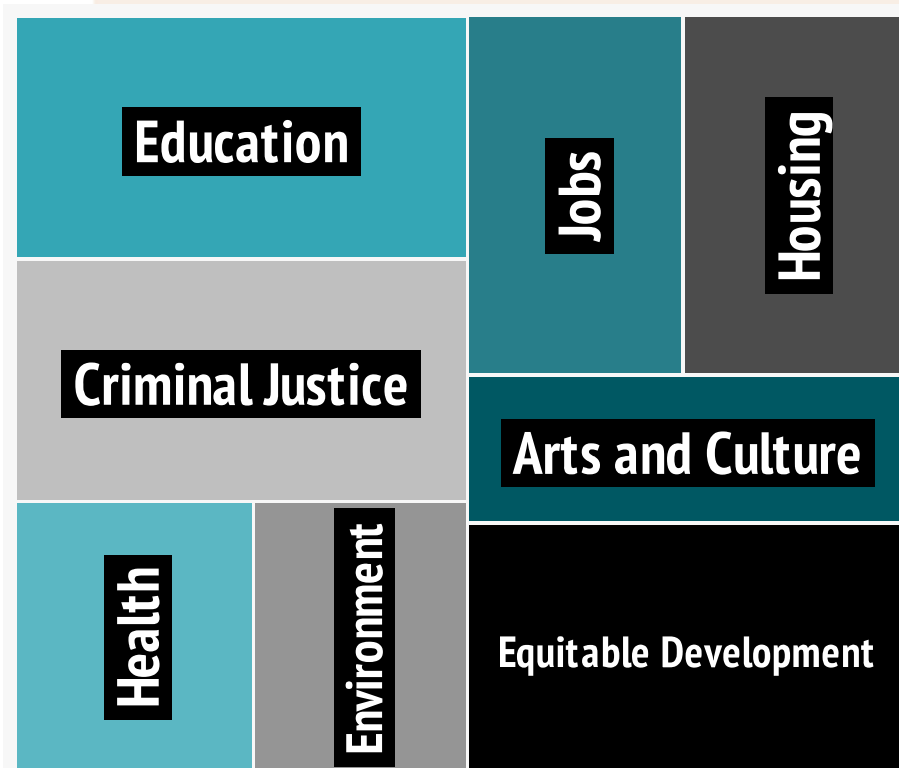


Objectives:

- Increase understanding of the **role and opportunity** for governmental work on racial equity
- Learn about key **strategies** to support racial equity work
- Enhance understanding of key racial equity **concepts** and how they apply to government



Racial inequity



● **100%**

Likelihood that race is a determinant for key health and social indicators in life.

● **10 years**

Difference in life expectancy based on zip code in King County.



Racial equity means:

- “Closing the gaps” so that race does not predict one’s success, while also improving outcomes for all
- To do so, have to:
 - ✓ Target strategies to focus improvements for those worse off
 - ✓ Move beyond “services” and focus on changing policies, institutions and structures



Types of bias

Explicit bias

Expressed directly

Aware of bias

Operates consciously

Implicit bias

Expressed indirectly

Unaware of bias

Operates sub-consciously

Source: Unconscious (Implicit) Bias and Health Disparities: Where Do We Go from Here?



Example of implicit bias

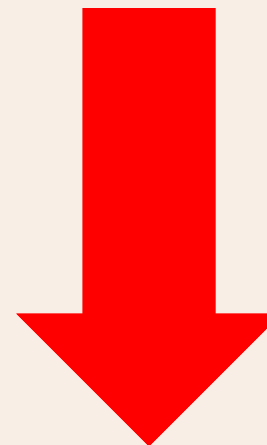
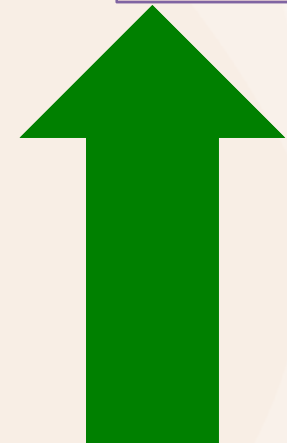
Job search - identical
resumes, apart from names

More “white-sounding”
names

- ✓ 50% more callbacks for
jobs than “African-
American sounding”
names.

Susan Smith

50% more
call-backs.



LaKesha
Washington



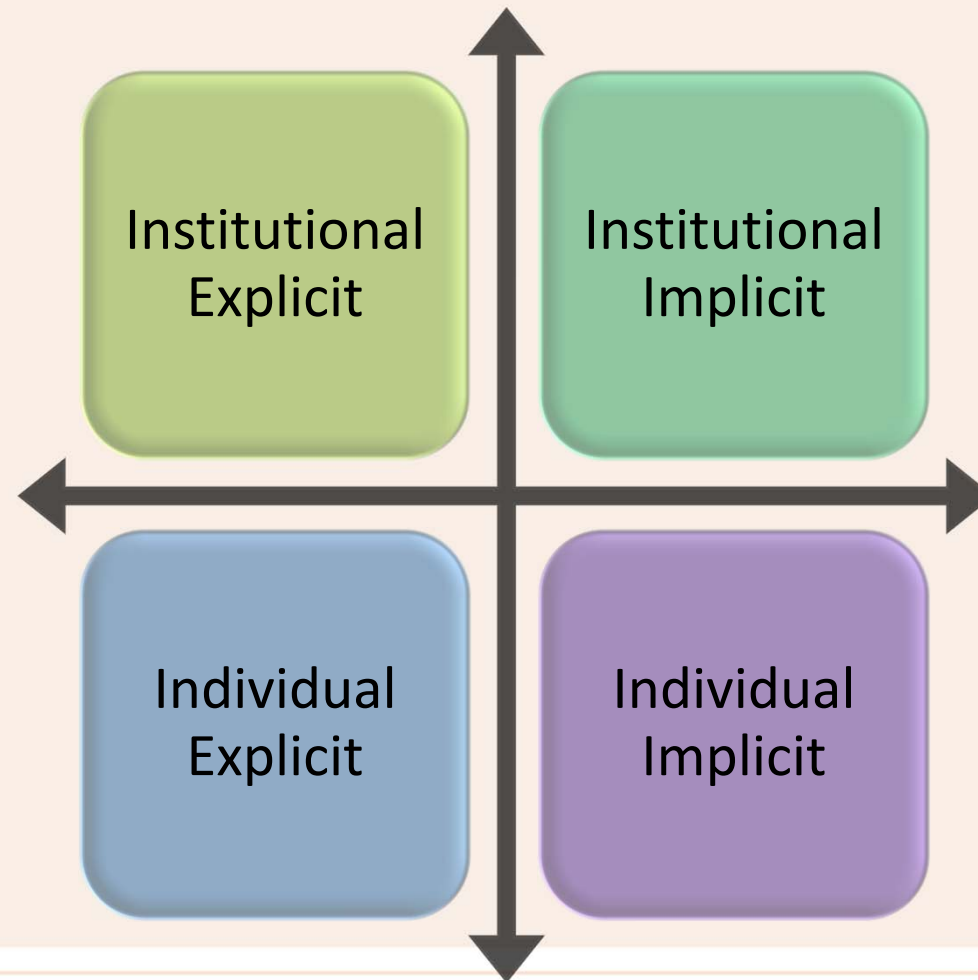
What to do with bias?

- Suppressing or denying biased thoughts can actually increase prejudice rather than eradicate it.
- Research has confirmed that if we openly challenge our biases, we can develop effective strategies and make more progress.



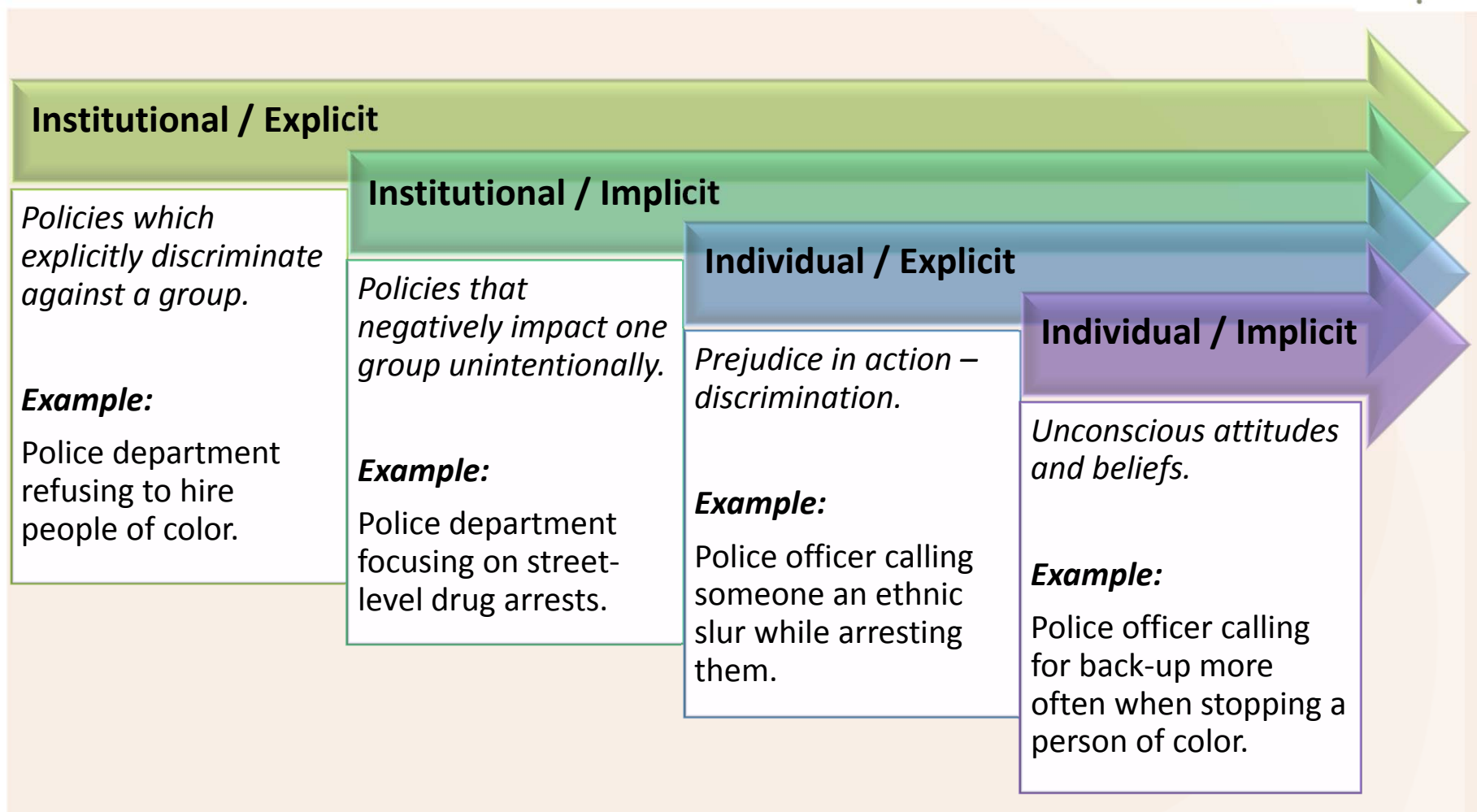


What creates different outcomes?





What creates different outcomes?





Re-framing racism

Individual racism:

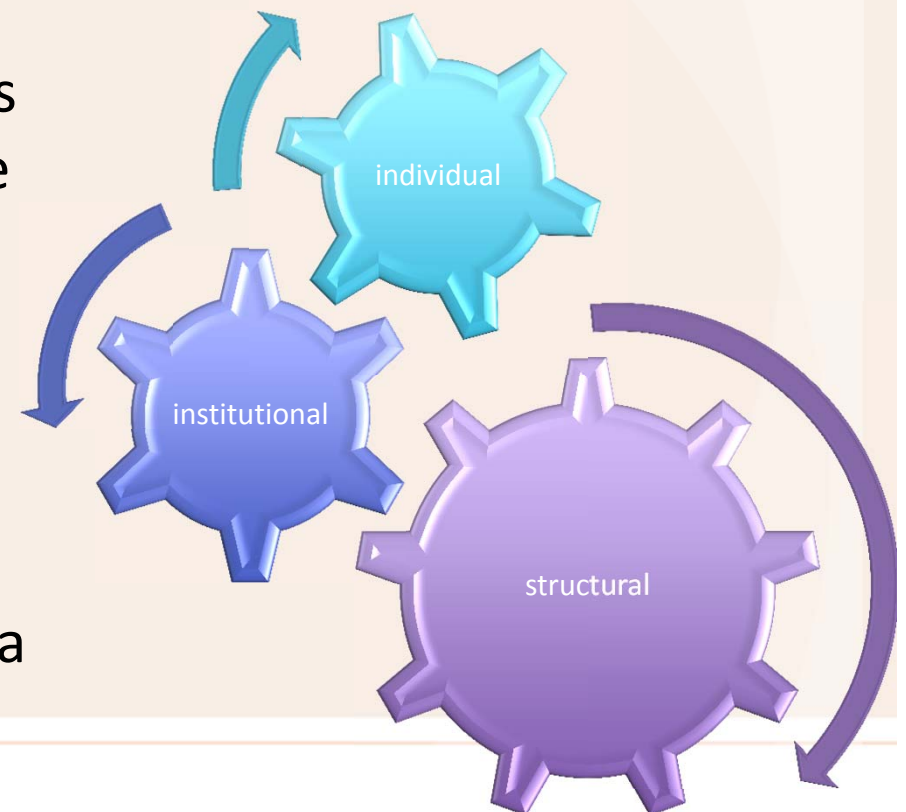
- Pre-judgment, bias, or discrimination by an individual based on race.

Institutional racism:

- Policies, practices and procedures that work better for white people than for people of color, often unintentionally or inadvertently.

Structural racism:

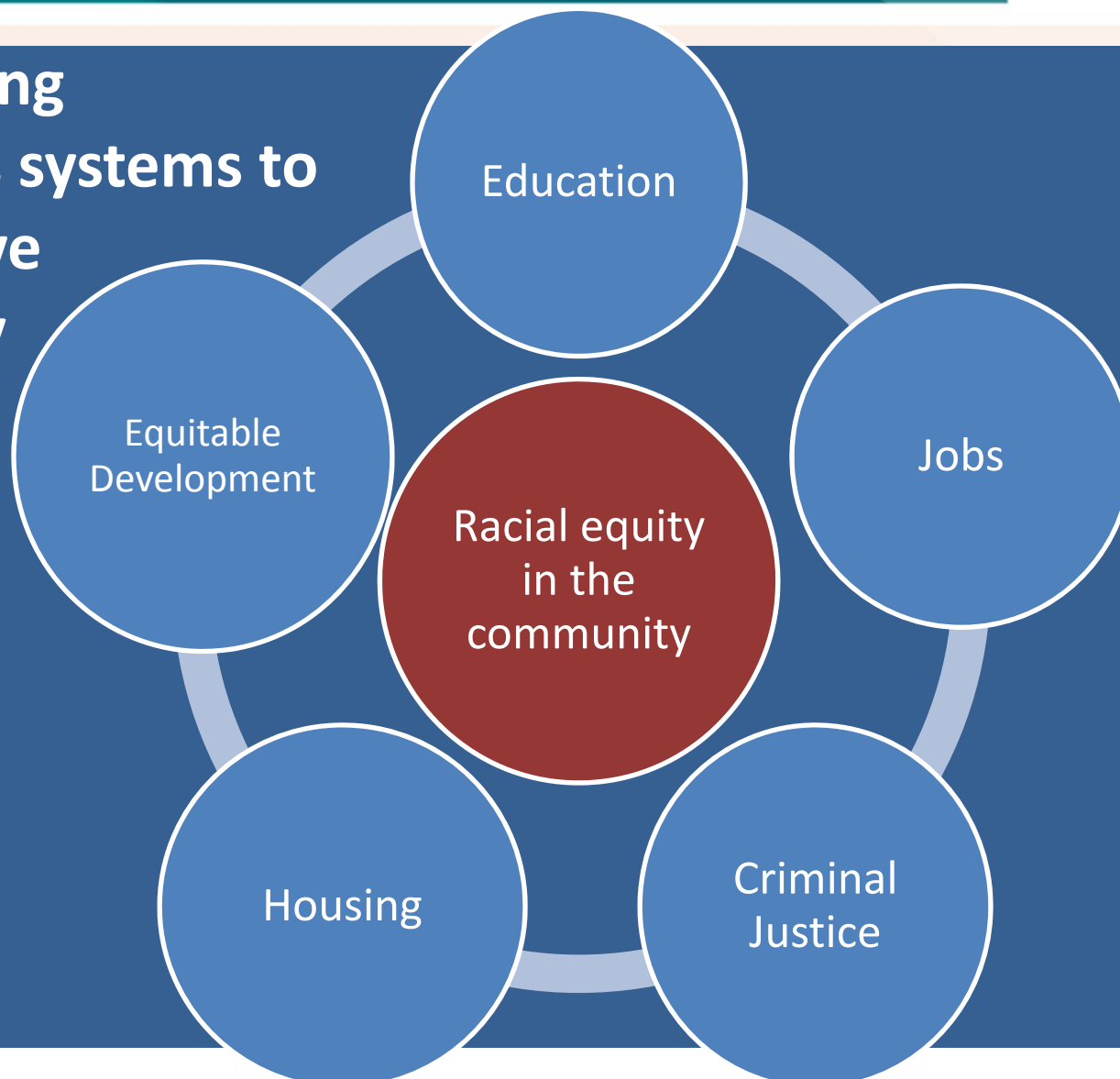
- A history and current reality of institutional racism across all institutions, combining to create a system that negatively impacts communities of color.





Achieving equity

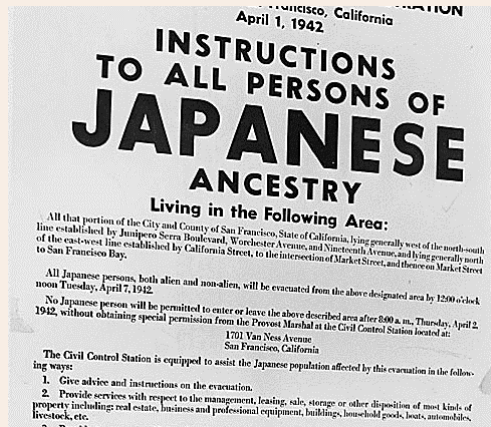
**Working
across systems to
achieve
equity**





History of Government

Explicit bias



Government explicitly creates and maintains racial inequity

Implicit bias



Discrimination illegal, but “race-neutral” policies and practices perpetuate inequity.

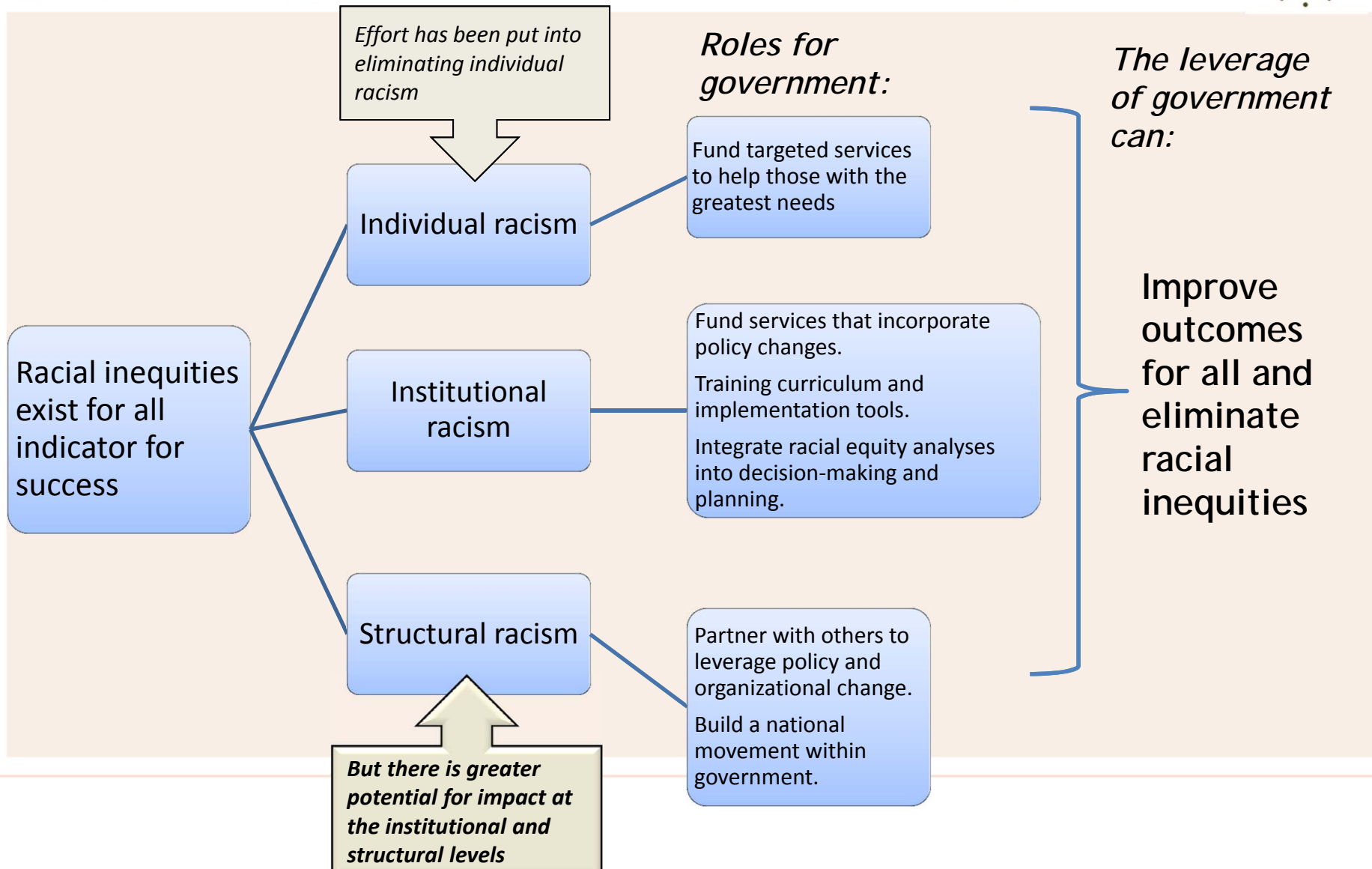
Government for racial equity



Proactive polices, practices and procedures for achieving racial equity

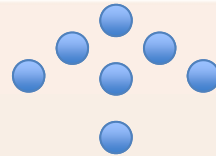


Governmental roles in working towards racial equity





Effect of governmental transformation in community



So we can achieve racial equity



Liberates community



Transforming government to
proactively work for racial
equity



Government's work for racial equity

Example:

- Seattle Race and Social Justice Initiative



Seattle lessons learned:

Develop and
use a common
analysis

Build capacity
and
infrastructure

Change
behavior and
use tools

Be data driven

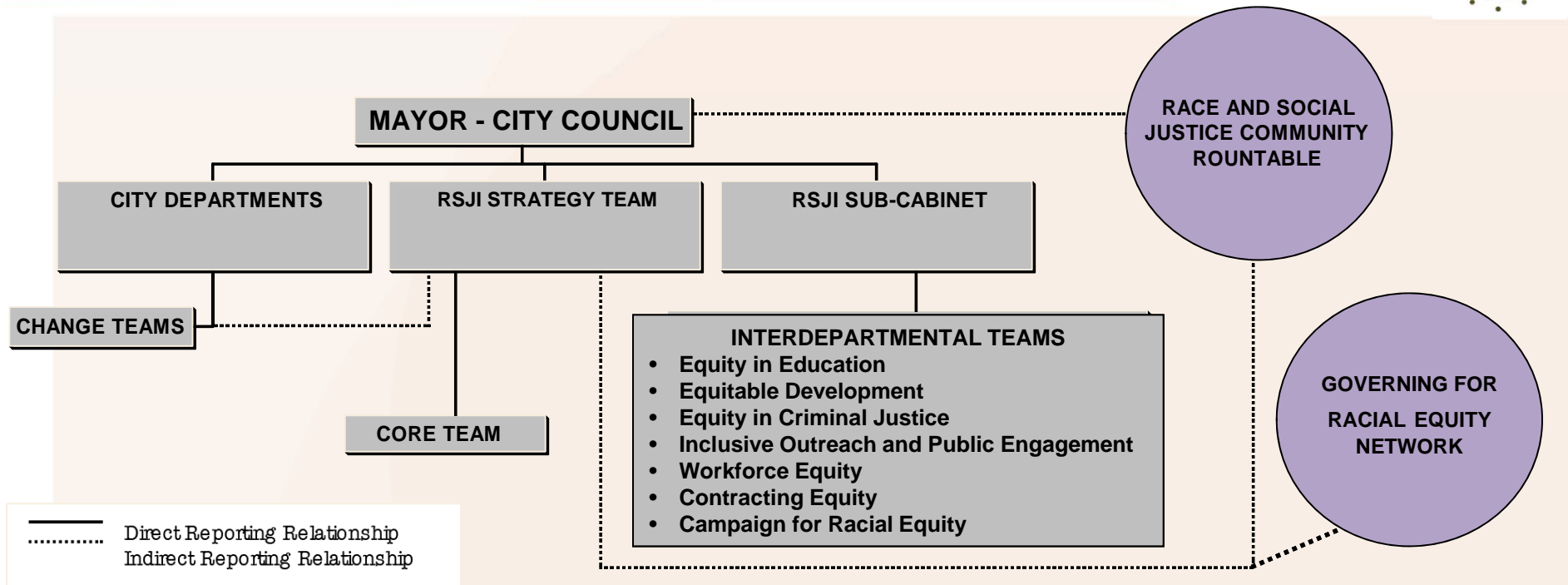
Partner across
sectors with
community

Move with
urgency

LOCAL AND REGIONAL GOVERNMENT ALLIANCE ON RACE & EQUITY



Build capacity



Working Groups

RSJI Strategy Team – The Initiative managing team from the Seattle Office of Civil Rights (SOCR)

Change Team – A group of employees in each department that help implement RSJI activities and work plans.

Core Team – A Citywide leadership development team of 25 people that work with IDT's to implement RSJI activities.

RSJI Sub-Cabinet – Department Directors or deputies who advise and review RSJI activities.

Interdepartmental Teams – Convened by lead departments to develop and implement Citywide strategies and community partnerships to address racial inequity.

RSJ Community Roundtable – A coalition of 25 government and community based organizations working for racial equity in King County.

Governing for Racial Equity Network – A regional network of government agencies in Washington, Oregon and northern California working on issues of equity.



RSJI Employee Survey 2012



“Examine impact of race at work”



“Actively promoting RSJI changes”



“Dept and City making progress”



Move with urgency

Collective impact

For racial equity

Common
agenda

Shared
measurement

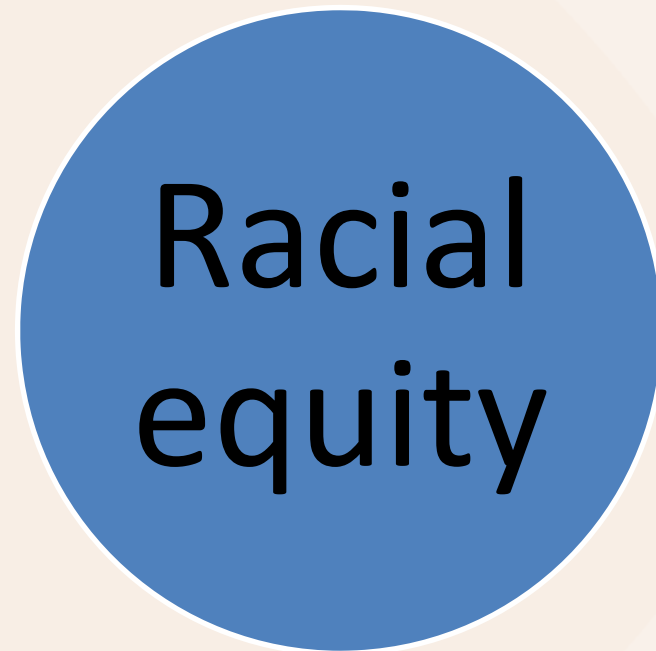
Mutually
reinforcing
activities

Continuous
communication

Backbone
organization



Racial equity collective impact





Move with urgency

Latest successes:

- RACE: are we so different?
partnership with Pacific Science
- Structural racism partnership fund
- Expanded support from new Mayor



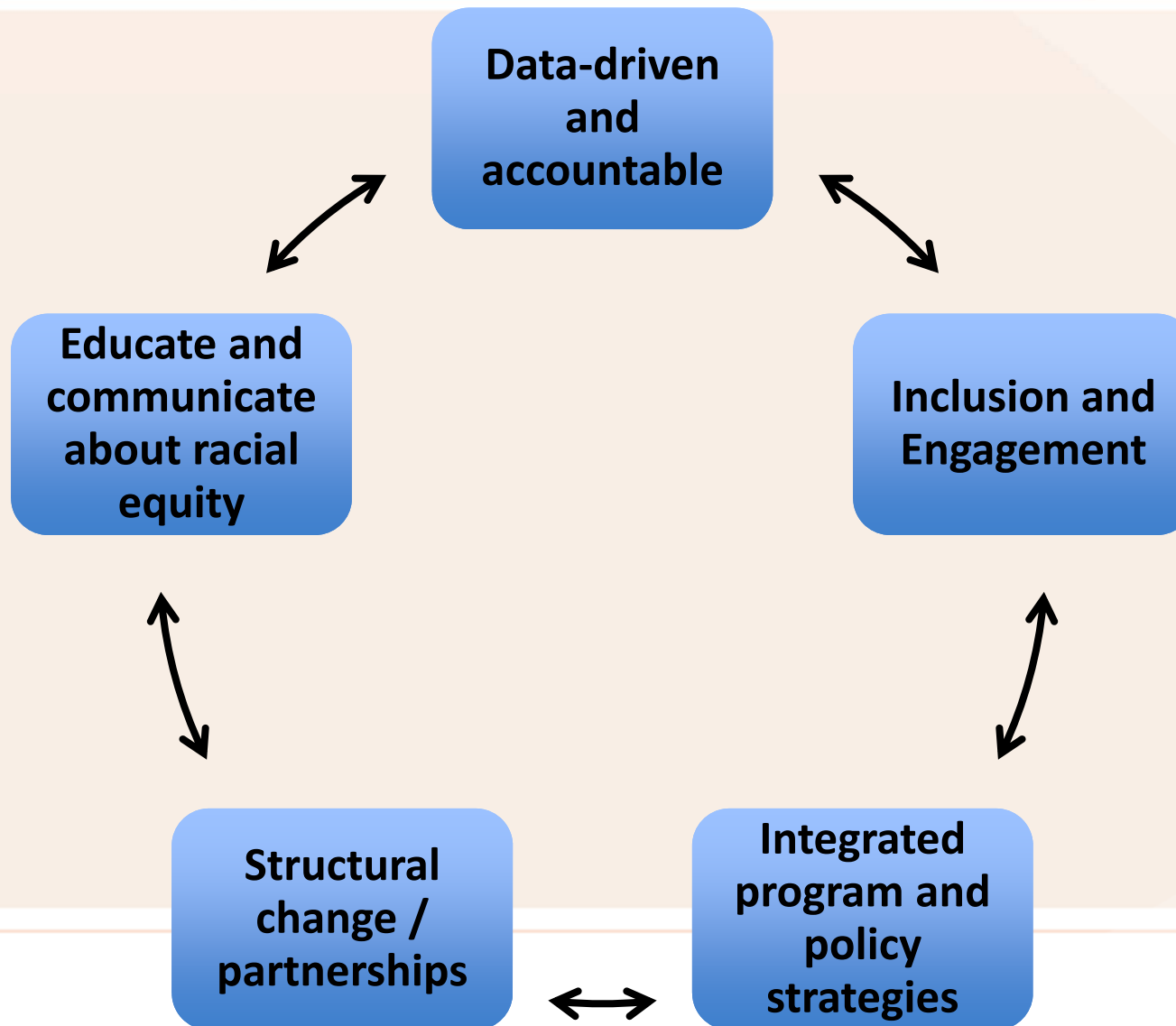
Government's work for racial equity

East Salinas

- How did it get started?
- What is the community's role?
- How is the role of government evolving?
- How is healing a part of the work?



Racial Equity Toolkit





Racial Equity Toolkit

- A Racial Equity Toolkit can be used in budget, policy and program decisions.
- Examples:
 - ✓ Streetlights / complaint-based systems
 - ✓ Restrictions on use of criminal background checks in hiring processes
 - ✓ Contracting policies and procedures
 - ✓ Court appearances



How does change occur?

**political
concept**

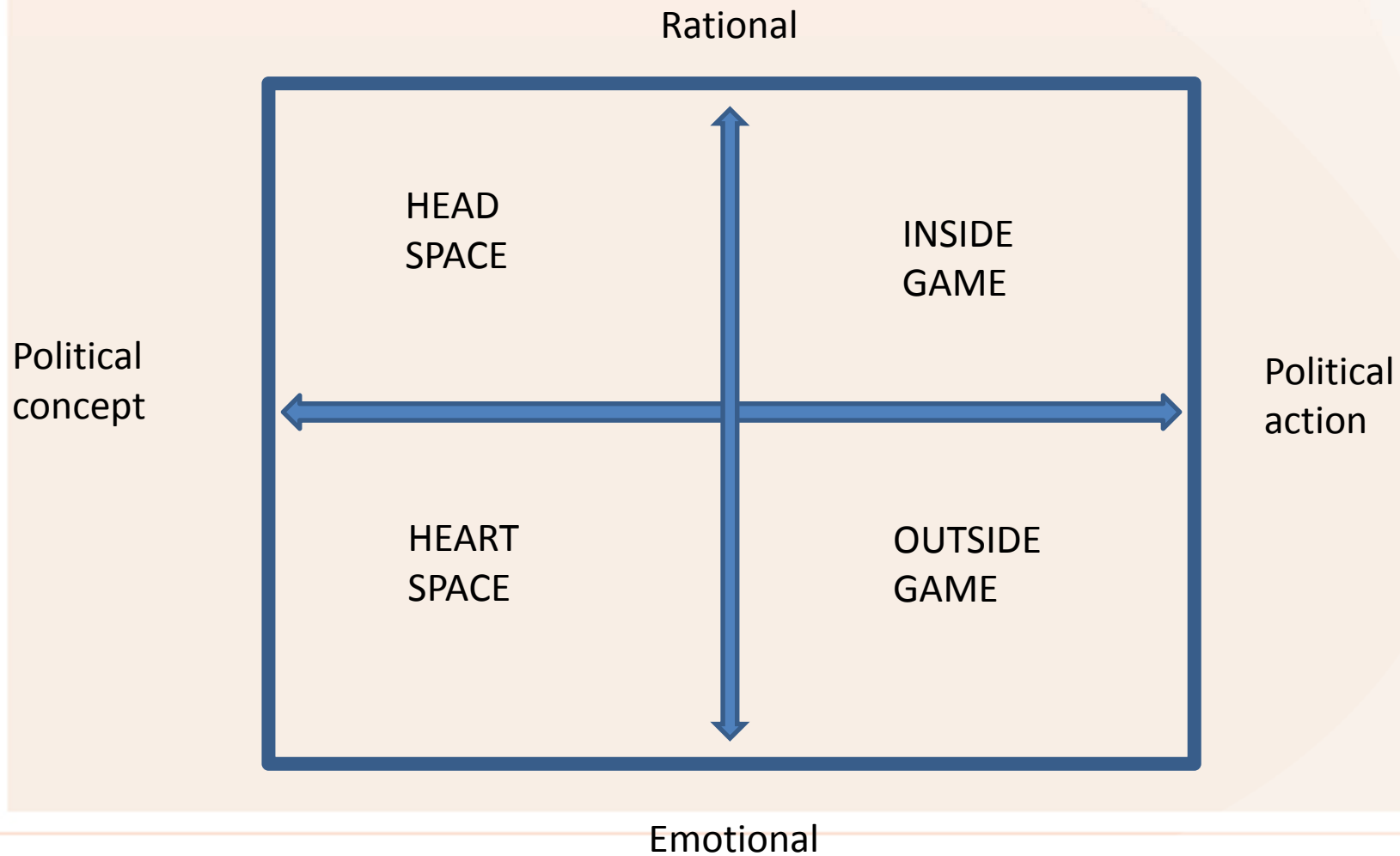


**political
action**

Van Jones's "Heart Space/Head Space Grid"
from Rebuild the Dream (2012)



How does change occur?





Head, heart, inside, outside

- All four quadrants are important.
- The key is a dynamic balance.

Pair-up – where are you most comfortable?
What are your strategies to round-out
the other quadrants?



Transactional /transformational change

“The single biggest failure in change initiatives is to treat adaptive challenges like technical problems.”



Transactional /transformational change

Technical Problems / Transact	Adaptive Problem / Transform
Easy to identify	Easy to deny (difficult to identify)
Often lend themselves to routine solutions using skills and experience readily available	Require changes in values, beliefs, roles, relationships, and approaches to work
Often solved by an authority or expert	People with the problem do the work of solving it
Require change in just one or a few places; often contained within organizational boundaries	Require change in numerous places; usually cross organizational boundaries
People are generally receptive to technical solutions	People try to avoid the work of “solving” the adaptive challenge
Solutions can often be implemented quickly—even by edict	“Solutions” require experiments and new discoveries; they can take a long time to implement and cannot be implemented by edict



Transactional /transformational examples

Technical Problems / Transact	Adaptive Problem / Transform
Invite WMBE contractors to apply for contracts.	Educate and encourage prime contractors to subcontract with WMBE firms. Change policies driving the results
Translate documents for limited English speaking public.	Meet with and develop relationships with immigrant and refugee communities.
Pass “ban the box” legislation	Develop a criminal justice agenda



Building a movement

Small group discussions at each site –

- What are the opportunities and challenges in working for or with government on racial equity?
- What are the barriers?



Building a movement

Government Alliance on Race and Equity

A national network of government working to
achieve racial equity and advance opportunities for
all



Alliance Approach

Three Prong

Support a cohort of governmental jurisdictions.

Develop a “pathway for entry” for new jurisdictions.

Build cross-sector collaborations to achieve equity in our communities.

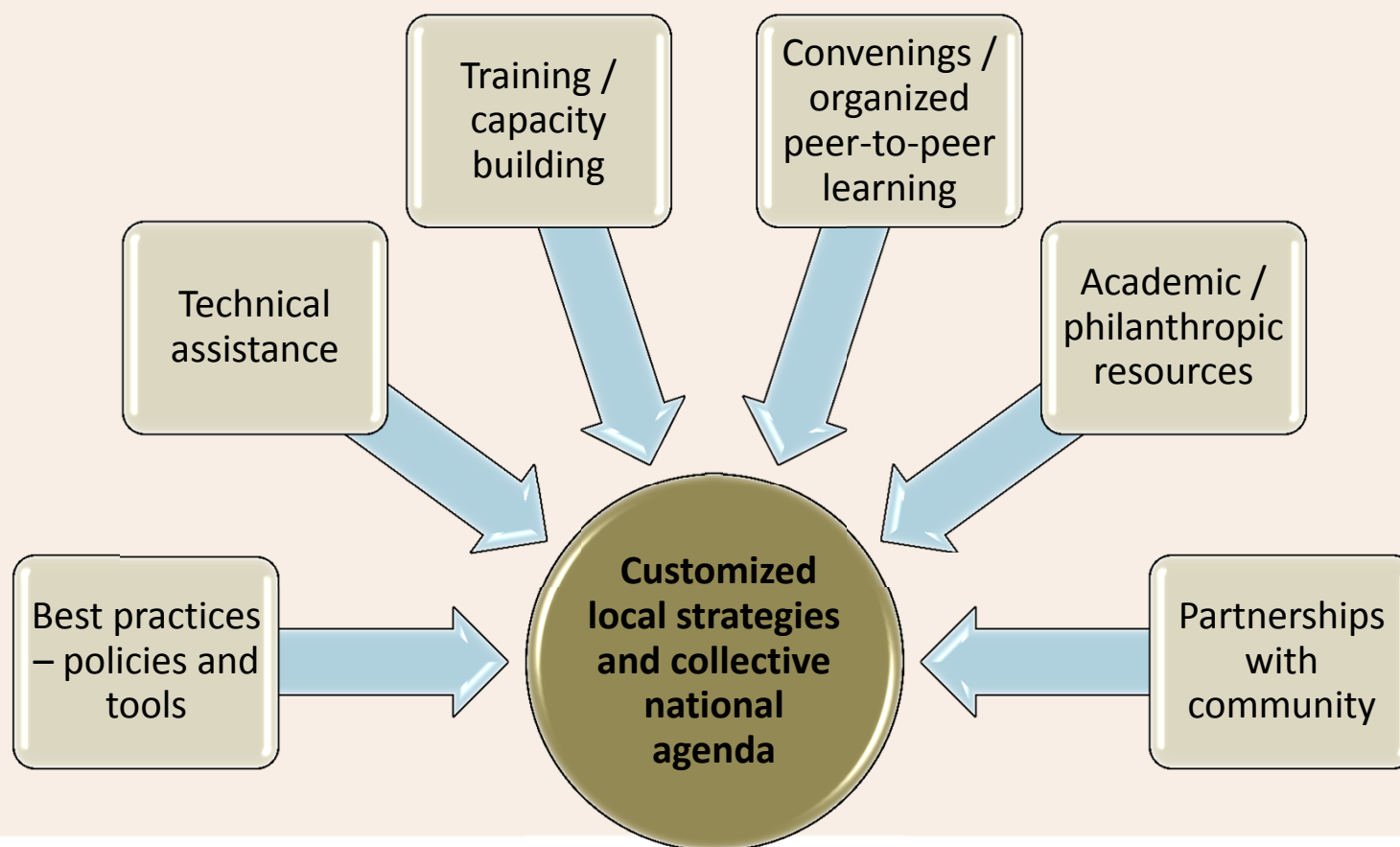


Alliance cohort

- ✓ Commitment to racial equity.
- ✓ Supportive electeds, department leadership and expertise within front-line staff work with community
- ✓ Supportive stakeholders and partners.



Cohort Model





Contact information

Government Alliance on Race and Equity

Julie Nelson, Director

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Julie.nelson@racialequityalliance.org

Center for Social Inclusion

Glenn Harris, President

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(206) 790-0837

Incorporating Race and Justice Principals into Criminal Justice System Policies



Governing for Racial Equity Conference
June 11, 2015, Seattle, Washington

Conversation Guide

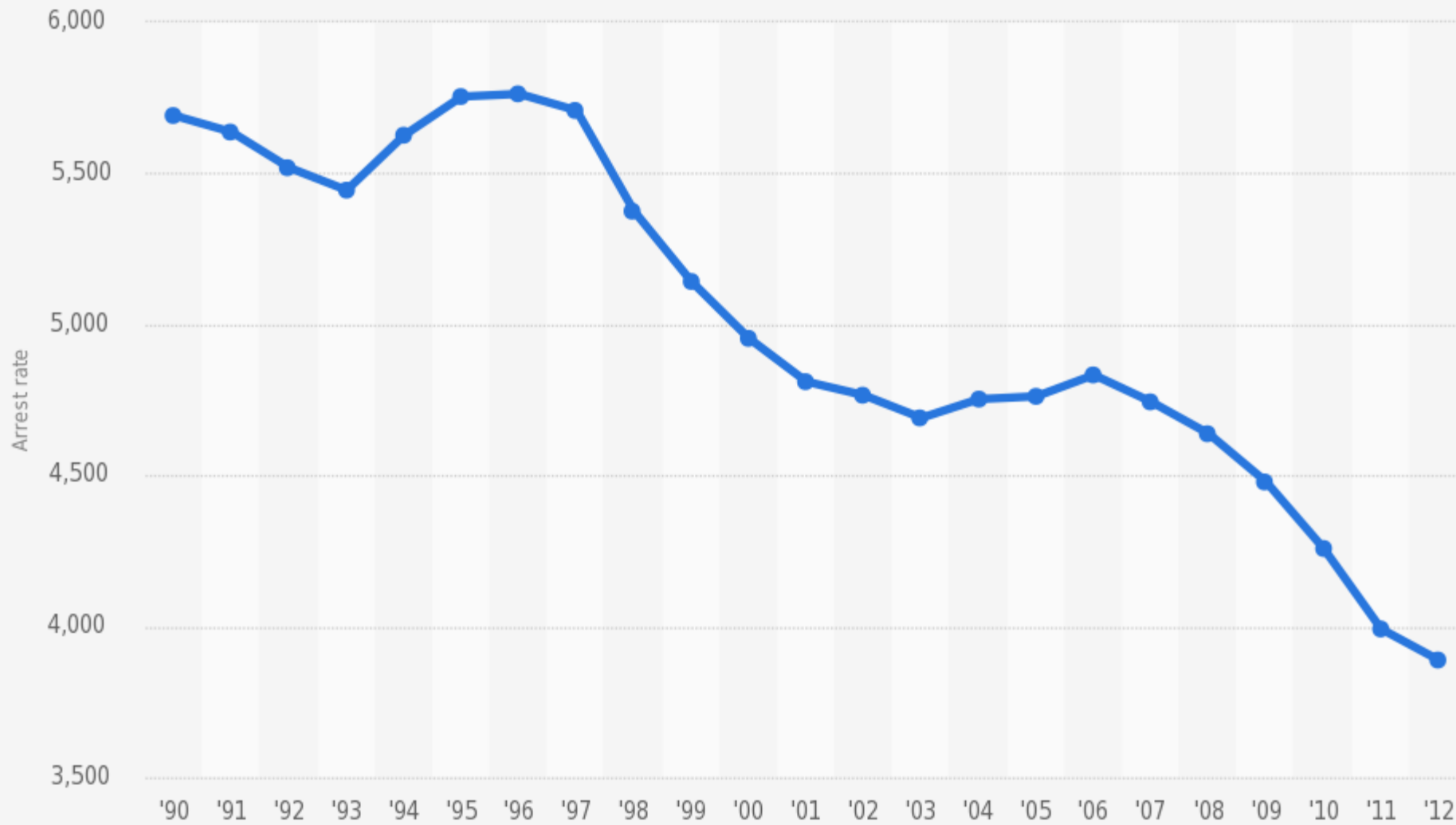


- ❧ Is incorporating RSJ principles into CJS policy necessary?
- ❧ Is incorporating RSJ principles into CJS policy possible?
- ❧ How do we incorporate RSJ principles into CJS policy?
- ❧ Provide relevant examples within the institutions where RSJ principles have been incorporated...

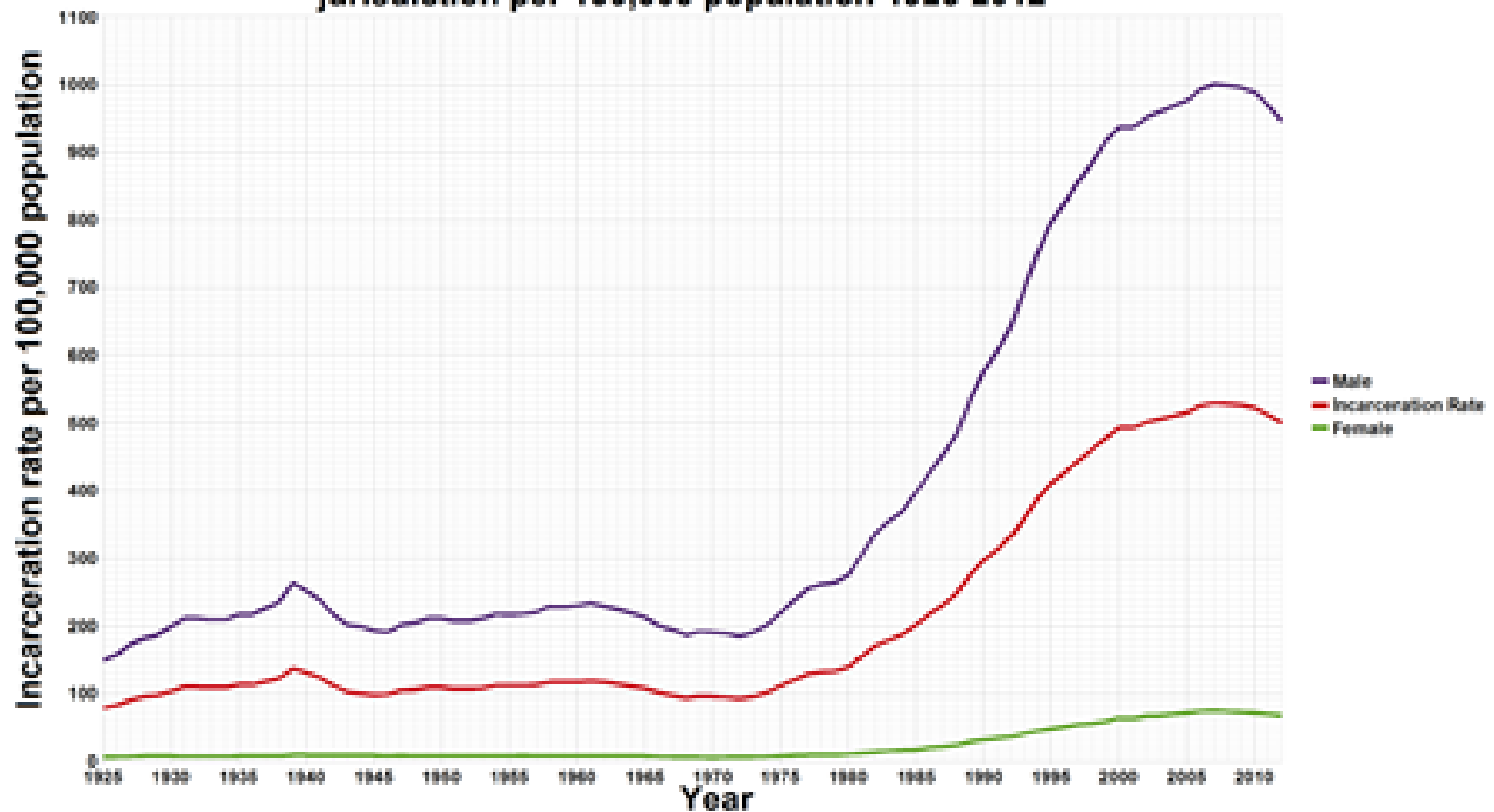


Is incorporating RSJ principles into CJS policy necessary?

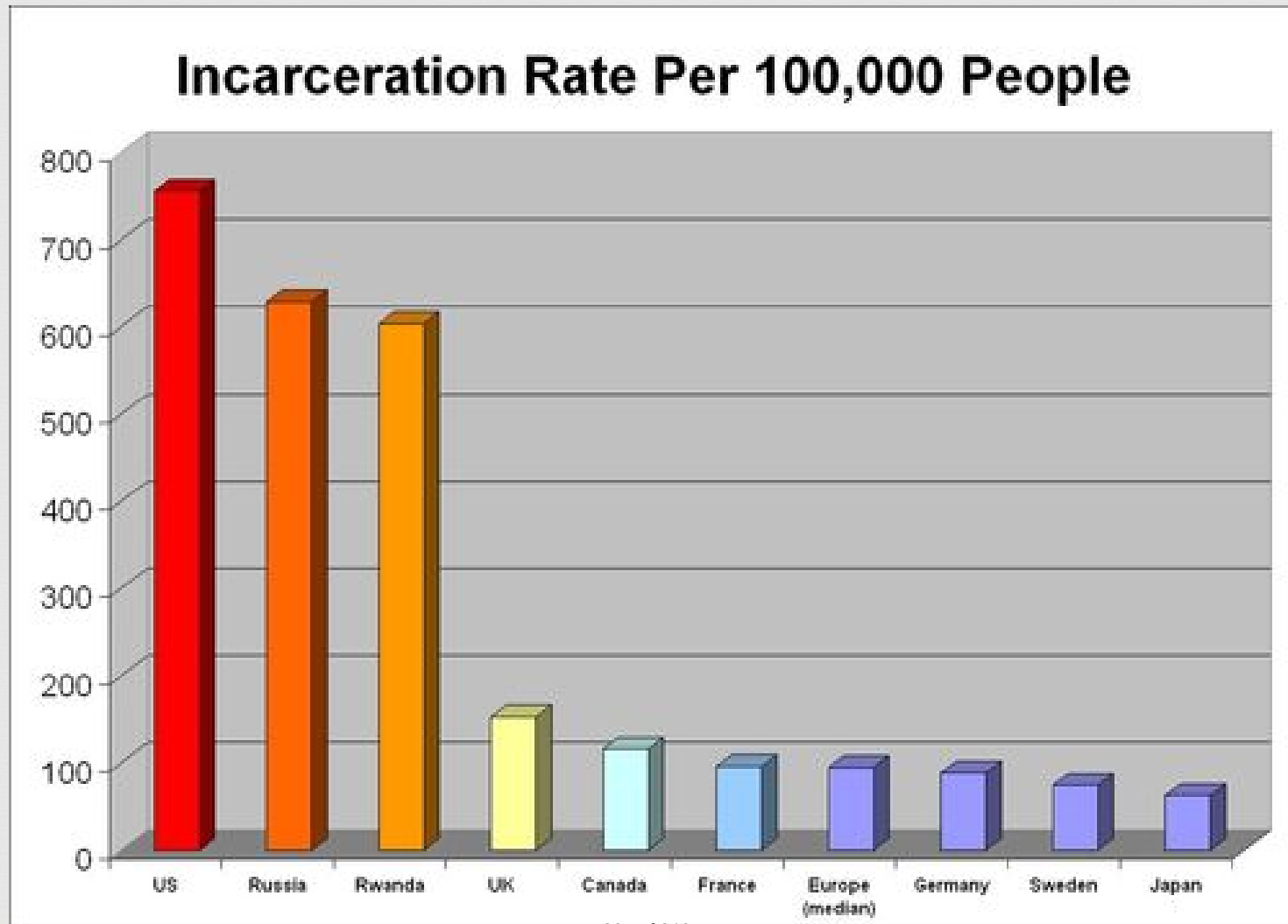
Arrest rate for all offenses in the United States from 1990 to 2012 (arrests per 100,000 people)



Incarceration rate of inmates incarcerated under state and federal jurisdiction per 100,000 population 1925-2012



How do we compare?



Lifetime Likelihood of Imprisonment

All Men



1 in 9

White Men



1 in 17

Black Men



1 in 3

Latino Men



1 in 6

All Women



1 in 56

White Women



1 in 111

Black Women



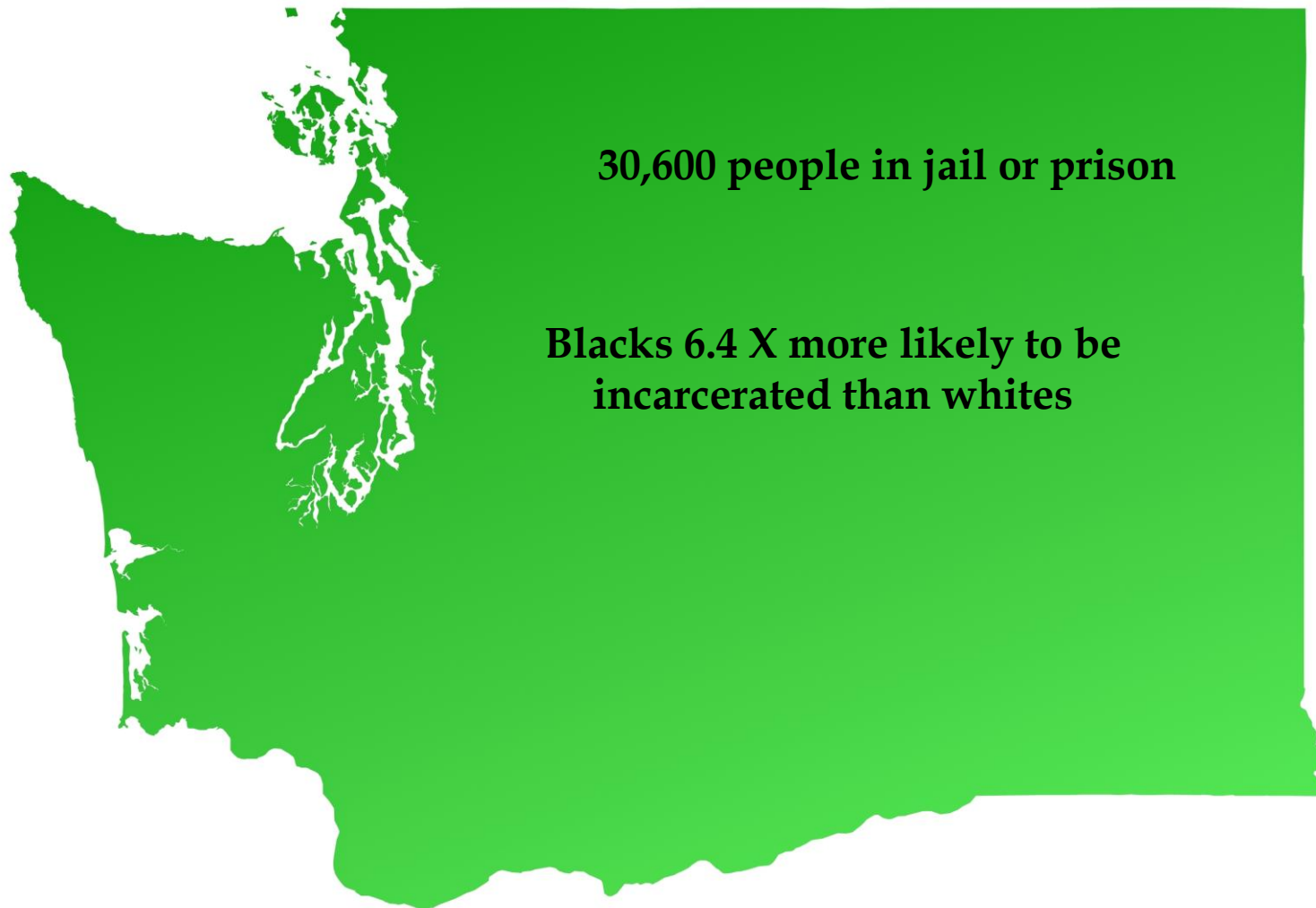
1 in 18

Latina Women



1 in 45

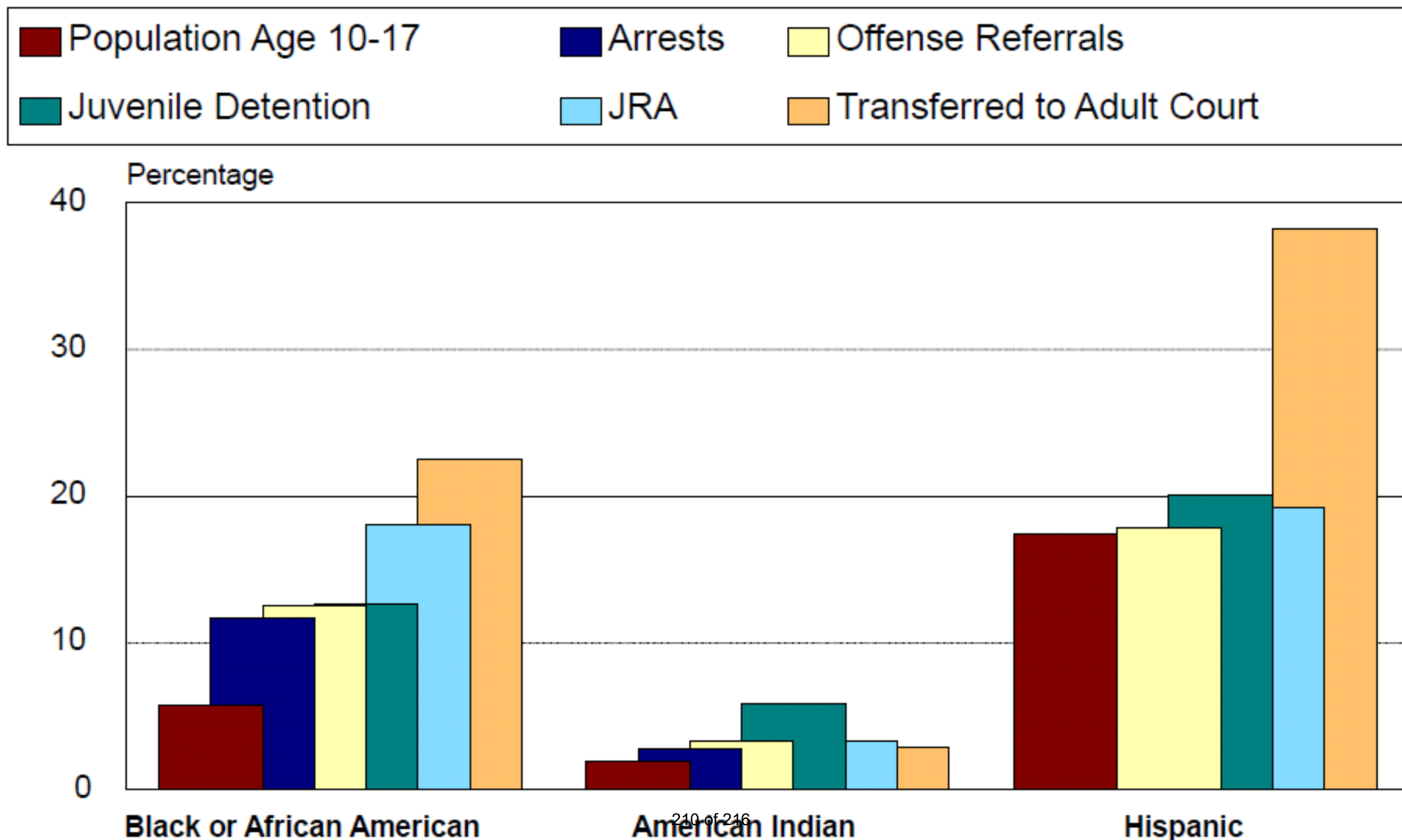
Source: Bonczar, T. (2003). *Prevalence of Imprisonment in the U.S. Population, 1974-2001*. Washington, D.C.: Bureau of Justice Statistics.



Graph 48

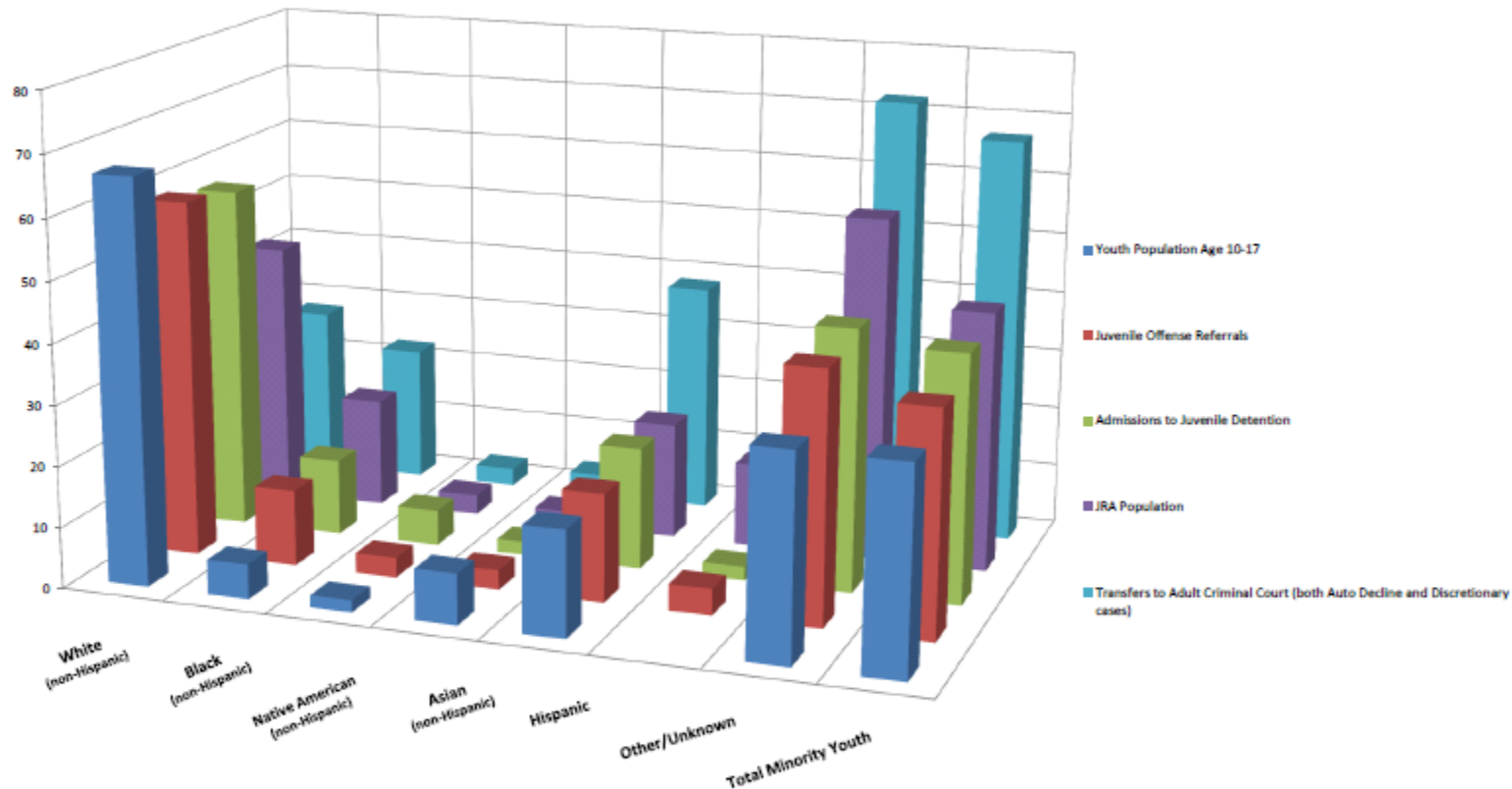
Attachment D

The over-representation of Black, American Indian and Hispanic Youth in WA's Juvenile Justice System in 2011*



2012 Washington State Juvenile Justice Annual Report available at dshs.wa.gov

Percentages by Race/Ethnicity at System Decision Points - 2011*



* The Juvenile Arrest decision point was not included in this table as Hispanic ethnicity is not reported separately (i.e., race categories include youth of Hispanic Origin). Source: Office of Juvenile Justice, DSHS; data from Tables 16, 66, 77, 83, and 91 of 2012 WA-PCJJ Juvenile Justice Report.

Washington's Death Row



Questions



- ❧ Is incorporating RSJ principles into CJS policy necessary
- ❧ Is incorporating RSJ principles into CJS policy possible
- ❧ How do we incorporate RSJ principles into CJS policy
- ❧ Provide relevant examples within the institutions where RSJ principles have been incorporated...

Resources



- ❧ 2012 Washington State Juvenile Justice Annual Report:
DSHS.WA.GOV
- ❧ Task Force on Race and the Criminal Justice System
Report: <http://www.law.seattleu.edu/centers-and-institutes/korematsu-center/race-and-criminal-justice>
- ❧ Racial Equity Toolkit:
http://www.seattle.gov/Documents/Departments/RSJI/RacialEquityToolkit_FINAL_August2012.pdf

Panelist Contact Information



❧ Mercer Island Police Chief Ed Holmes:
ed.holmes@mercergov.org

❧ Seattle City Attorney Peter Holmes:
Peter.Holmes@seattle.gov

❧ Dir. Kimberly D. Ambrose:
kambrose@uw.edu

❧ Prof. Carl Livingston, Jr.:
Carl.Livingston@seattlecolleges.edu

To the Contra Costa County Board of Supervisors:

April 7, 2015

We call on you to take action to address racism in Contra Costa County's law enforcement. We are a coalition of organizations and individuals committed to eliminating racial inequalities in Contra Costa. We are people who live and work here. Despite District Attorney Mark Peterson's claim that "racism is not the reason for disparity in [the] criminal justice system," we know from current research and our own experience that racism is very much a part of the problem. Systemic bias against people of color is a reality we see every day, and we will not stand for more of the same.

Leading law enforcement officials agree that racial bias in the criminal justice system is a problem across the country. Attorney General Eric Holder has acknowledged that "systemic and unwarranted racial disparities remain disturbingly common," and "African-American men have received sentences that are nearly 20 percent longer than those imposed on white males convicted of similar crimes." Consistent with this, the Department of Justice has found that "African Americans experience disparate impact in nearly every aspect of Ferguson's law enforcement system." The same inequalities fester in cities throughout the U.S.

Contra Costa is not immune from the nationwide epidemic. Black men and women are six times more likely than their white counterparts to be in jail in Contra Costa. Despite this, Mr. Peterson claims law enforcement is "colorblind" in our county and claims that the disparity is because "crimes are perpetrated disproportionately by poor people of color." We reject these assertions, and we call for action to ameliorate the inequalities of our system.

To that end, we recommend the following:

1. That all Contra Costa County employees participate in mandatory annual implicit bias training;
2. That this Board perform an audit of arrests and prosecutions in the county and generate a public report with findings on racial disparities;
3. That the Board implement a civilian police review board and civilianization of police complaint intake;
4. That this Board restore parity in compensation between the District Attorney and Public Defender;
5. That this Board implement policies and fund programming to increase proportional representation of people of color in county juries;
6. That this Board adopt a resolution to take all necessary measures to reduce systemic and unwarranted racial disparities in our criminal justice system.

We ask you to hear our voices and to be moved to change the status quo. If Contra Costa is to move closer to justice for people of all colors, we will need to take concrete steps in the right direction. If you are on the side of addressing racism in Contra Costa rather than denying it, then you can only demonstrate this through your actions.

Respectfully,
The Contra Costa County Racial Justice Coalition

-
1. Racism is not the reason for disparity in criminal justice system by *Mark Peterson, 2015 Bay Area News Group*
 2. "ALL LIVES MATTER" by *District Attorney Mark Peterson, press release, December 23, 2014*
 3. *General Eric Holder at the Morgan State University commencement ceremony in Baltimore, May 17, 2014.*
 4. Investigation of the Ferguson Police Department, by *The Department of Justice, March 4, 2015*
 5. Bureau of Justice Statistics Annual Survey of Jails, 2013
 6. U.S. Census Bureau, 2013