



PUBLIC PROTECTION COMMITTEE

December 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 November 9, 2015 meeting. **(Page 4)**
4. RECEIVE update on proposed next steps to implement a Disproportionate Minority Contact effort within the County. (Timothy Ewell, Committee Staff) **(Page 8)**
5. CONSIDER initiating discussion and providing feedback to staff on a potential County Sales Tax to be proposed on a future ballot. (Timothy Ewell, Committee Staff) **(Page 236)**
6. The next meeting is currently scheduled for *to be determined*.
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

Glossary of Acronyms, Abbreviations, and other Terms (in alphabetical order):

Contra Costa County has a policy of making limited use of acronyms, abbreviations, and industry-specific language in its Board of Supervisors meetings and written materials. Following is a list of commonly used language that may appear in oral presentations and written materials associated with Board meetings:

AB	Assembly Bill	HIPAA	Health Insurance Portability and Accountability Act
ABAG	Association of Bay Area Governments	HIV	Human Immunodeficiency Syndrome
ACA	Assembly Constitutional Amendment	HOV	High Occupancy Vehicle
ADA	Americans with Disabilities Act of 1990	HR	Human Resources
AFSCME	American Federation of State County and Municipal Employees	HUD	United States Department of Housing and Urban Development
AICP	American Institute of Certified Planners	Inc.	Incorporated
AIDS	Acquired Immunodeficiency Syndrome	IOC	Internal Operations Committee
ALUC	Airport Land Use Commission	ISO	Industrial Safety Ordinance
AOD	Alcohol and Other Drugs	JPA	Joint (exercise of) Powers Authority or Agreement
BAAQMD	Bay Area Air Quality Management District	Lamorinda	Lafayette-Moraga-Orinda Area
BART	Bay Area Rapid Transit District	LAFCo	Local Agency Formation Commission
BCDC	Bay Conservation & Development Commission	LLC	Limited Liability Company
BGO	Better Government Ordinance	LLP	Limited Liability Partnership
BOS	Board of Supervisors	Local 1	Public Employees Union Local 1
CALTRANS	California Department of Transportation	LVN	Licensed Vocational Nurse
CalWIN	California Works Information Network	MAC	Municipal Advisory Council
CalWORKS	California Work Opportunity and Responsibility to Kids	MBE	Minority Business Enterprise
CAER	Community Awareness Emergency Response	M.D.	Medical Doctor
CAO	County Administrative Officer or Office	M.F.T.	Marriage and Family Therapist
CCCFPD	(ConFire) Contra Costa County Fire Protection District	MIS	Management Information System
CCHP	Contra Costa Health Plan	MOE	Maintenance of Effort
CCTA	Contra Costa Transportation Authority	MOU	Memorandum of Understanding
CDBG	Community Development Block Grant	MTC	Metropolitan Transportation Commission
CEQA	California Environmental Quality Act	NACo	National Association of Counties
CIO	Chief Information Officer	OB-GYN	Obstetrics and Gynecology
COLA	Cost of living adjustment	O.D.	Doctor of Optometry
ConFire	(CCCFPD) Contra Costa County Fire Protection District	OES-EOC	Office of Emergency Services-Emergency Operations Center
CPA	Certified Public Accountant	OSHA	Occupational Safety and Health Administration
CPI	Consumer Price Index	Psy.D.	Doctor of Psychology
CSA	County Service Area	RDA	Redevelopment Agency
CSAC	California State Association of Counties	RFI	Request For Information
CTC	California Transportation Commission	RFP	Request For Proposal
dba	doing business as	RFQ	Request For Qualifications
EBMUD	East Bay Municipal Utility District	RN	Registered Nurse
ECCFPD	East Contra Costa Fire Protection District	SB	Senate Bill
ECCRPC	East Contra Costa Regional Planning Commission	SBE	Small Business Enterprise
EIR	Environmental Impact Report	SRVRPC	San Ramon Valley Regional Planning Commission
EIS	Environmental Impact Statement	SWAT	Southwest Area Transportation Committee
EMCC	Emergency Medical Care Committee	TRANSPAC	Transportation Partnership & Cooperation (Central)
EMS	Emergency Medical Services	TRANSPLAN	Transportation Planning Committee (East County)
EPSDT	State Early Periodic Screening, Diagnosis and Treatment Program (Mental Health)	TRE or TTE	Trustee
et al.	et alii (and others)	TWIC	Transportation, Water and Infrastructure Committee
FAA	Federal Aviation Administration	VA	Department of Veterans Affairs
FEMA	Federal Emergency Management Agency	vs.	versus (against)
F&HS	Family and Human Services Committee	WAN	Wide Area Network
First 5	First Five Children and Families Commission (Proposition 10)	WBE	Women Business Enterprise
FTE	Full Time Equivalent	WCCTAC	West Contra Costa Transportation Advisory Committee
FY	Fiscal Year		
GHAD	Geologic Hazard Abatement District		
GIS	Geographic Information System		
HCD	(State Dept of) Housing & Community Development		
HHS	Department of Health and Human Services		



Contra Costa County Board of Supervisors

Subcommittee Report

PUBLIC PROTECTION COMMITTEE

3.

Meeting Date: 12/14/2015

Subject: RECORD OF ACTION - November 9, 2015

Submitted For: PUBLIC PROTECTION COMMITTEE,

Department: County Administrator

Referral No.: N/A

Referral Name: RECORD OF ACTION - November 9, 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 November 9, 2015 meeting.

Recommendation(s)/Next Step(s):

APPROVE Record of Action from the November 9, 2015 meeting.

Fiscal Impact (if any):

No fiscal impact. This item is informational only.

Attachments

November 2015 - Record of Action



Agenda

PUBLIC PROTECTION COMMITTEE

November 9, 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
Federal D. Glover, Vice Chair
Staff Present: Timothy M. Ewell, Committee Staff

1. Introductions

Convene - 1:09 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 September 14, 2015 meeting.

Approved as presented.

Chair John Gioia, Vice Chair Federal D. Glover

AYE: Chair John Gioia, Vice Chair Federal D. Glover

Passed

4. ACCEPT a report on the status of the Community Warning System, including the Telephone Electronic Notification System (TENS).

Approved as presented with the following direction to staff:

1. Provide future updates on efforts to engage Spanish speaking radio stations to broadcast messages from OES and encouraging residents to register for TENS system notifications.

2. Review census tracts across the County that have predominately Spanish speaking residents and target outreach to those communities

Vice Chair Federal D. Glover, Chair John Gioia

AYE: Chair John Gioia, Vice Chair Federal D. Glover

Passed

5. RECOMMEND nominees for appointment to seats on the CY2016 Community Corrections Partnership & Executive Committee (see attachments).

Approved as presented with the following direction to staff:

1. For the Community Corrections Partnership, reappoint all incumbents to a new term with the exception of the Chief of Police seat. The PPC recommended that the Antioch Police Chief be appointed to that seat for CY 2016.

2. For the Community Corrections Partnership-Executive Committee, reappoint all incumbents to a new term with the exception of the Chief of Police seat as described above.

Chair John Gioia, Vice Chair Federal D. Glover

AYE: Chair John Gioia, Vice Chair Federal D. Glover

Passed

6.
 1. ACCEPT report comparing findings from current trends on race in the Contra Costa County criminal justice system with findings from a previous report issued in 2008 regarding Disproportionate Minority Contact; and
 2. PROVIDE direction to staff on next steps.

Approved as accepted with the following direction to staff:

1. The County Probation Officer, District Attorney and Public Defender should meet to discuss how to best to move forward with reevaluating Disproportionate Minority Contact (DMC) in the County.

2. Return to the Committee in December 2015 with ideas on how best to move forward.

Vice Chair Federal D. Glover, Chair John Gioia

AYE: Chair John Gioia, Vice Chair Federal D. Glover

Passed

7. The next meeting is currently scheduled for Monday, December 14, 2015 at 1:00 PM.

8. Adjourn

Adjourned - 2:24 PM

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Contra Costa County Board of Supervisors

Subcommittee Report

PUBLIC PROTECTION COMMITTEE

4.

Meeting Date: 12/14/2015
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.

On September 14, 2015, the Committee received a comprehensive report from staff on current data related to race in the Contra Costa County criminal justice system, information regarding the County's Workplace Diversity Training and information regarding diversity and implicit bias trainings and presentations from across the country. Information from the September report has been included in today's packet to support the discussion, including:

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.

At the November 9, 2015 meeting, the Committee received a brief presentation reintroducing the referral to the Committee and providing an update on how the DMC report compares with the statistical data presented at the September meeting. Following discussion, the Committee directed staff to return in December 2015 following discussions between the County Probation Officer, District Attorney and Public Defender with thoughts about how to approach a new DMC initiative in the County.

Referral Update:

The County Probation Officer, District Attorney and Public Defender will be meeting to discuss this issue after the agenda publishing deadline, but will be present at the PPC to discuss the outcome of their meeting.

Recommendation(s)/Next Step(s):

1. RECEIVE update on proposed next steps to implement a Disproportionate Minority Contact (DMC) effort within the County.
2. PROVIDE direction to staff on next steps.

Fiscal Impact (if any):

No fiscal impact.

Attachments

November 2015 - PowerPoint Presentation

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

BSCC Press Release: 2016 Implicit Bias Grant, September 17, 2015

Report: Disproportionate Minority Contact- Reducing Disparity in Contra Costa County, December 2008

CONTRA COSTA COUNTY



PUBLIC PROTECTION COMMITTEE

Disproportionate Minority Contact
(DMC)/Implicit Bias Training
Staff Report



History

- ▶ April 7, 2015 – The Board of Supervisors received a letter from the Contra Costa County Racial Justice Coalition
- ▶ April 21, 2015 – The Board of Supervisors referred the letter to the Public Protection Committee
- ▶ July 2015 – The Public Protection Committee introduced the issue for discussion



Direction To Date

- ▶ In July, the PPC focused future discussion on two topics
 - Research of racial trends within the local criminal justice system
 - County training on implicit bias
- ▶ In September, the PPC requested staff to return at a future meeting with...
 - Information about a previous County effort to address DMC in the juvenile justice system
 - Coordinate with the Risk Manager about the feasibility of integrating Implicit Bias concepts into employee training

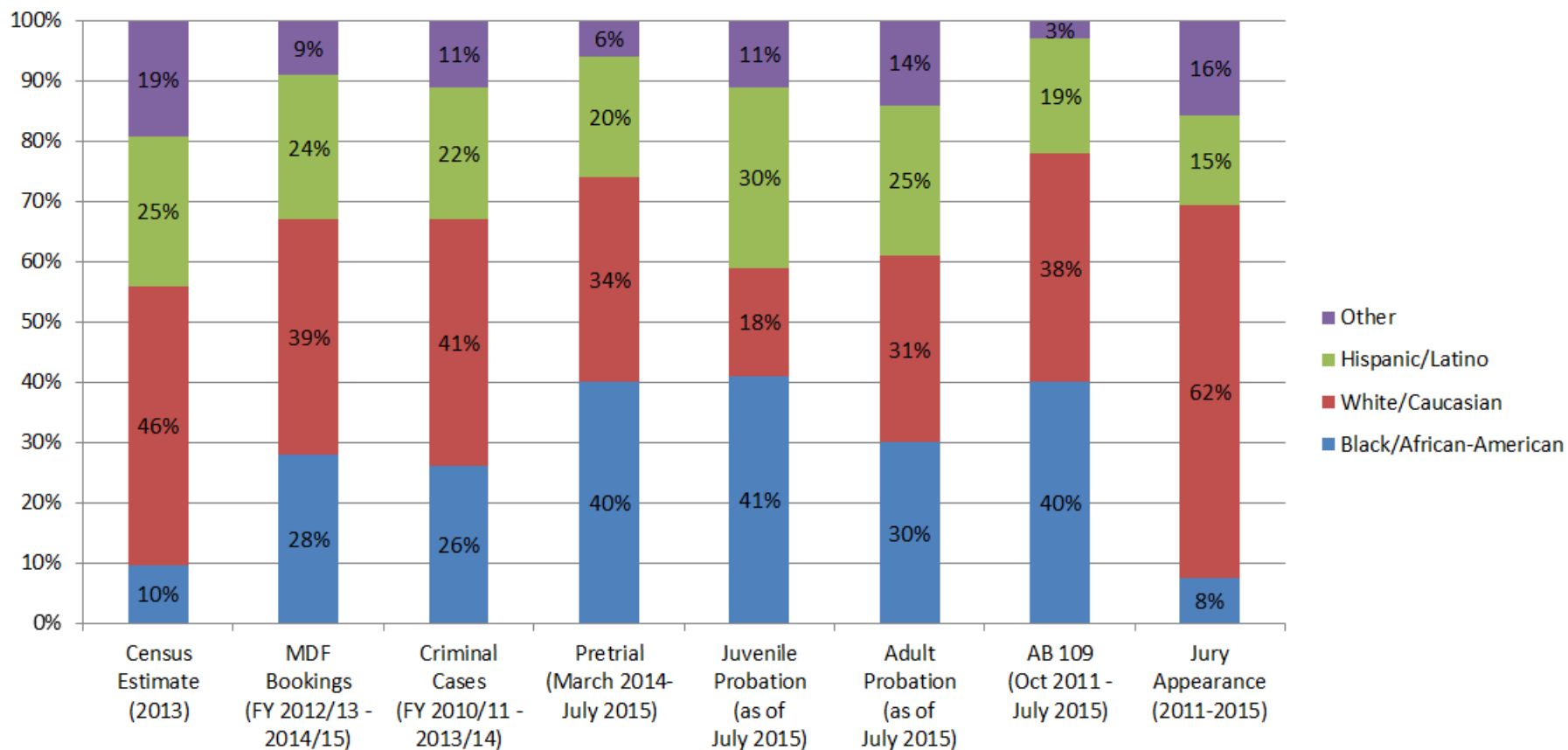


Key Findings

- ▶ Disproportionate Minority Contact does exist in the local criminal justice system, but...
 - Jurisdictions across the country are dealing with the same issues
 - Several socio-economic factors contribute to this disparity
- ▶ Most Public Safety Classifications in the County do receive Implicit Bias training
 - Current County training does not include an implicit bias component
 - The vast majority of law enforcement classifications in the County do receive Implicit Bias training mandated by the State
 - Some departments offer a department level training on Implicit Bias (e.g. District Attorney partners with the Goldman School)



Current Data



Sources: U.S. Census, Probation Department, Contra Costa Superior Court



2008 DMC Report Data

- Identifies juvenile DMC trends in selected communities within the County in 2006, including:
 - Richmond area (West County)
 - Monument Corridor (Central County)
 - Bay Point (East County)
- Makes short and long term recommendations for addressing DMC issues identified.



DMC

Workgroup Composition

Ms. Bianca Bloom, Contra Costa County Office of Education

Chief Lionel Chatman, Probation Department

Mr. David Coleman, Public Defender

Ms. Valerie Early, Employment and Human Services Department

Mr. John Gioia, Board of Supervisors

Mr. Federal Glover, Board of Supervisors

Hon. Lois Haight, Presiding Juvenile Court Judge

Mr. Robert Kochly, District Attorney, Chairperson of Decision Makers Workgroup

Chief David Livingston, Concord Police Department

Chief Chris Magnus, Richmond Police Department

Dr. William Walker, Contra Costa Health Services

Mr. Timothy Ewell, County Administrator's Office



DMC Trends – Richmond (2005)

Race/Ethnicity	Arrests	Referrals to Probation
African American	2.8	2.6
Latino	1.0	1.1
White	1.0	1.0
Asian	0.2	0.3
Pacific Islander	--	--
American Indian	--	--
Unknown/Other	1.1	0.6

Source: Morris M.S., Monique. Disproportionate Minority Contact: Reducing Disparity in Contra Costa County. 2008.



DMC Trends – Monument (2005)

Race/Ethnicity	Arrests	Referrals to Probation
African American	3.8	5.2
Latino	1.1	2.0
White	1.0	1.0
Asian	0.2	0.1
Pacific Islander	1.4	0.0
American Indian	0.0	0.0
Unknown/Other	1.3	0.2

Source: Morris M.S., Monique. Disproportionate Minority Contact: Reducing Disparity in Contra Costa County. 2008.



DMC Trends – Bay Point (2005)

Race/Ethnicity	Arrests	Referrals to Probation
African American	5.7	2.7
Latino	1.7	1.2
White	1.0	1.0
Asian	0	0.1
Pacific Islander	0	3.8
American Indian	0	0
Unknown/Other	2.5	0.3

Source: Morris M.S., Monique. Disproportionate Minority Contact: Reducing Disparity in Contra Costa County. 2008.



Observations

- Two data sets reporting different information with similar findings
- DMC Report is neutral on causation and focused on facts and what local justice system could do to address once a juvenile enters the system
- DMC Report provides a work-plan that could be re-considered by key stakeholders



Considerations

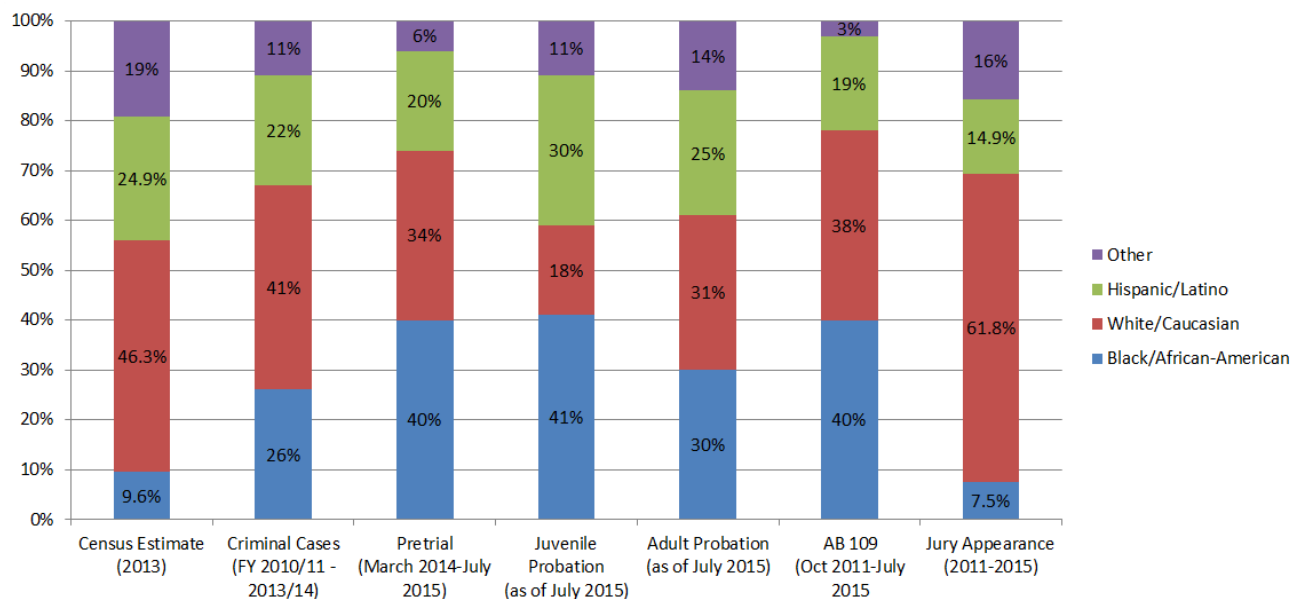
- Reestablish the DMC workgroup?
 - Determine Composition
 - Community Stakeholder representation
 - Determine current need, target areas
- Identify current resources and efforts underway to address DMC issues
 - Landscape has changed since 2008



Questions / Discussion

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).

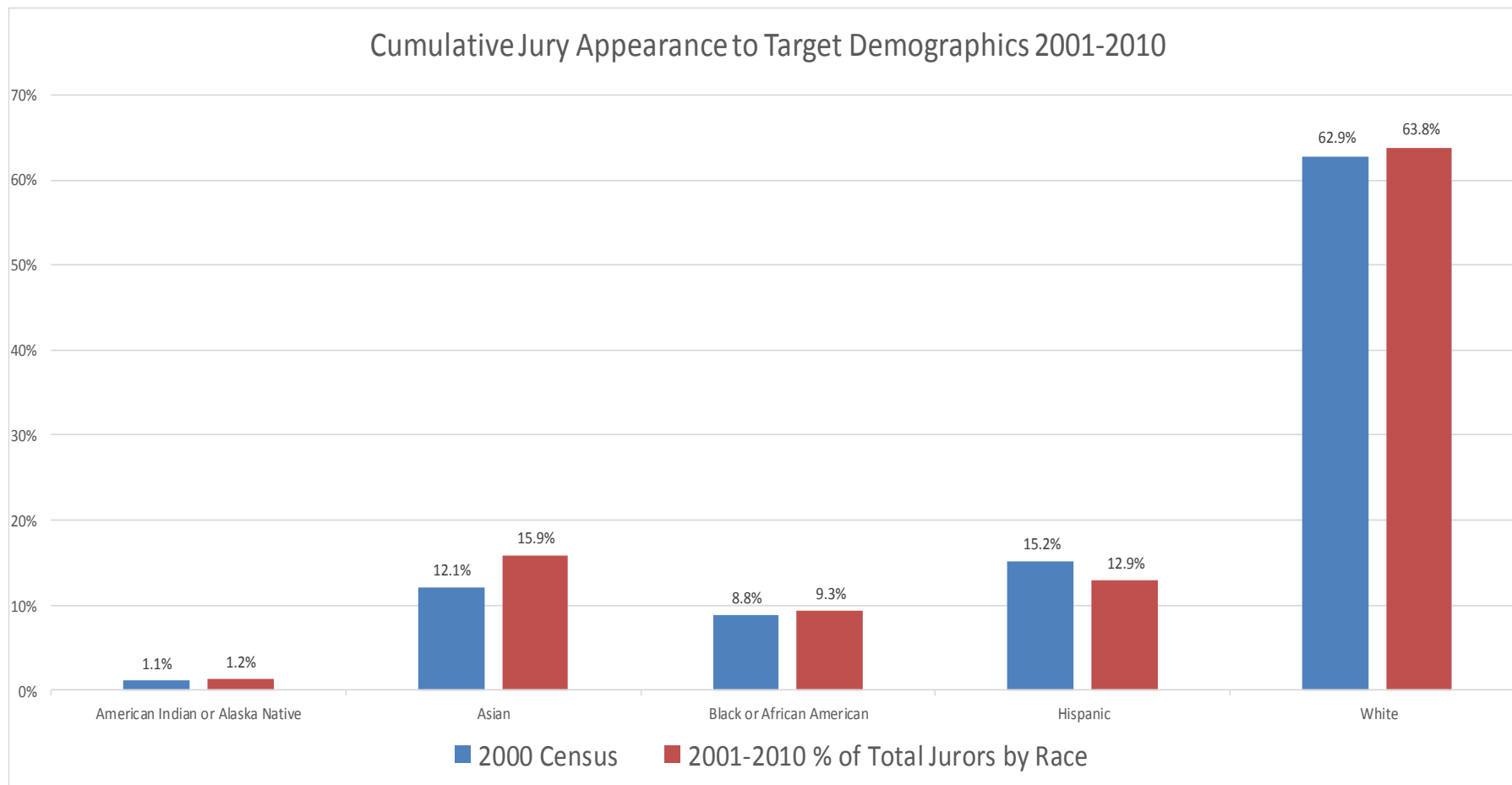
Time Frame: October 2011-July 2015

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	

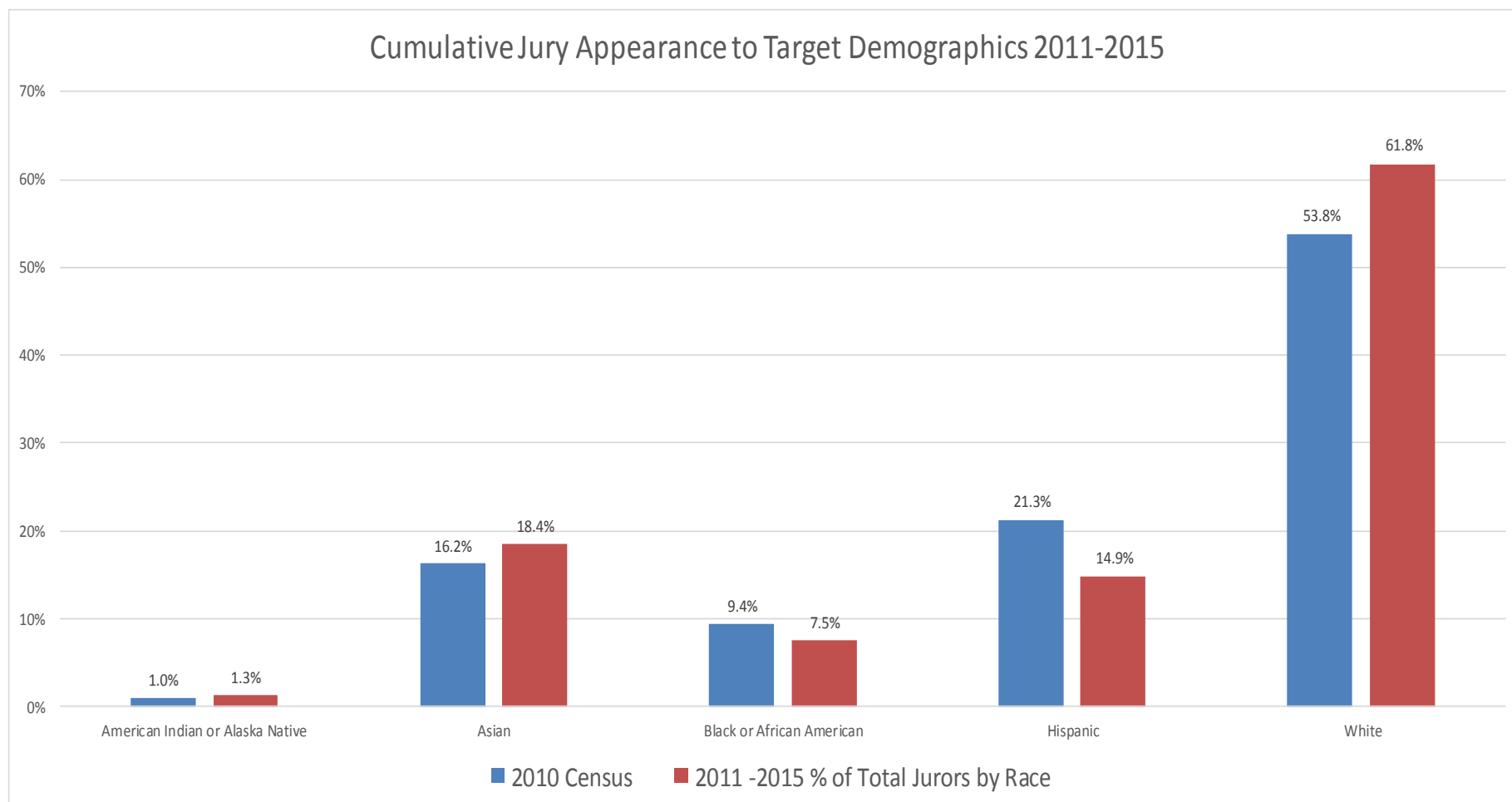
Probation Department Employees

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



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

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

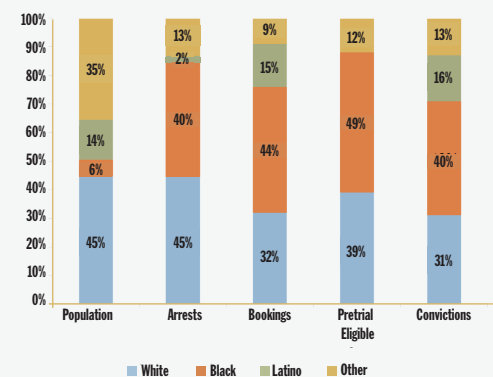
- In 2013, there were a disproportionate number of Black adults represented at every stage of the criminal justice process. While Black adults represent only 6% of the adult population, they represent 40% of people arrested, 44% of people booked in County Jail, and 40% of people convicted.
- When looking 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

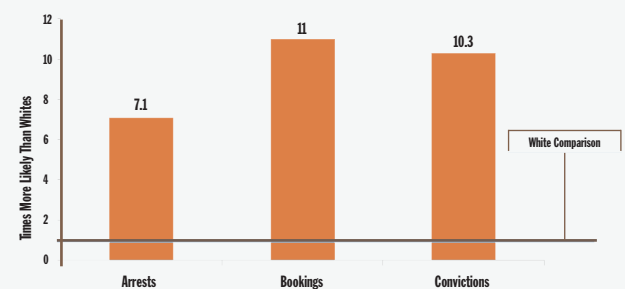
- Data required to answer several key questions regarding racial and ethnic disparities were unavailable. As stakeholders move forward to more fully understand the disparities highlighted in the report, they will need to build capacity for a more comprehensive and system-wide approach to reporting data 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." Page 34 of 294 Available: <http://www.ojjdp.gov/ojstatbb/ezapop/>

2013 DATA: SAN FRANCISCO

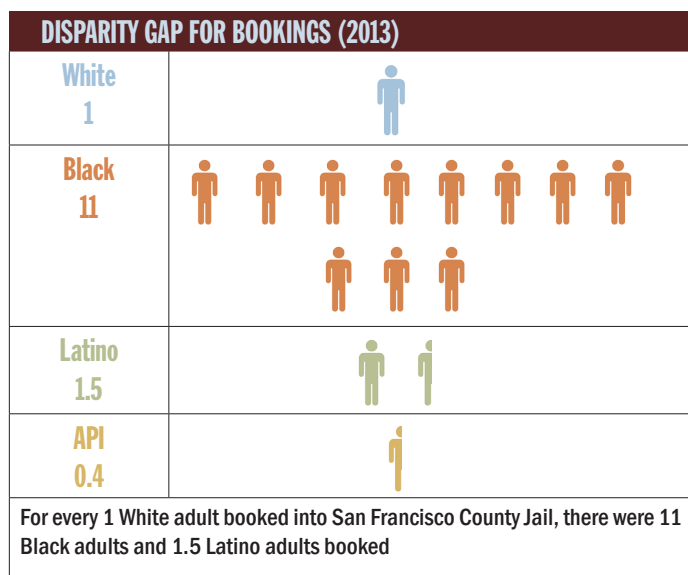
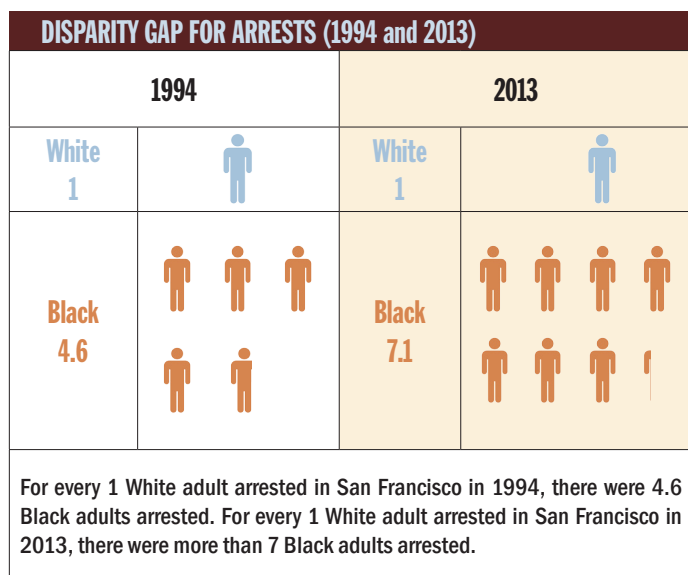


2013: DISPARITY GAP FOR BLACK ADULTS AT KEY DECISION POINTS



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.



THE W. HAYWOOD

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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

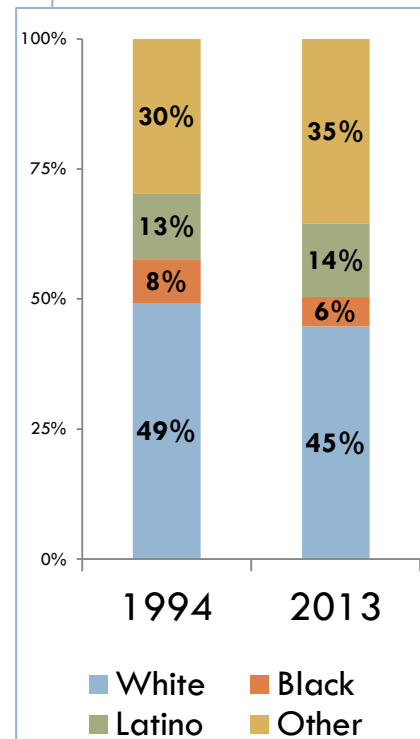
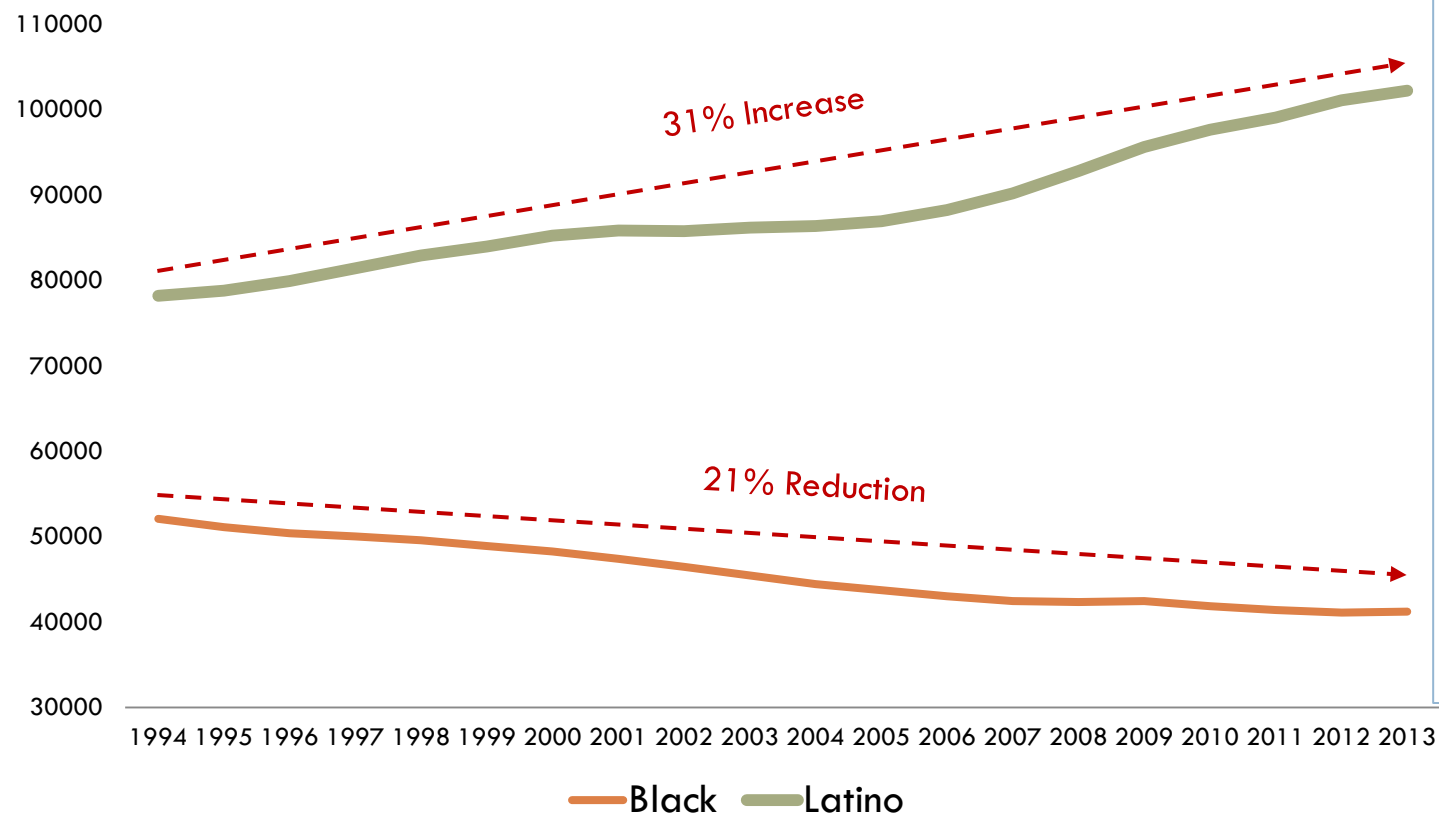
- ▣ Monitor Effectiveness of Change
- ▣ Document changes in disparities

Ongoing process

San Francisco Demographics are Changing

4

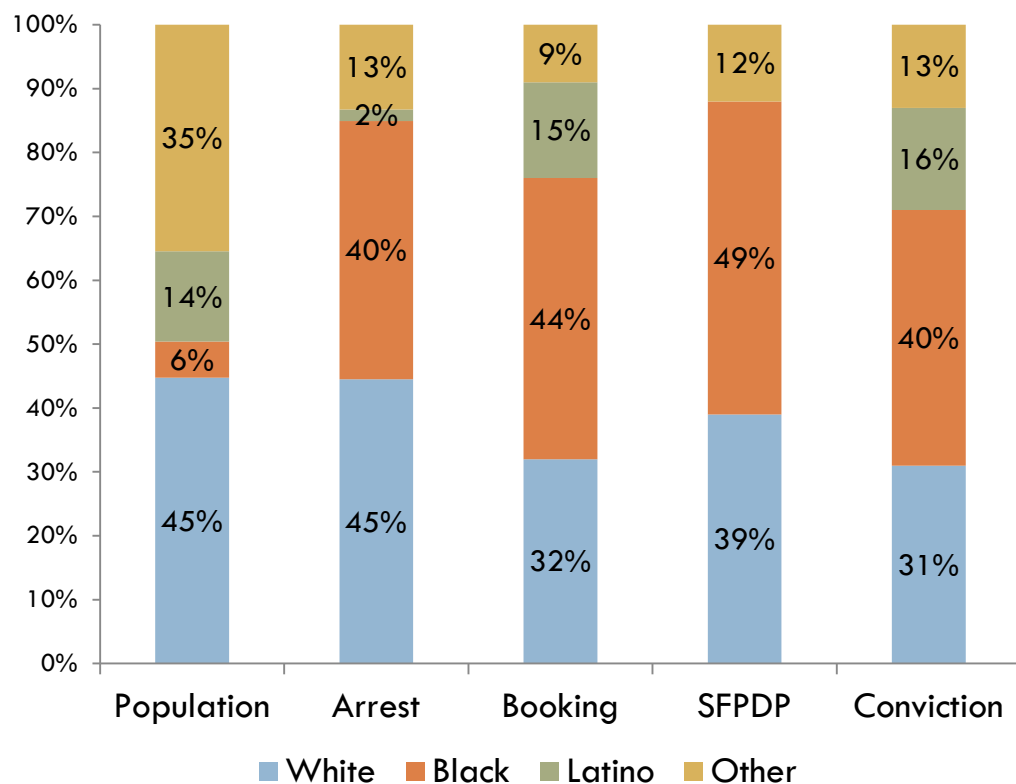
San Francisco Adult Population: Changing Demographics



Overrepresentation of People of Color in San Francisco Criminal Justice System

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.

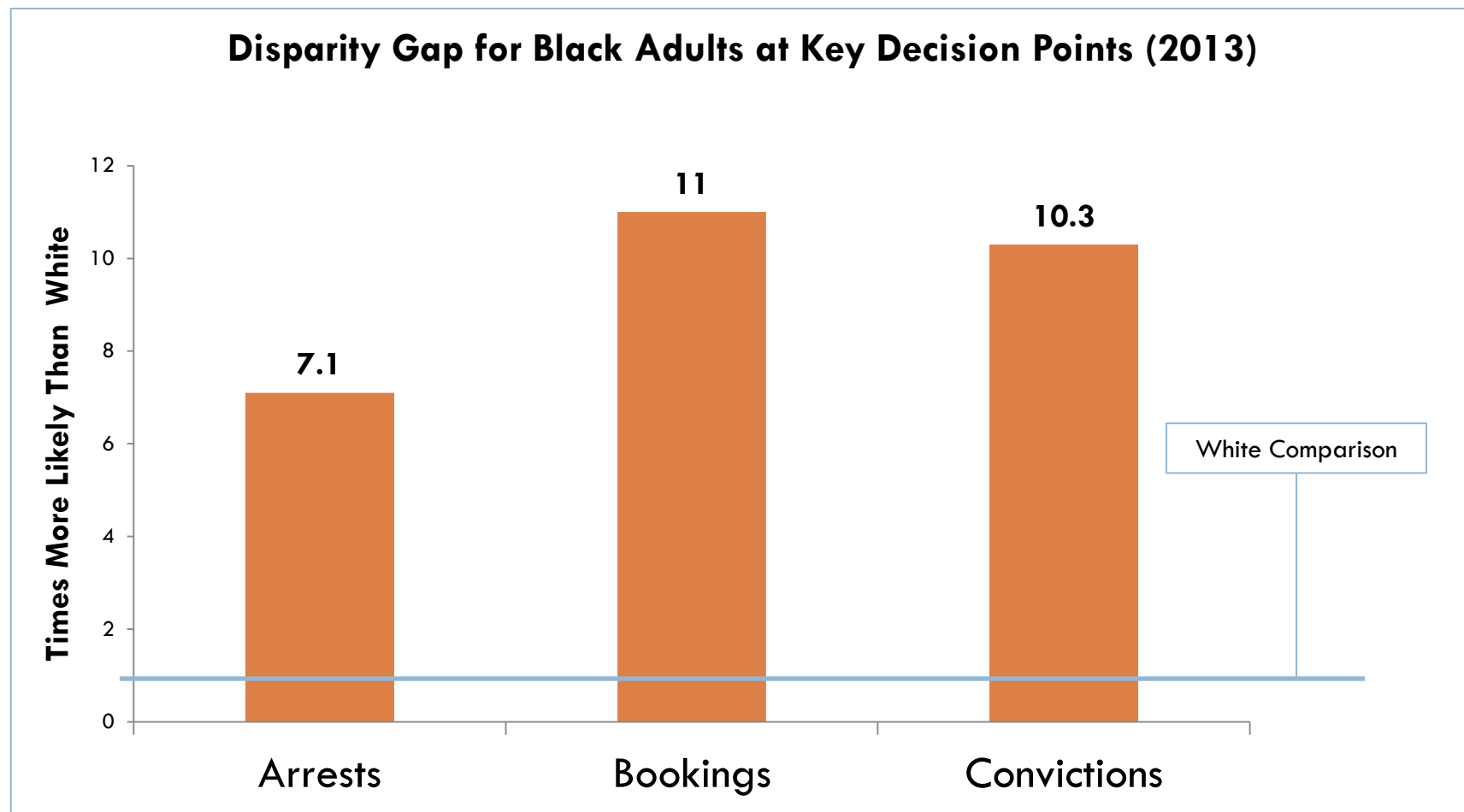
Population Source: Puzzanchera, C., Sladky, A. and Kang, W. (2014). "Easy Access to Juvenile Populations: 1990-2013." Online.

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



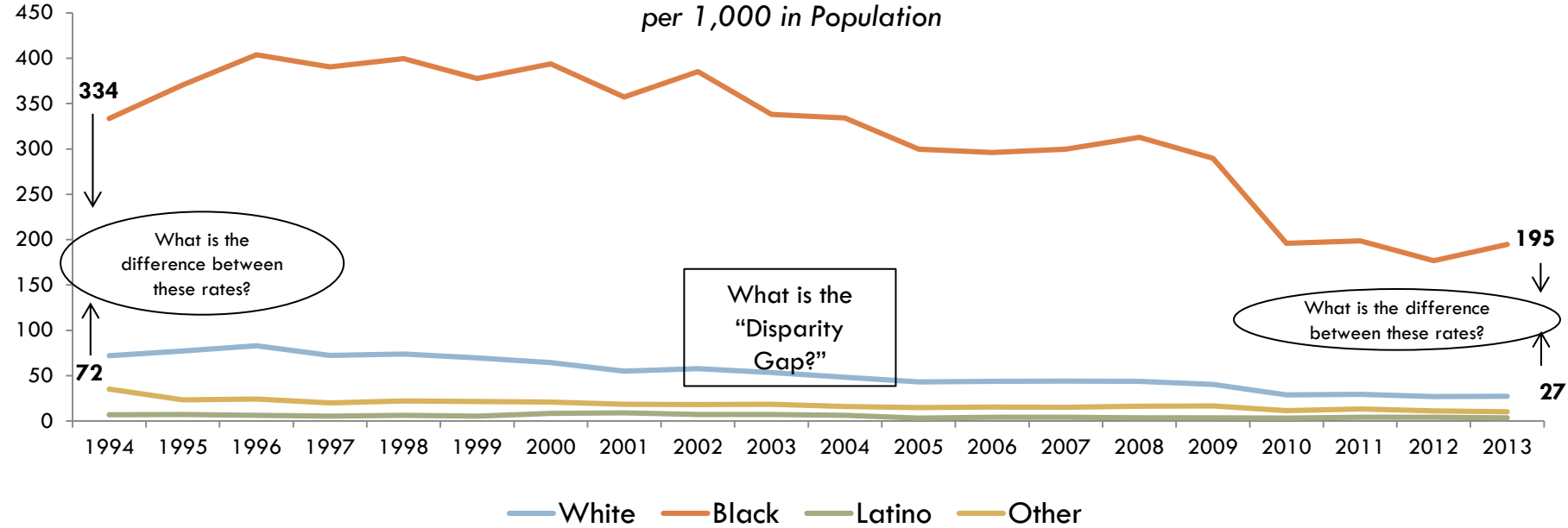
7

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)

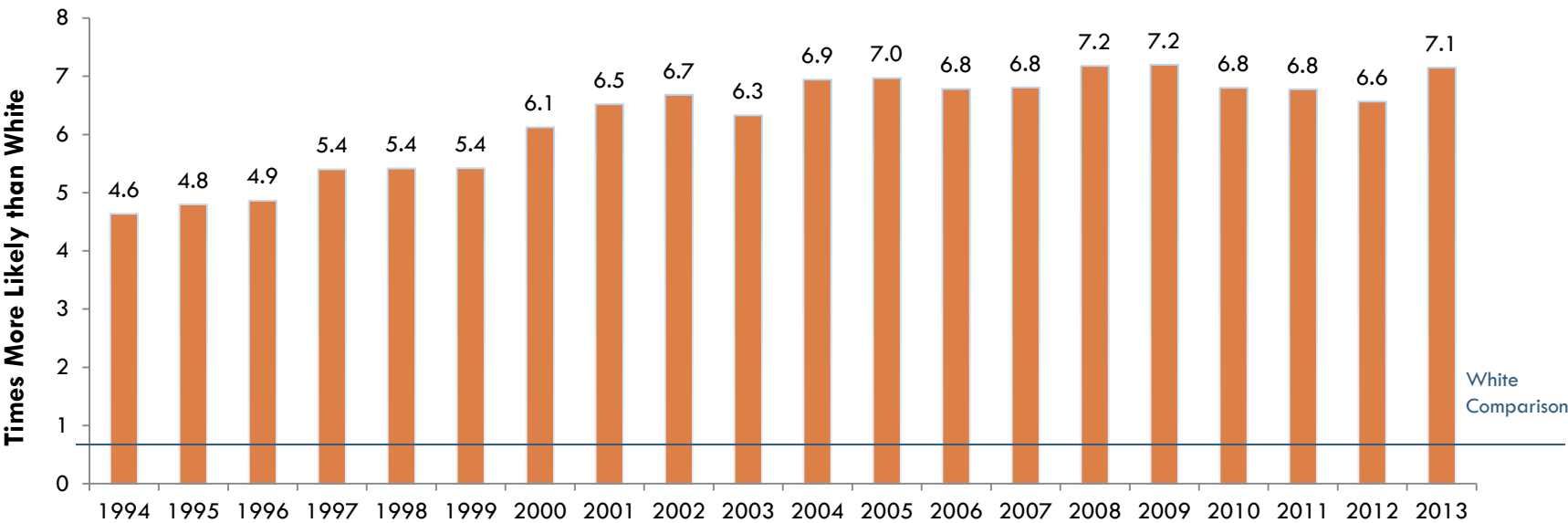
Note: These data do not include cite and release interactions with police.

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 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.

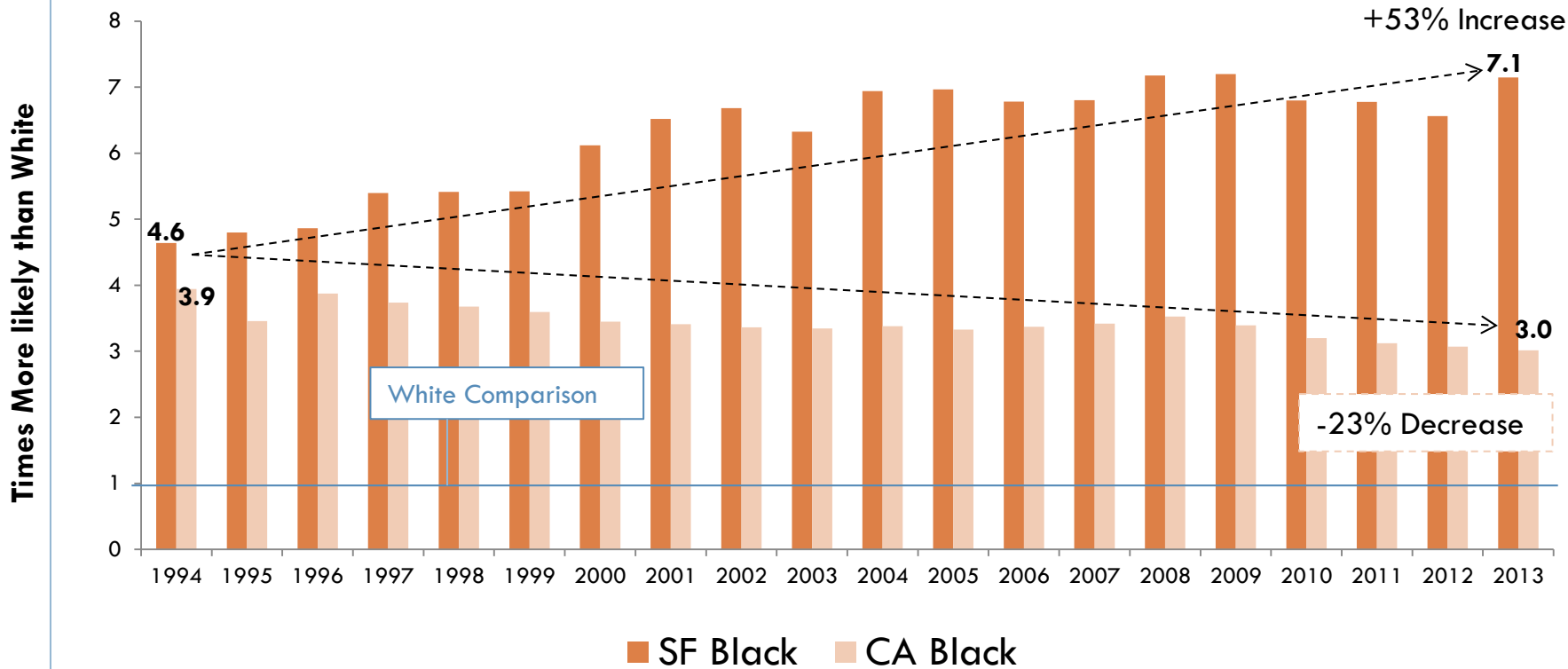
Note: when population data disregard ethnicity, the vast majority of Hispanic/Latino people are incorrectly identified as White. This results in an *inflated* rate of system involvement for White adults; and subsequently an *underestimation* of the disparity gaps between White/Black adults & White/Latino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



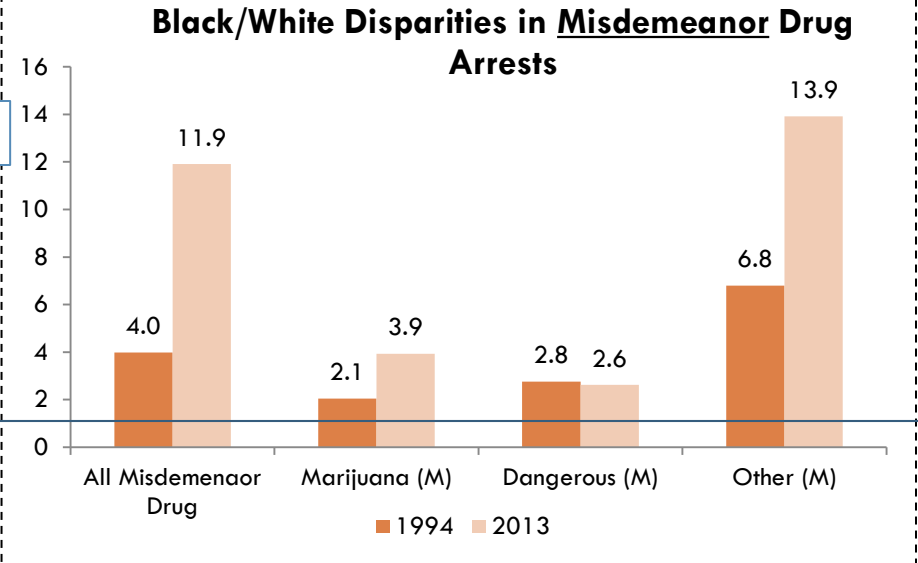
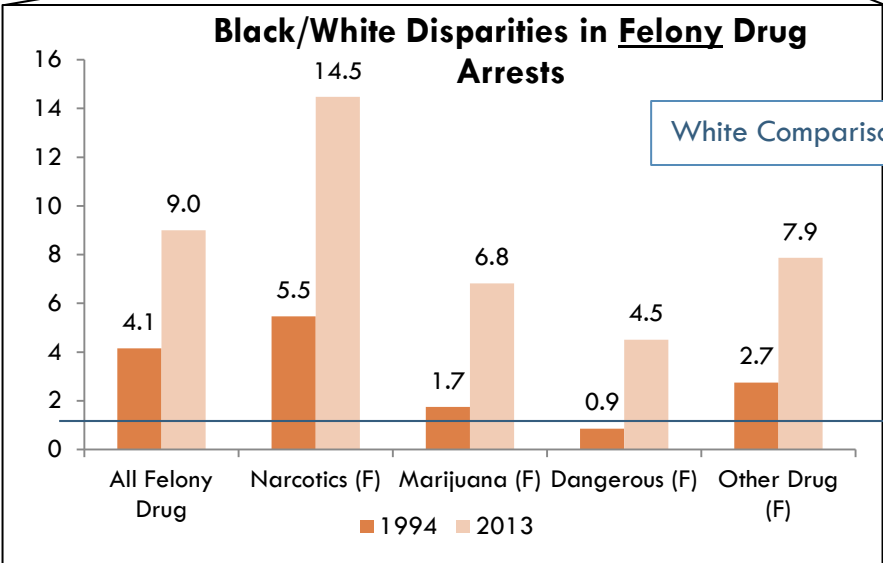
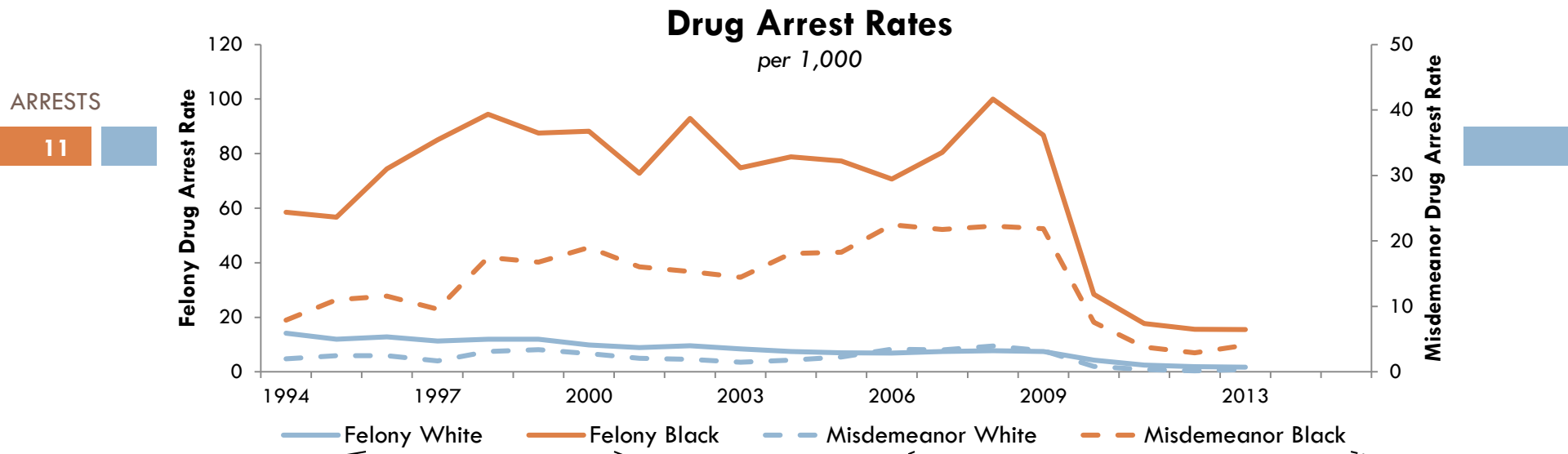
- Disparities in the rate of arrest between Black and White adults in San Francisco are greater than disparities in the State.
- **Disparities in the State are decreasing slightly while disparities in San Francisco continue to increase**

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

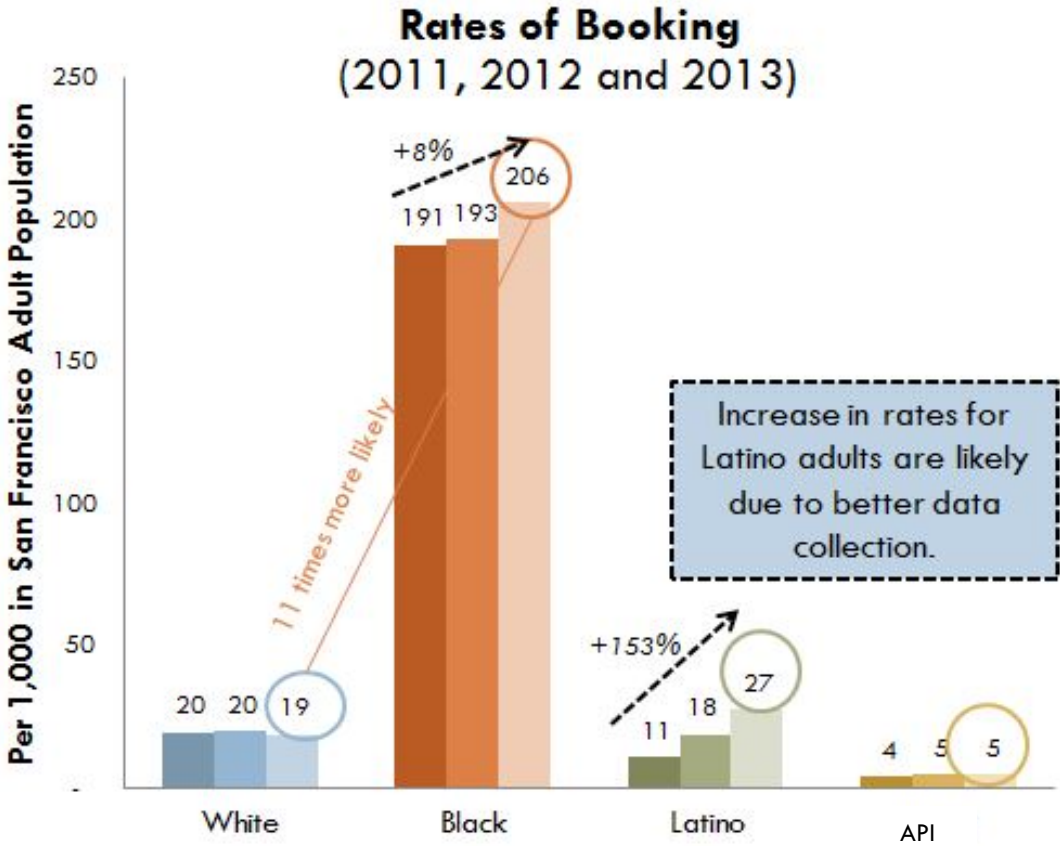
- Source: CMS
 - race/ethnicity pulled from JMS
- Full Time Frame: 1/1/11-6/30/14
 - Started with 155,060 cases
 - After we cleaned up the data, there were 63,318 bookings with data on race and ethnicity
- In 2013 (latest year):
 - 19,273 cases with data on race and ethnicity


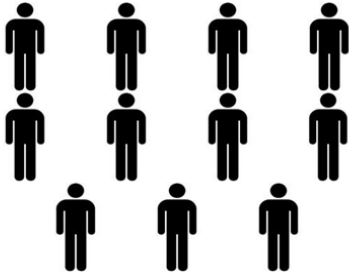


1/1/11-6/30/14	#
White	21,758
Black	28,125
Latino	7,010
API	4,058
Nat. Am.	246
Other	2,121
Total	63,318

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.

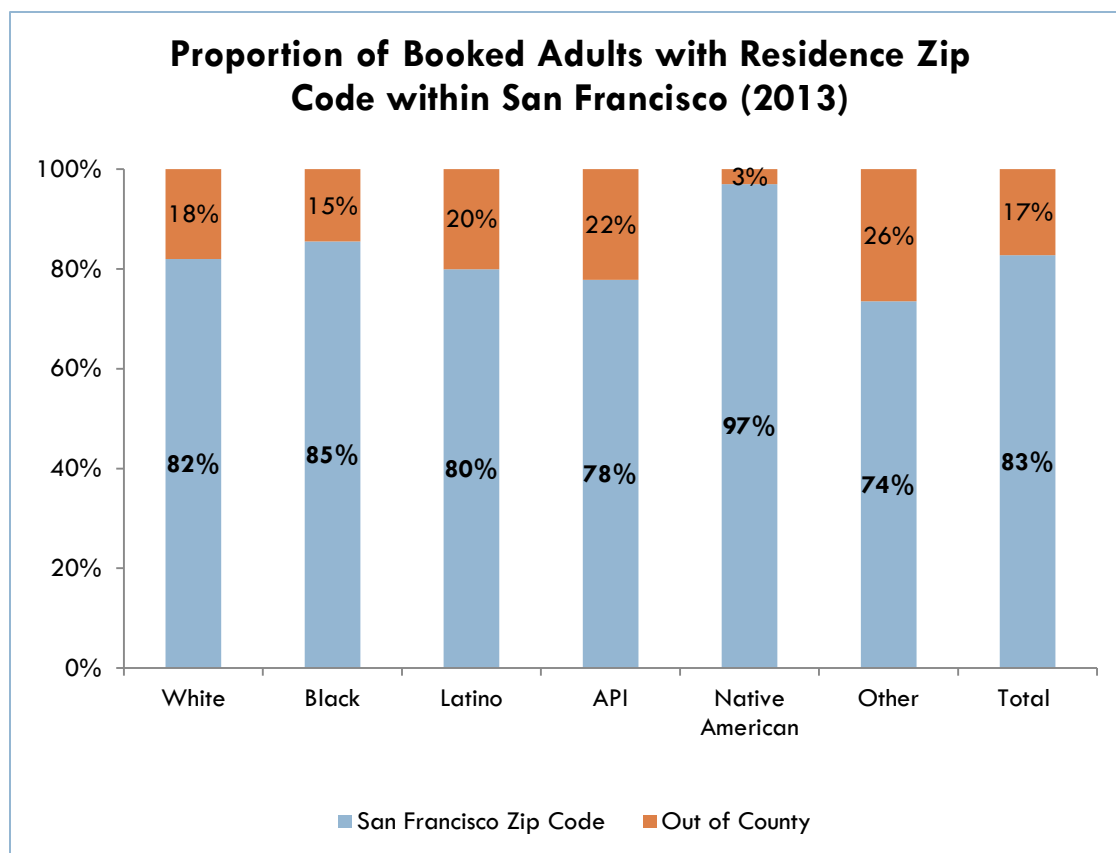
Note: when population data disregard ethnicity, the vast majority of Hispanic/Latino people are incorrectly identified as White. This results in an inflated rate of system involvement for White adults; and subsequently an underestimation of the disparity gaps between White/Black adults & White/Latino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

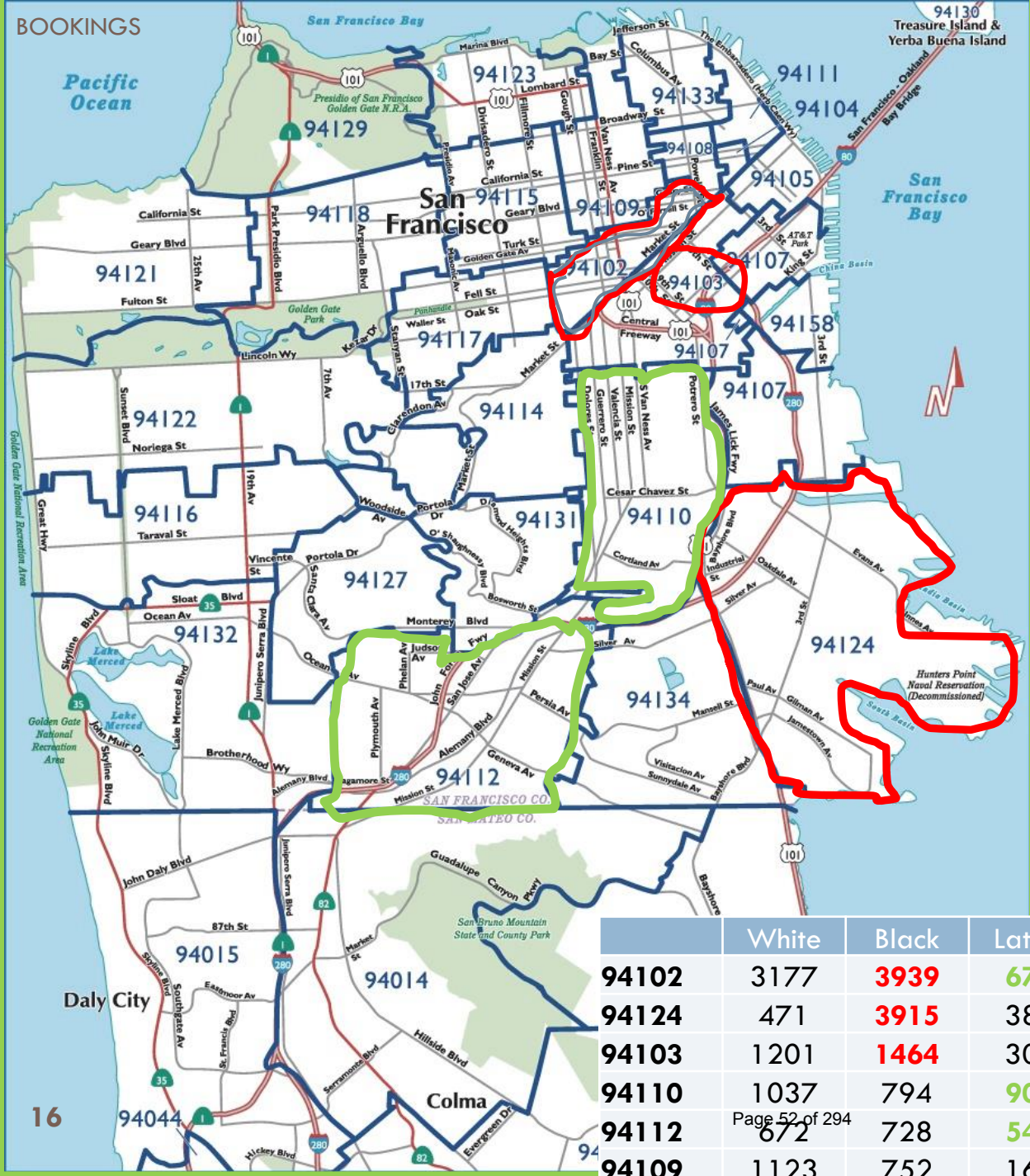


The vast majority of all adults booked in County Jail in San Francisco have a residence zip code within San Francisco.

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

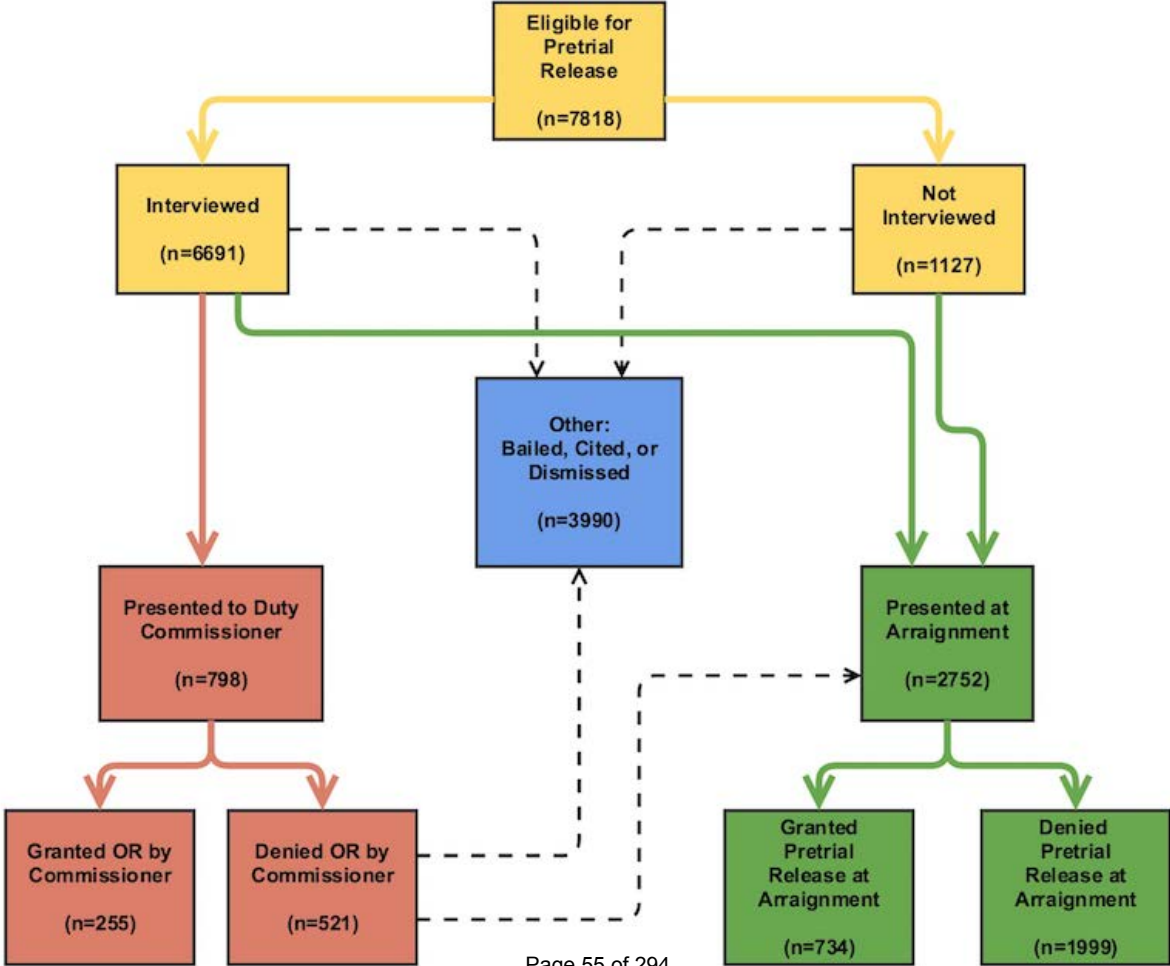
- Source: San Francisco Pretrial Diversion Project (SFPDP) Data
- Full Time Frame: 1/1/11-6/30/14
 - Started with 26,657 cases
 - After we cleaned up the data, we had 26,275 cases with race/ethnicity
- Latest full year: Q3 2013 – Q2 2014
 - 7,840 cases with data on race/ethnicity
 - 3,118 white; 3,683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

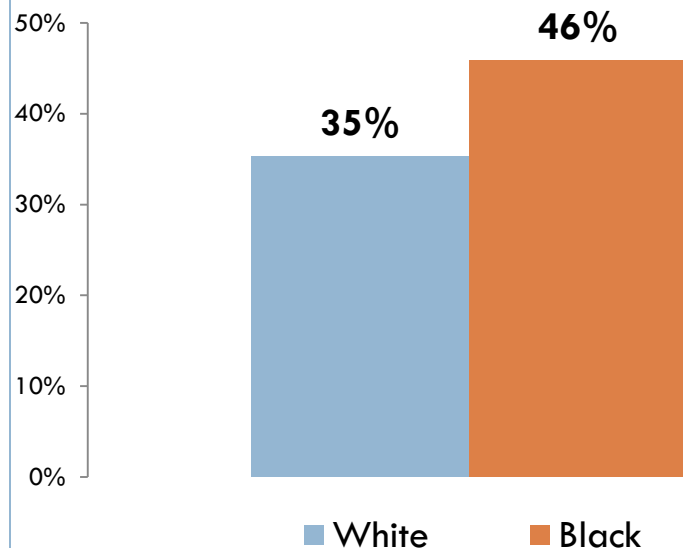
Pretrial Release Flow



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.

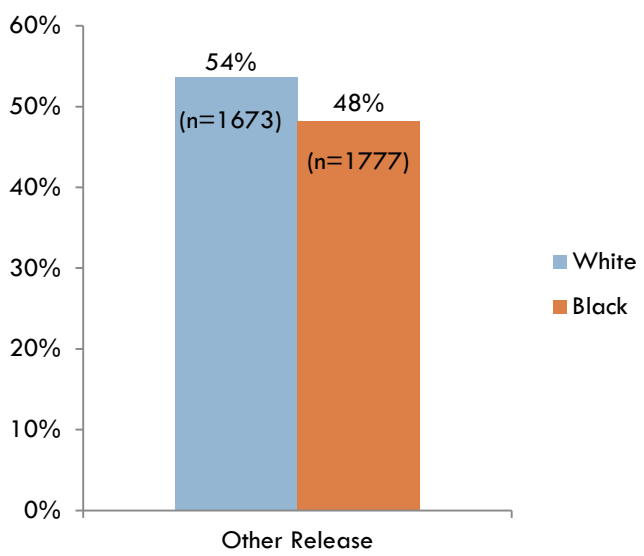
Whereas 35% of White adults booked were eligible for Pretrial Release, 46% of booked Black adults were eligible.

	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)

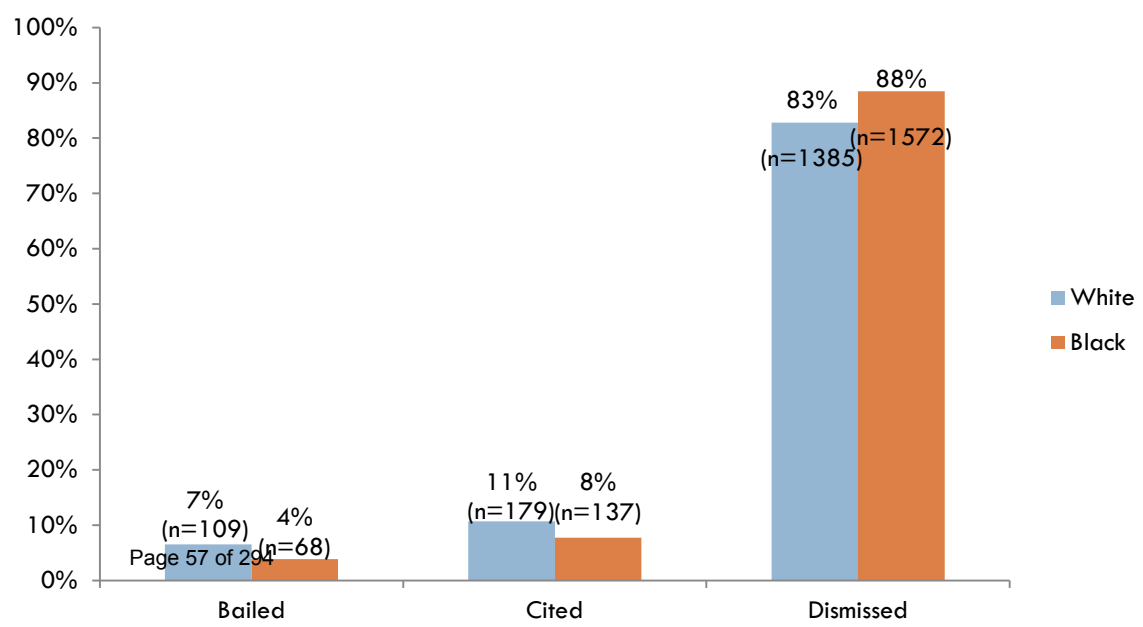
21

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.

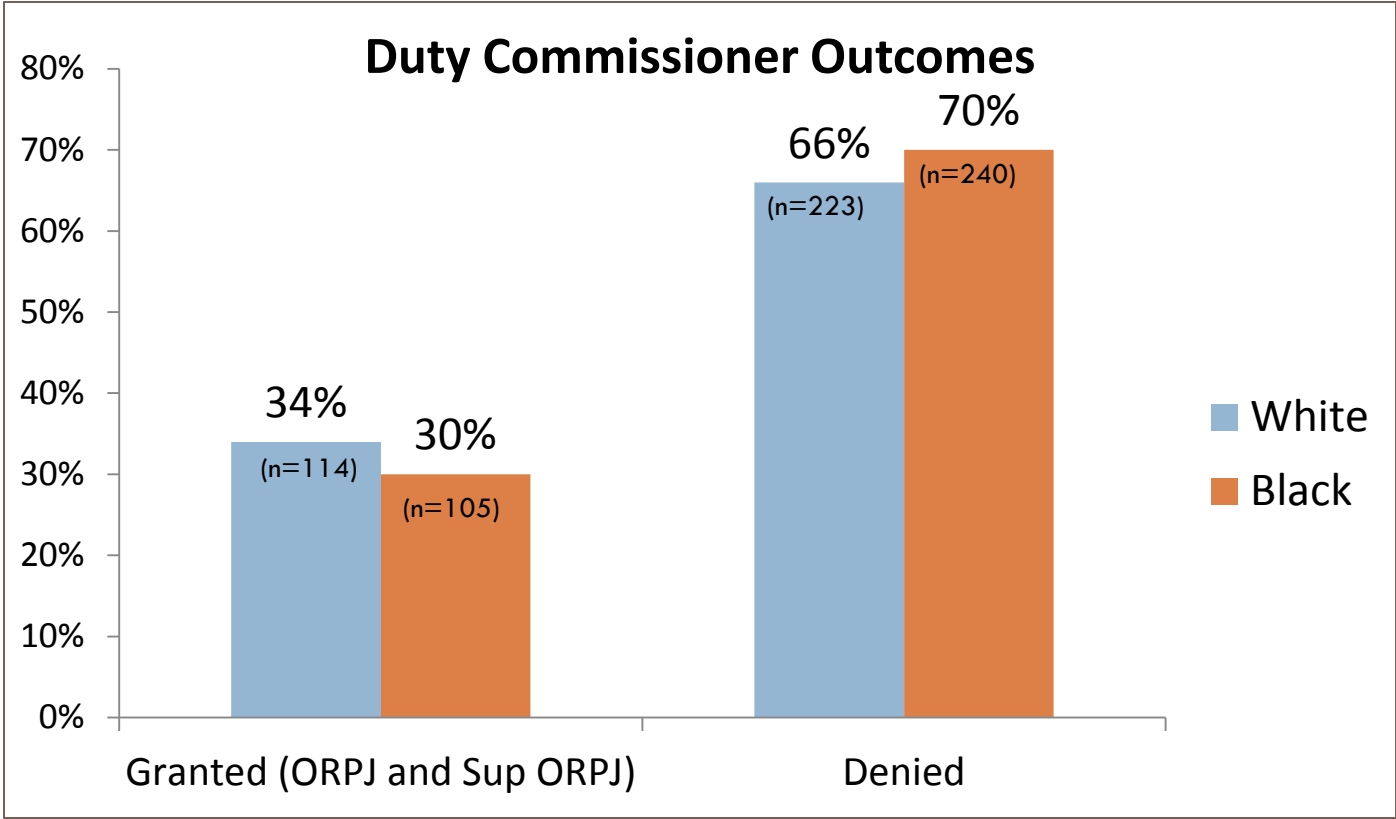
Breakdown of Other Releases



Duty Commissioner Outcomes

(Q3 2013-Q2 2014)

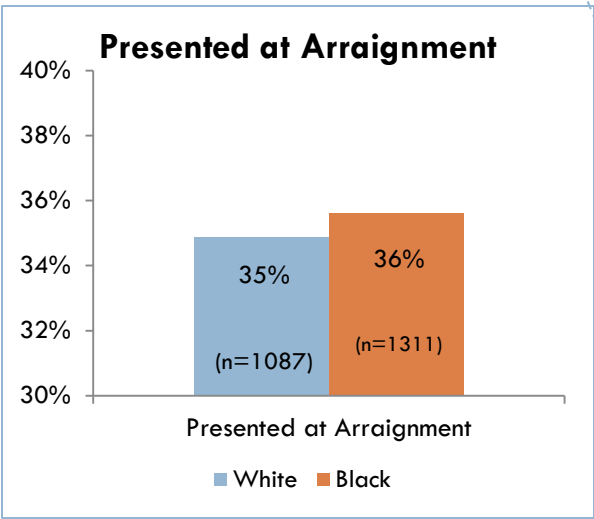
22



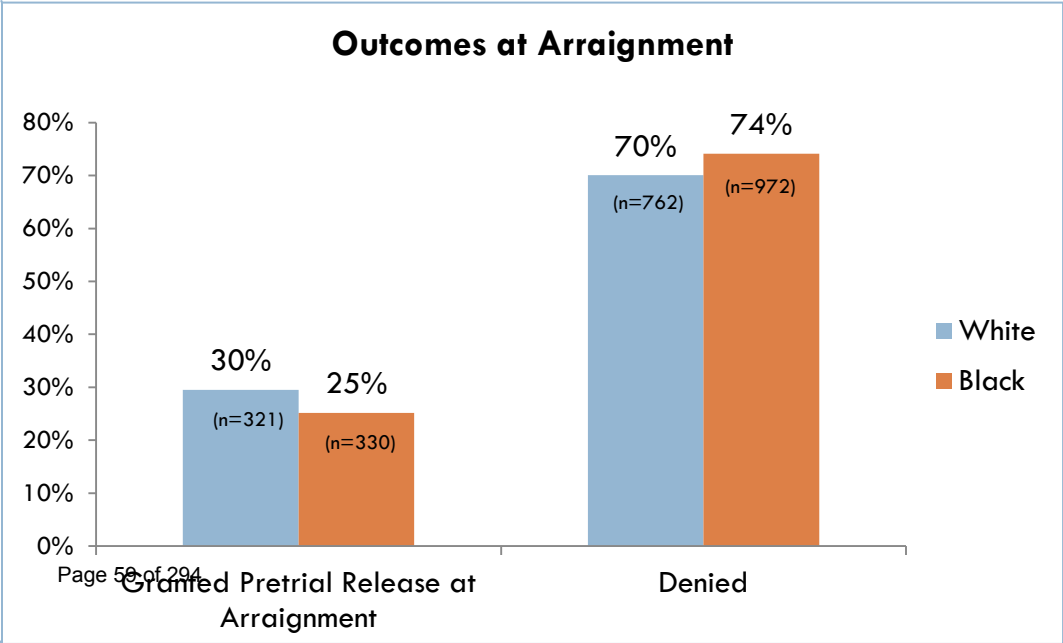
- A higher proportion of White adults presented to duty commissioner were granted OR (34%) than Black adults presented (30%).

Presented at Arraignment (Q3 2013- Q2 2014)

23

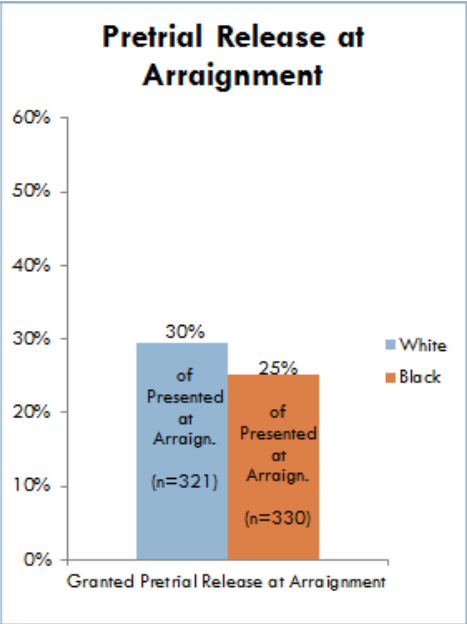
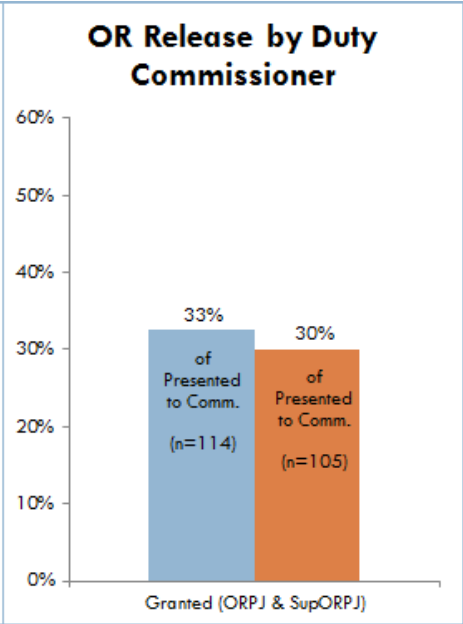
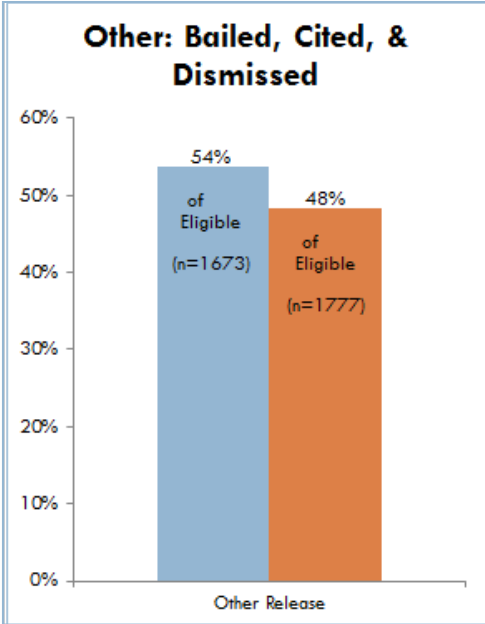
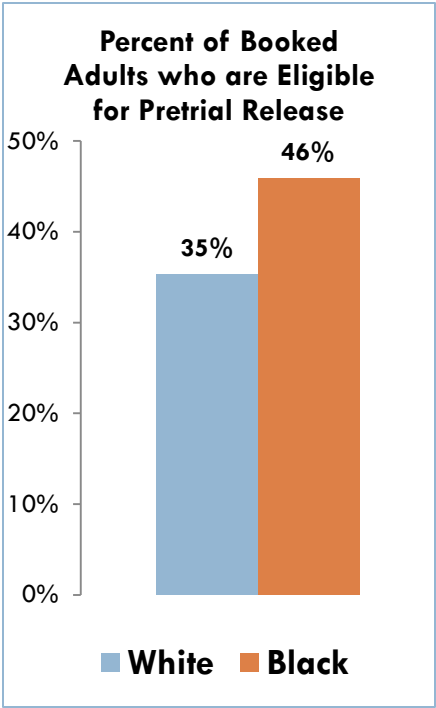


- 65% of adults eligible for pretrial release were released prior to arraignment.
- Black adults were less likely to be granted release at arraignment than White adults.



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.

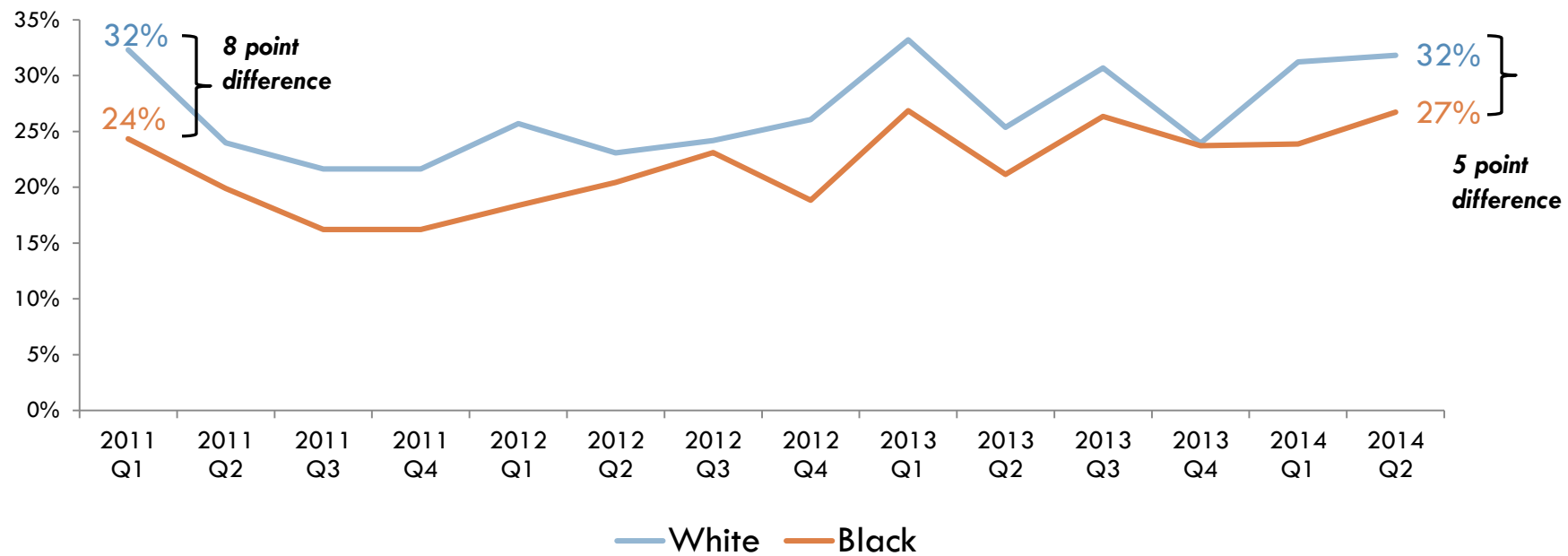


Note: Data for both Bookings and Pretrial eligible include the most recent year available (Q3 2013-Q2 2014). The data come from two distinct databases.

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**

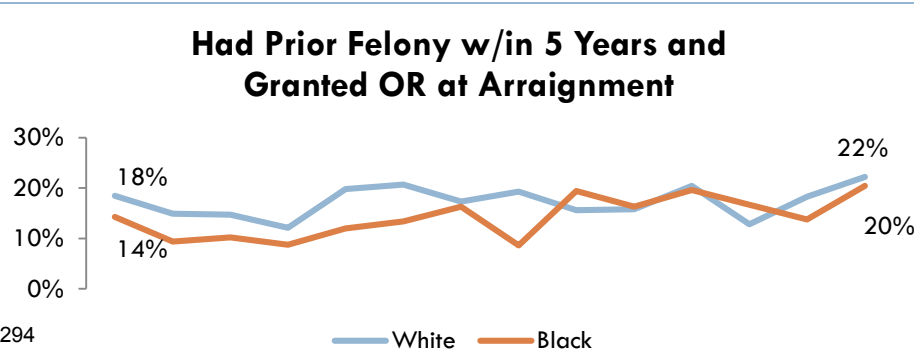
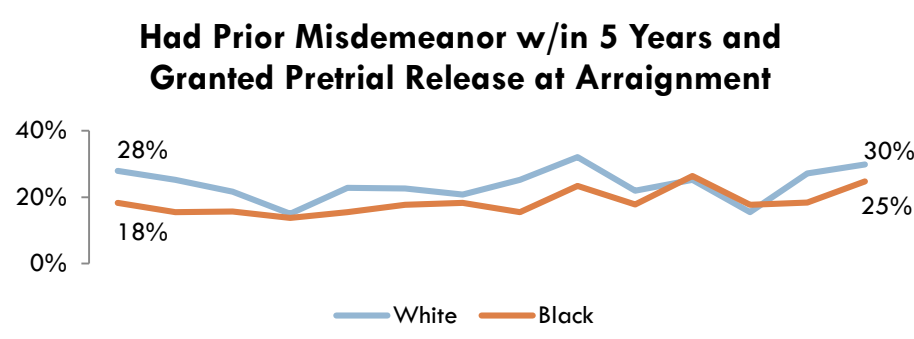
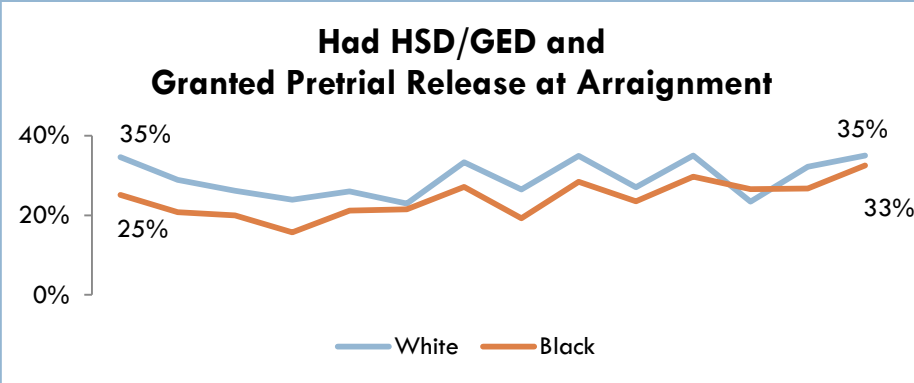
- 66% of White adults & 62% of Black adults had a high school diploma (HSD) or GED
- When limiting the parameters to only those with a HSD or GED, White adults were still more likely to be released than Black adults in most quarters.

• **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.



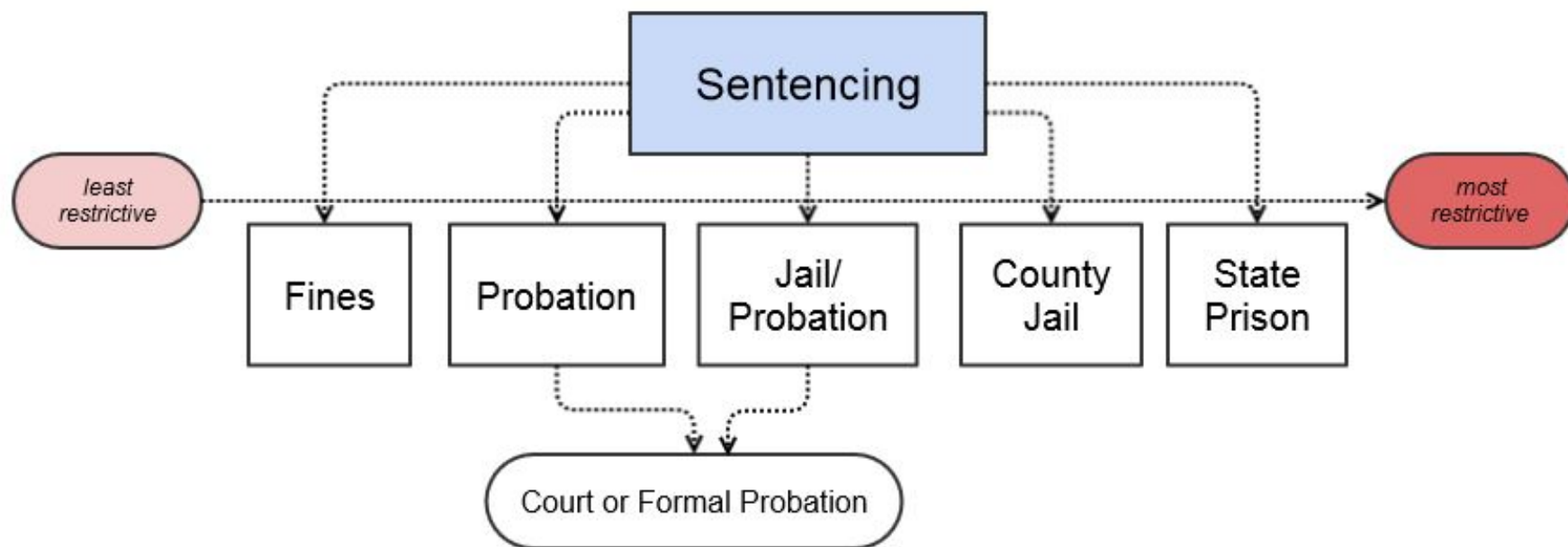
Note: Not all prior convictions are SF convictions.

27

CONVICTIONS AND SENTENCING

Sentencing Options

28



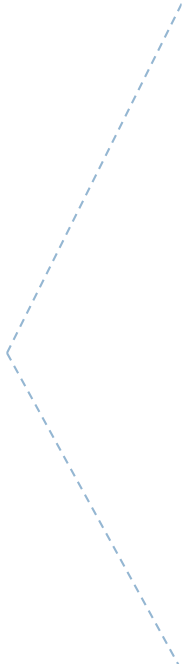
General Sentencing Questions

- 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

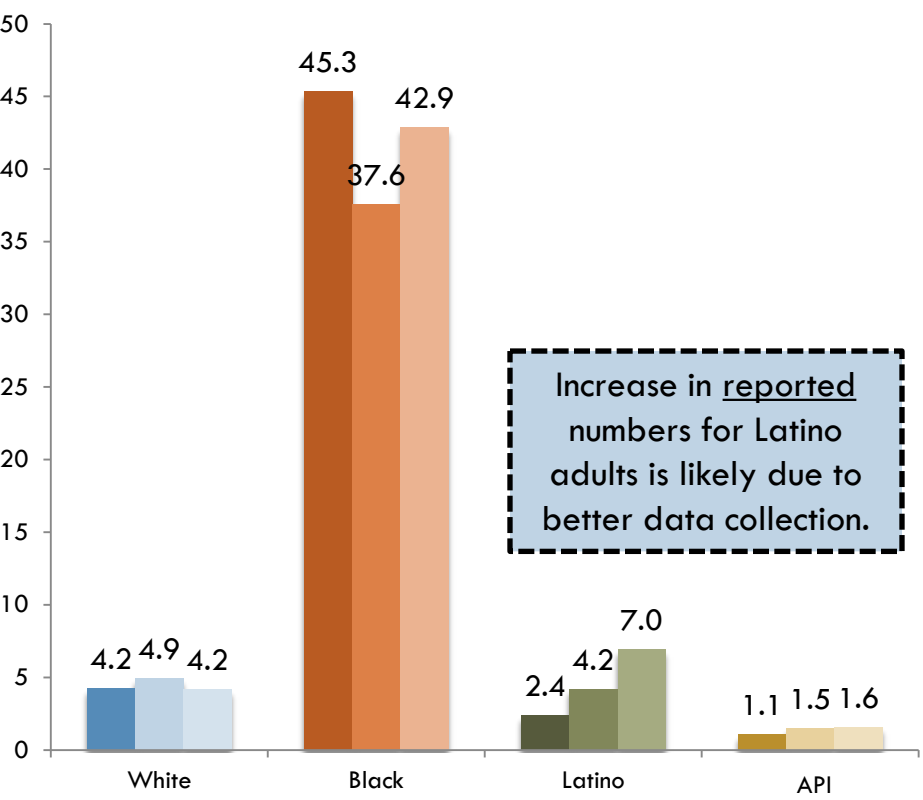
Data required extensive clean-up in order to answer basic questions

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

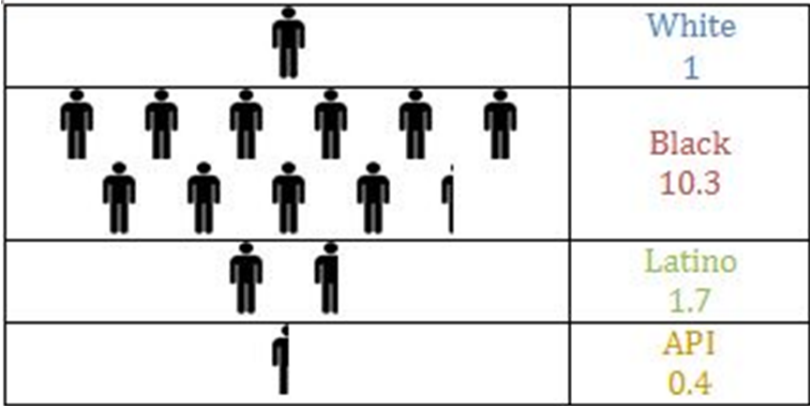
30

Convictions

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



2013 Disparity Gap



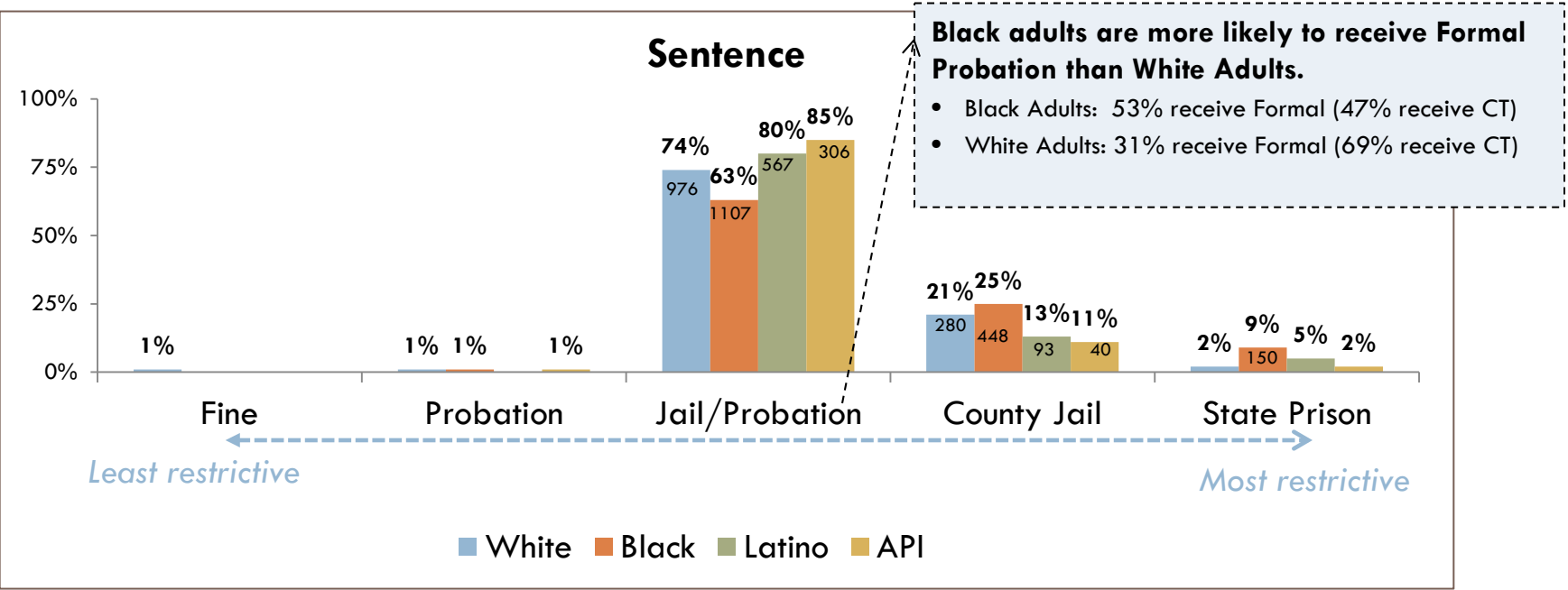
For every White adult convicted in 2013, more than 10 Black adults were convicted

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

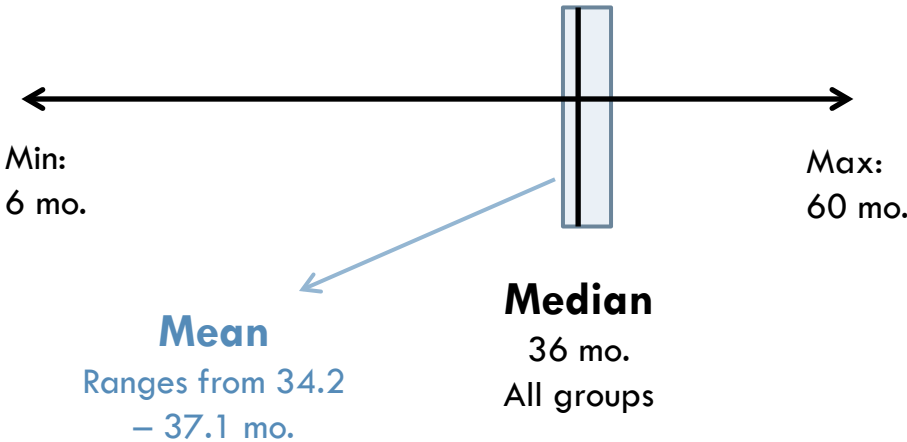
* An Additional 47 adults received “Suspended State to Jail/Probation (W=10; B=25; L=7; API= 3).

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.

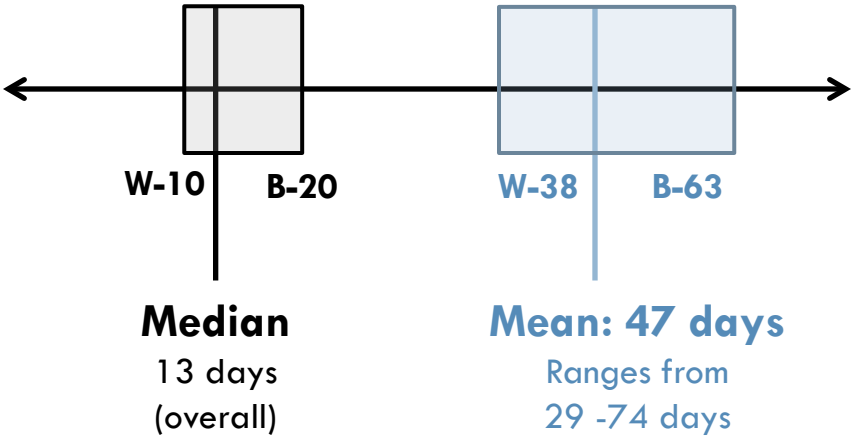
Sentence Length: Jail/Probation Sentences

(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

* 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.

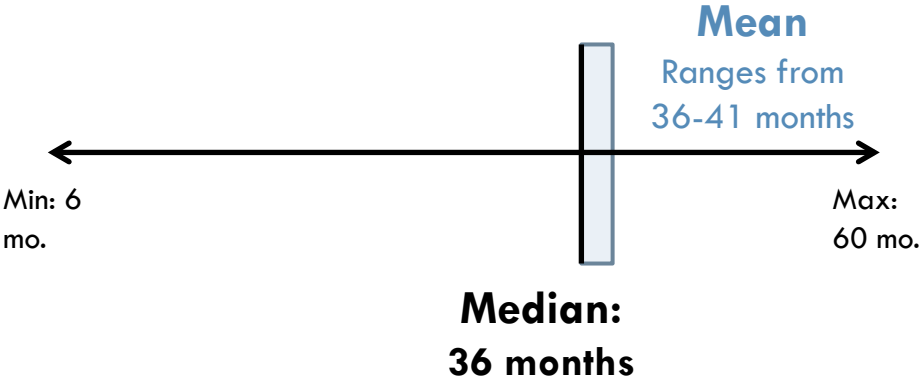
Sentence Length: Jail/Probation Sentences for DUI .08

(Full Time Frame: Q1 2011- Q2 2014)

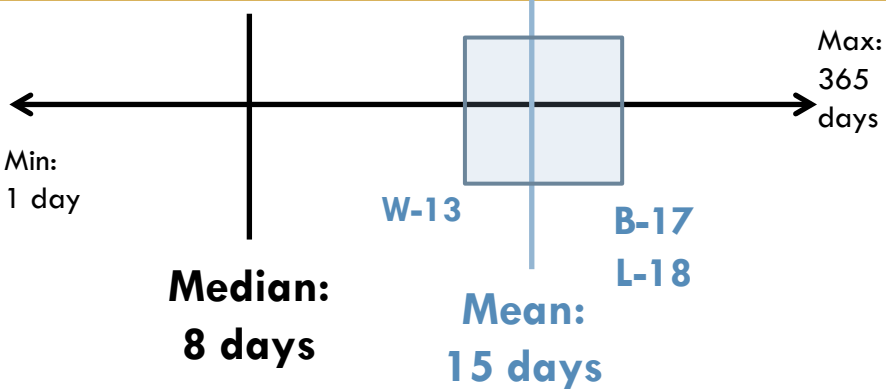
(VC 23152(b))

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

36

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.

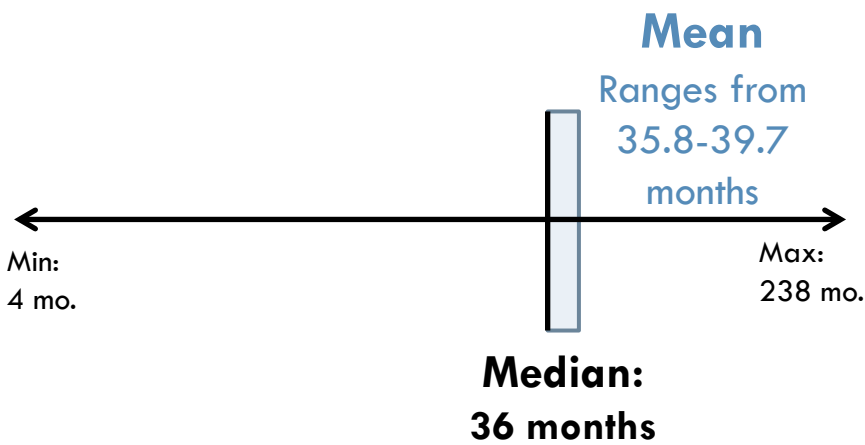
	White	Black	Latino	API	Nat. Am.	Other	Total
Trans Sell Controlled Substances	71	361	43	13	0	16	504
All Sentences	4,963	6,030	1,731	1,210	46	638	14,618
Trans/Sell as % of total	1%	6%	2%	1%	0%	3%	3%

	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)

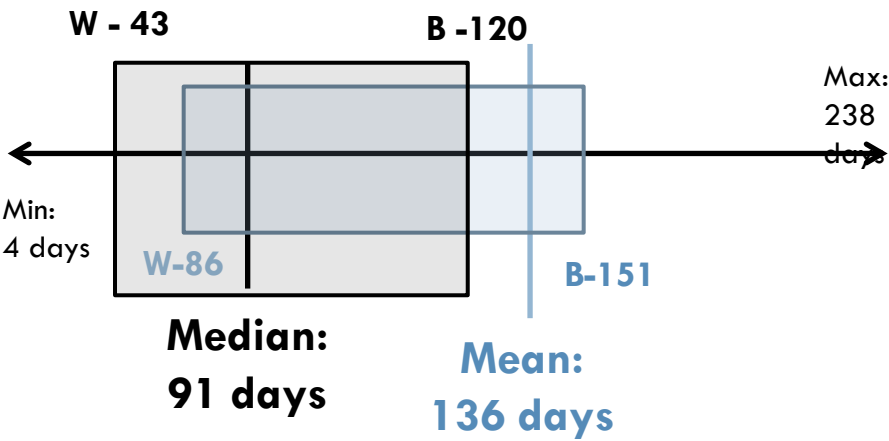
37

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.



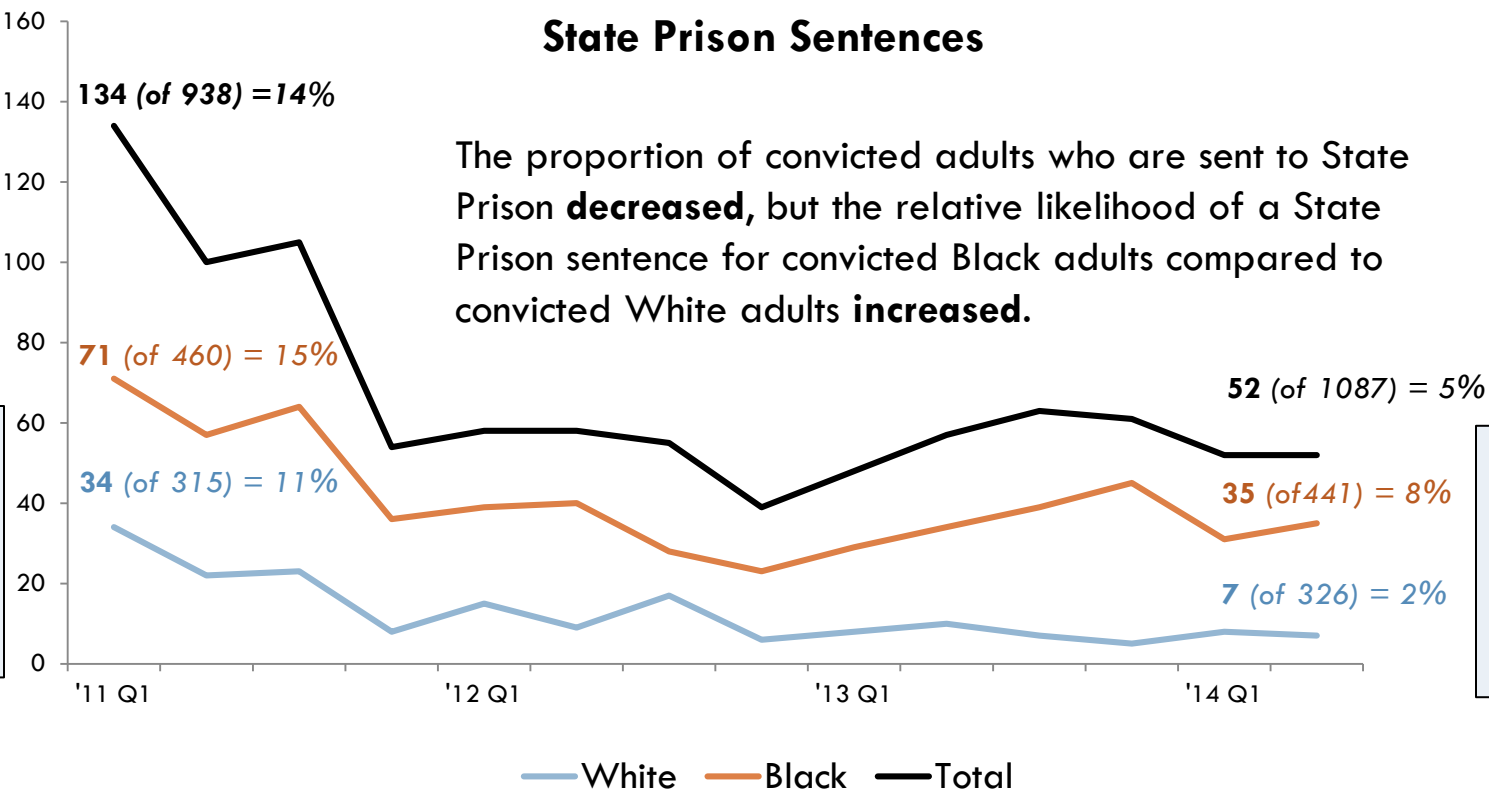
County Jail (days)	W	B	L	API	O	Total
N	64	238	33	4	13	352
Mean	86	151*	129	114	128	136
Median	43	120	74	92	120	91

* Statistically significant (p=.05).

State Prison Sentences have Decreased for All Groups

(Q1 2011-Q2 2014)

38

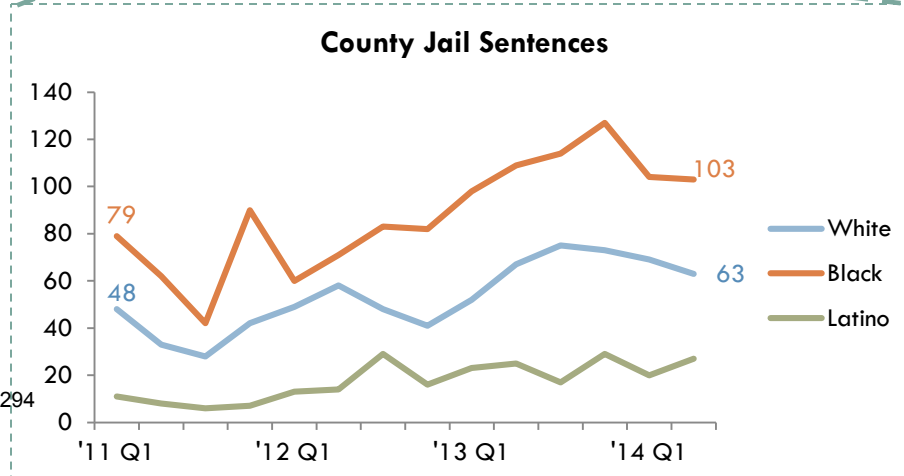
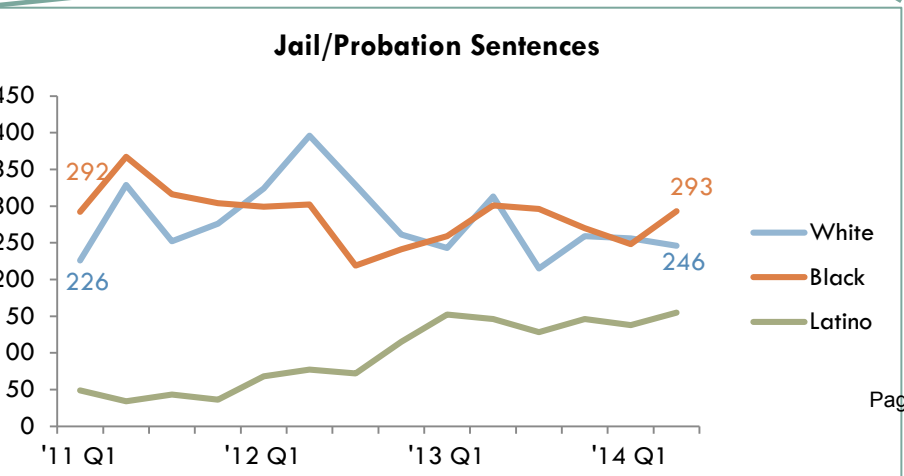
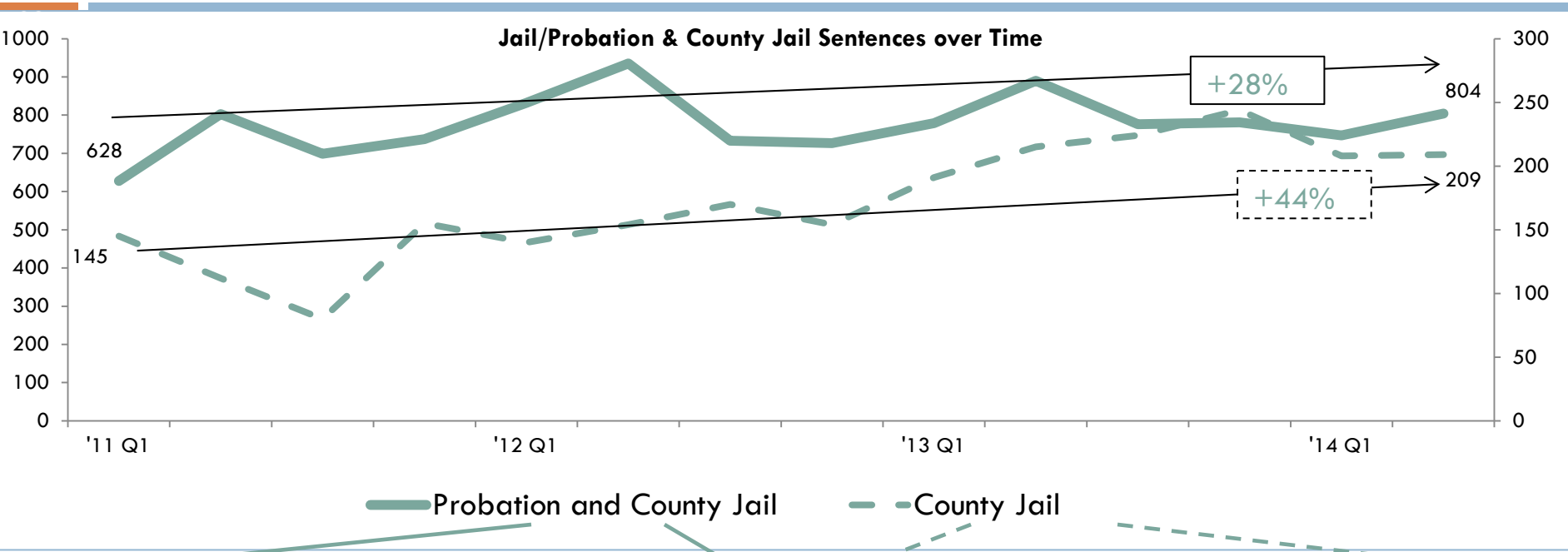


Q1 2011:
Black adults made up 53% of all State Prison Sentences.

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

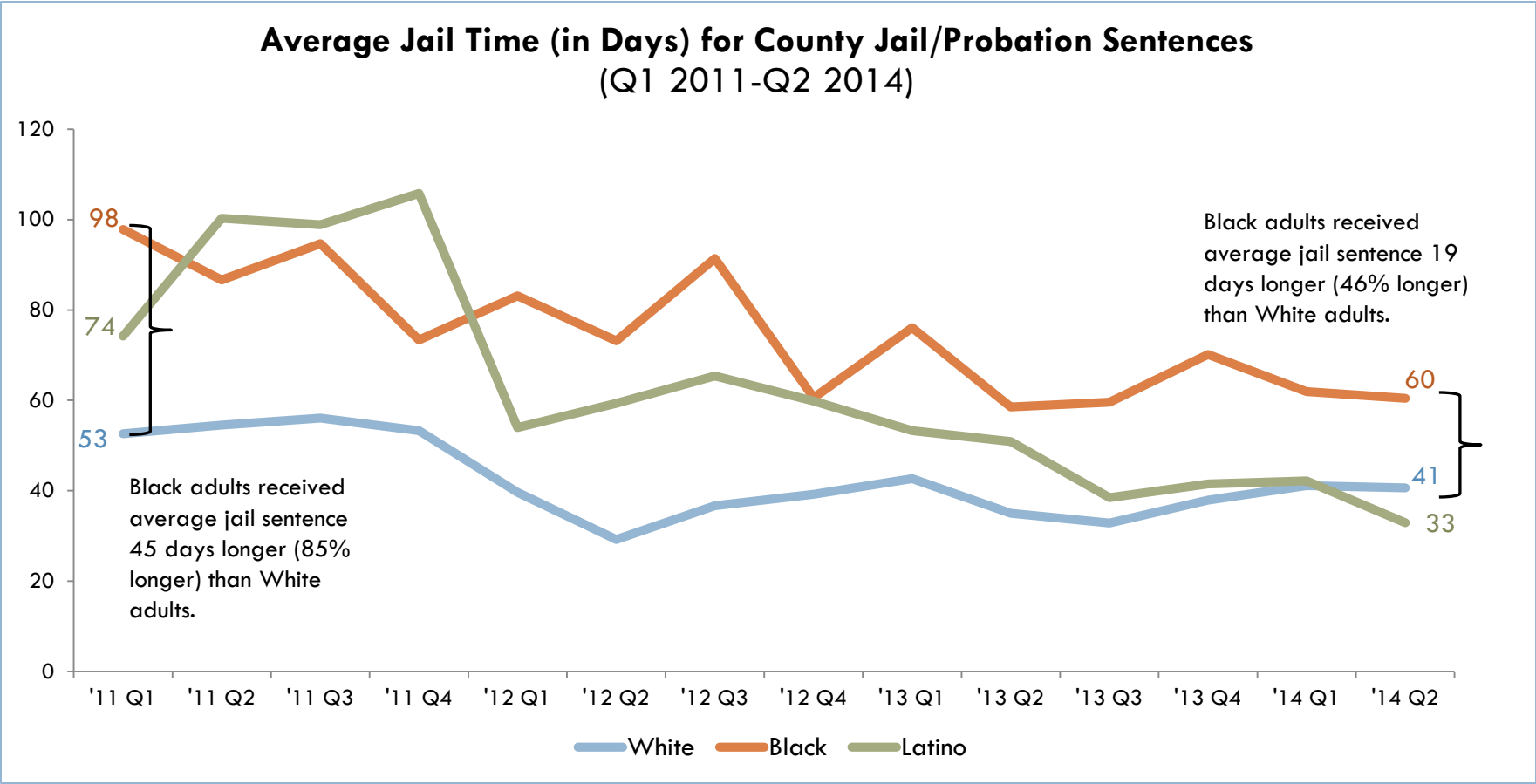
- Q1 2011: Convicted Black adults are **1.4 times as likely** as convicted White adults to be sentenced to Prison.
 - In Q1 2011, 11% of convicted White adults and 15% of convicted Black adults were sentenced to State Prison.
- Q2 2014: Convicted Black adults are **nearly 4 times as likely** as convicted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



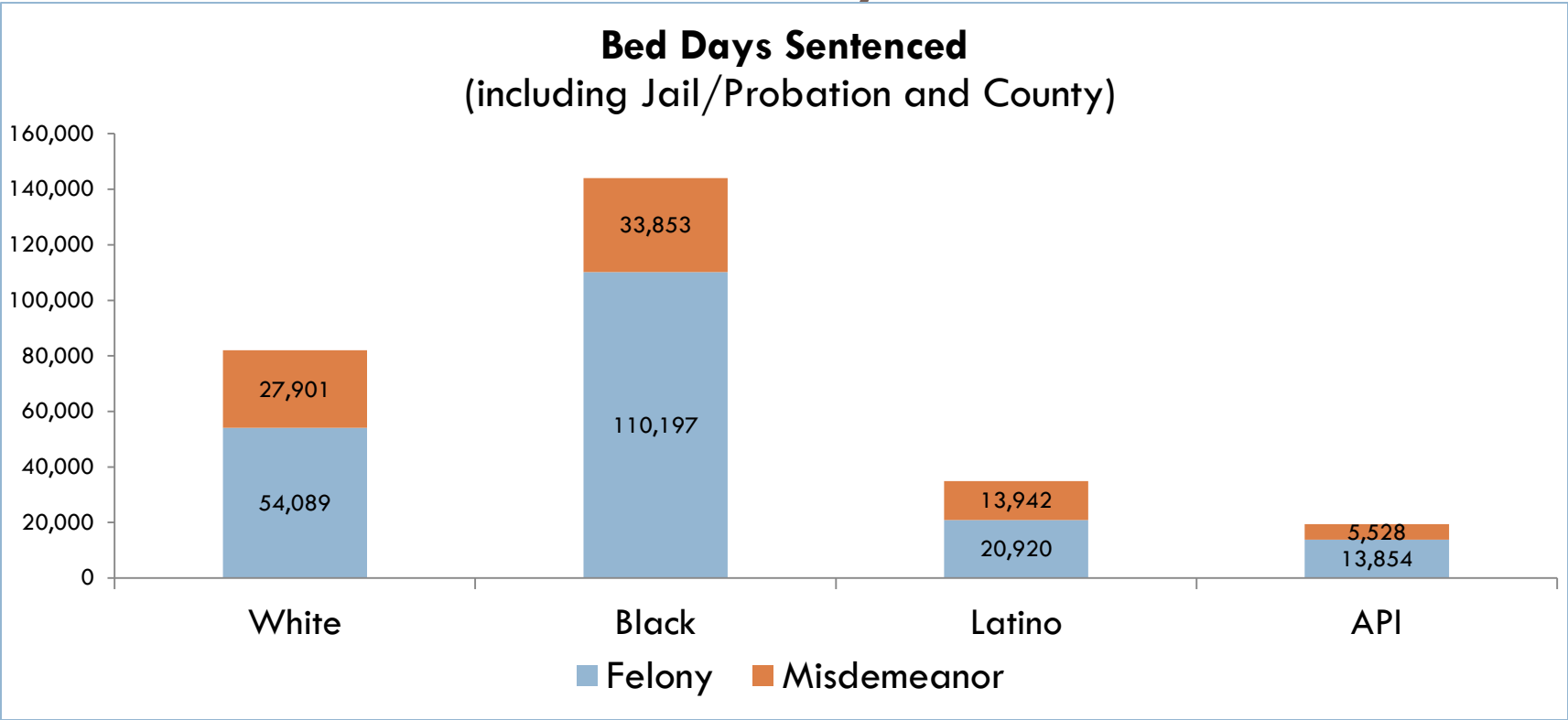
Average County Jail Sentences in Jail/Probation Sentences have decreased over time, but are consistently longer for Black and Latino Adults

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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

42

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.

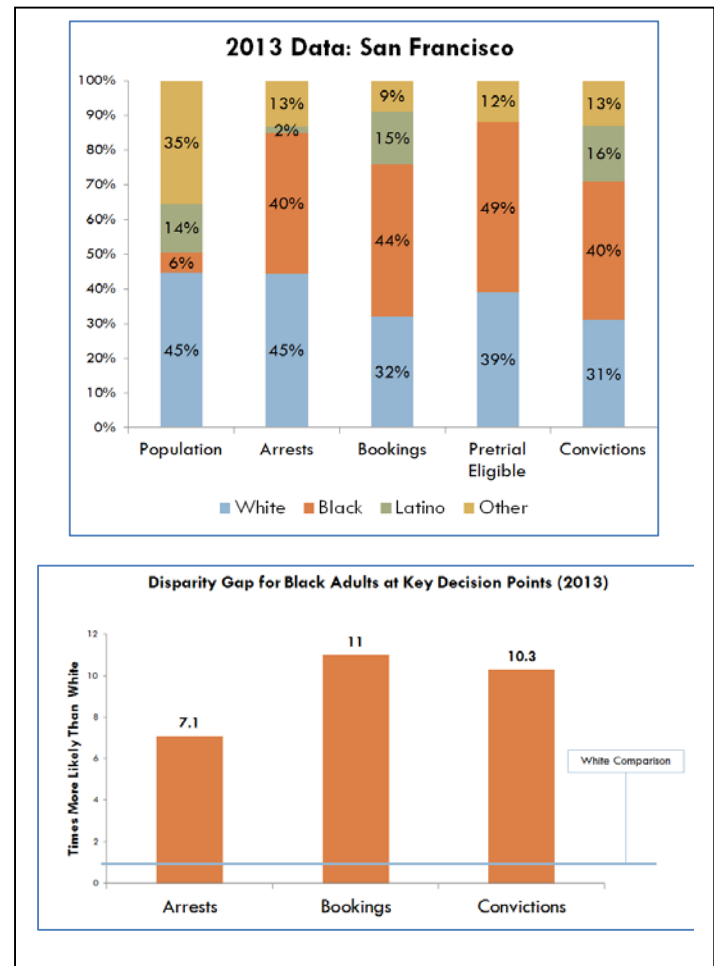
Summary of Key Findings

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:




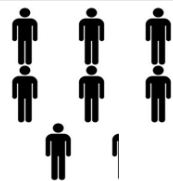
- Data required to answer several key questions regarding racial and ethnic disparities were unavailable. As stakeholders move forward to more fully understand the disparities highlighted in the report, they will need to build capacity for a more comprehensive and system-wide approach to reporting data 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.

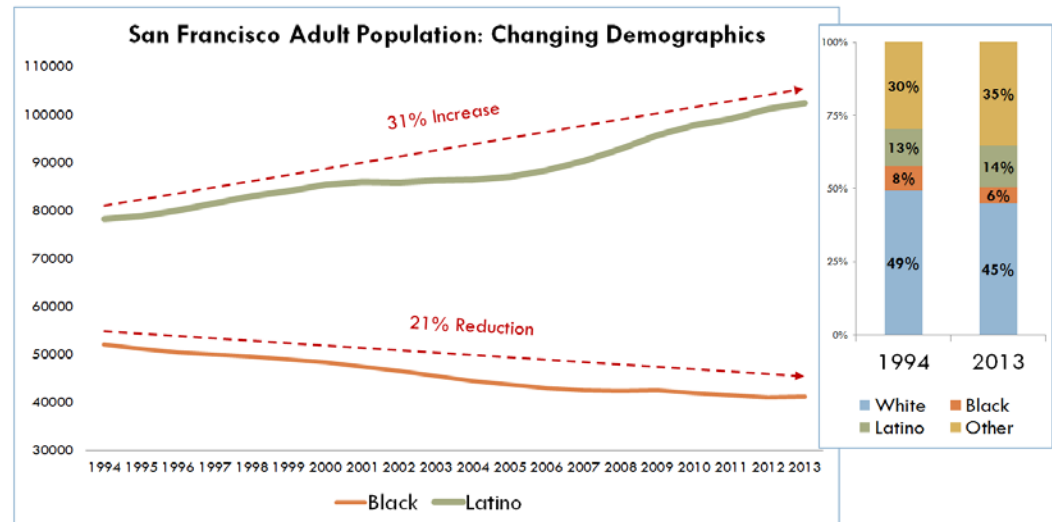
¹⁰ Analysis of specific charges includes the entire timeframe, in order to increase the number of cases analyzed. The criminal code referenced here is VC 23152(b)/M.

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

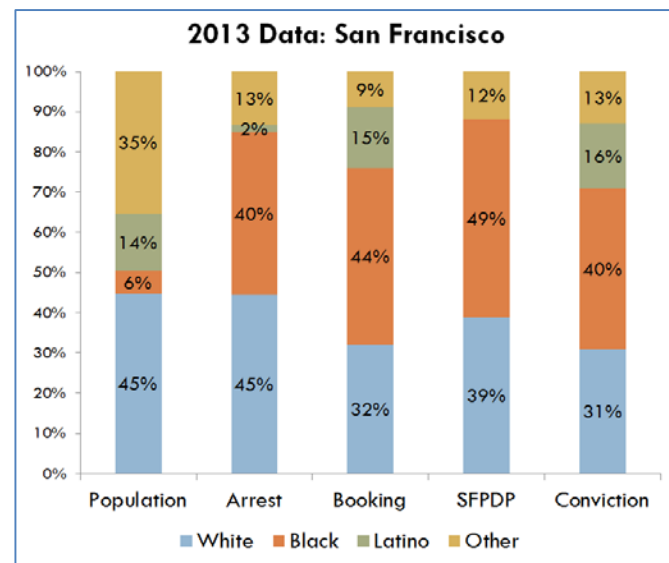
Data indicate that San Francisco's demographic make-up is changing. Between 1994 and 2013, the number of Black adults decreased by 21 percent. At the same time, the number of Latino adults increased by 31 percent.

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

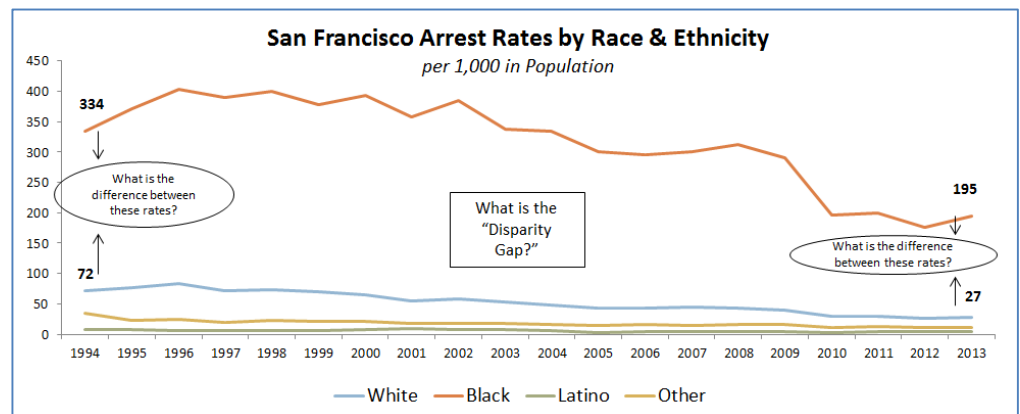
San Francisco Police Department (SFPD) was unable to provide data on the total number of arrests in San Francisco disaggregated by race and ethnicity. In lieu of local data from the Reentry Council member agencies, BI used the State of California Department of Justice (DOJ) “Monthly Arrest and Citation 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).



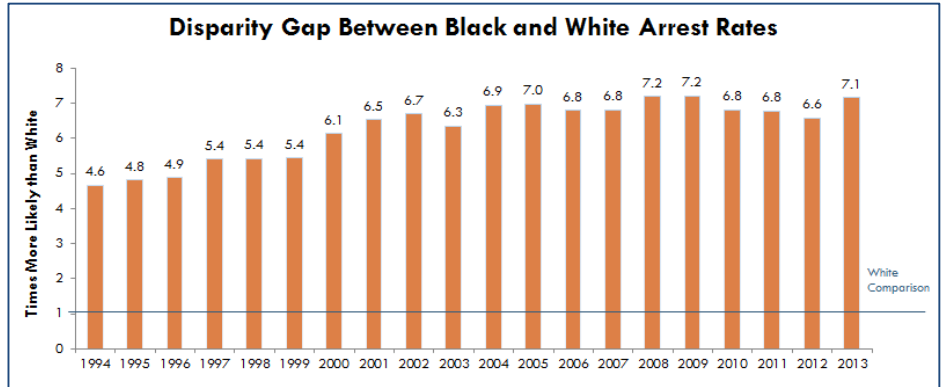
		1994	1998	2002	2006	2010	2013	Percent Change 1994-2013
White	# of Arrests	22,011	23,466	18,052	13,026	9,151	8,836	
	Rate per 1000	72	74	58	44	29	27	-62%
Black	# of Arrests	17,374	19,809	17,896	12,735	8,198	8,027	
	Rate per 1000	334	400	385	296	196	195	-42%

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

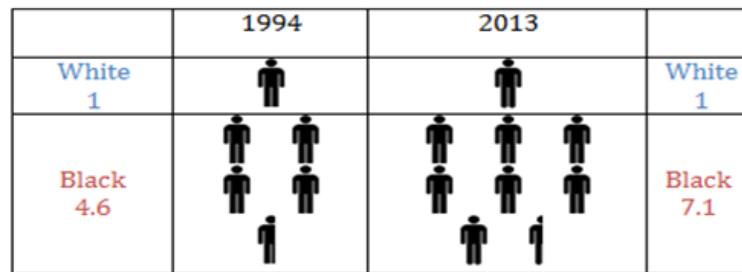
¹⁴ When population data disregard ethnicity, the vast majority of Hispanic/Latino people are identified as White. This results in an *inflated* rate of system involvement for White adults; and an *underestimation* of the disparity gaps between White/Black adults and White/Latino adults.

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.



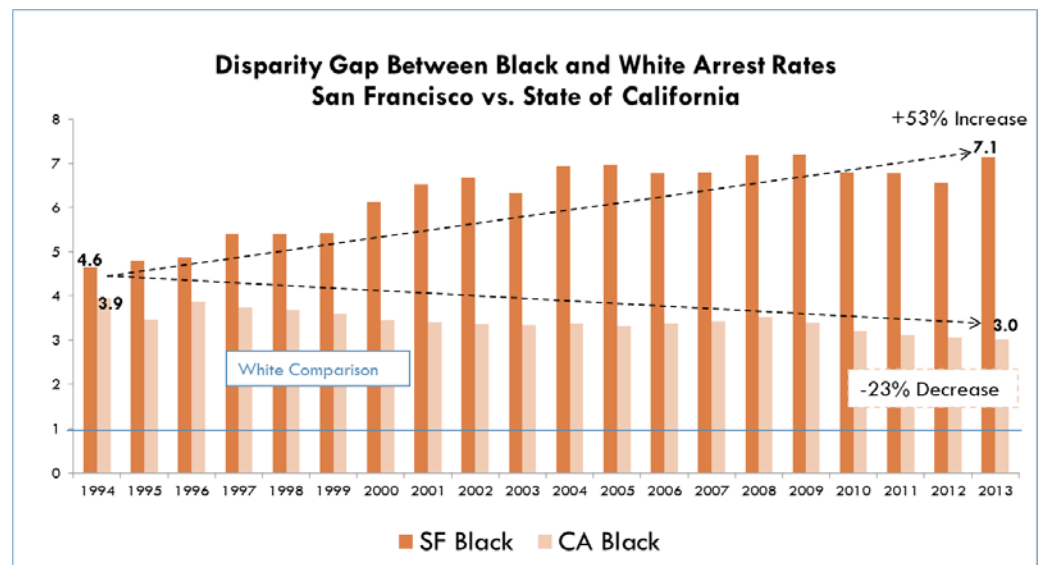
For every on 1 White adult arrested in 1994, 4.6 Black adults were arrested



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.

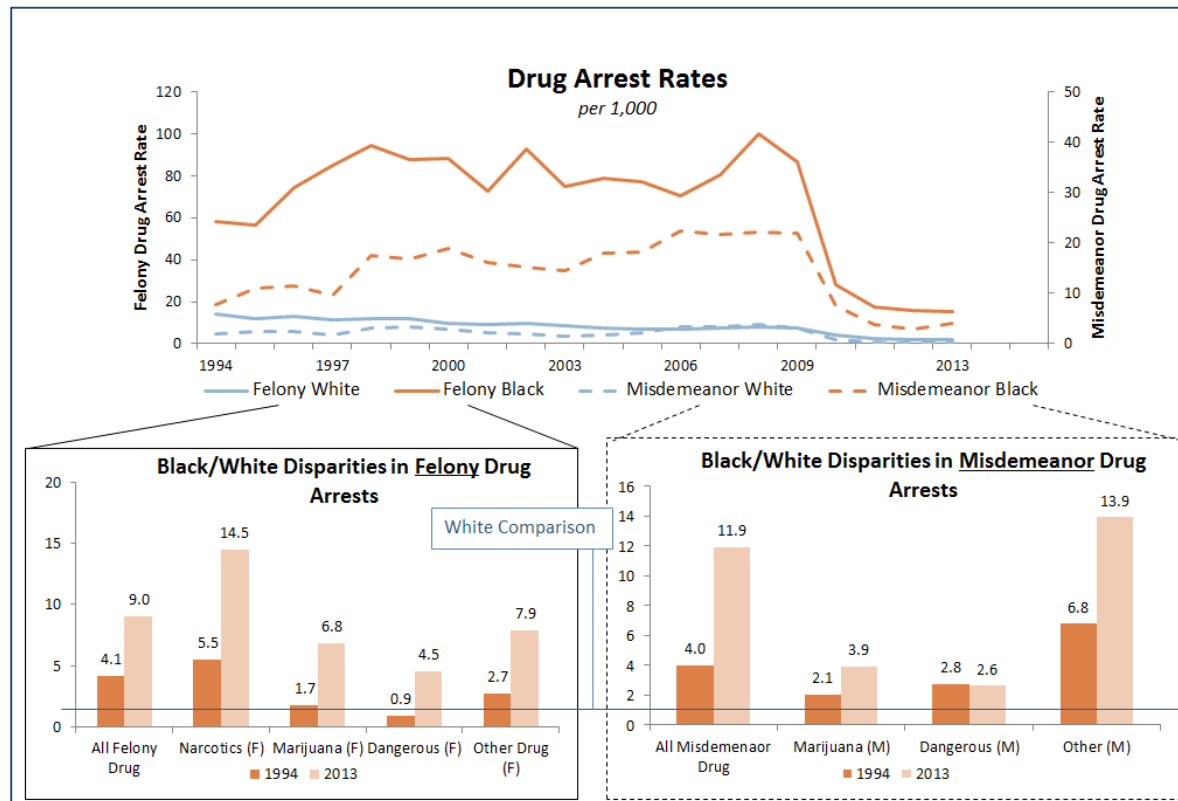




Disparities in Drug Arrest

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.

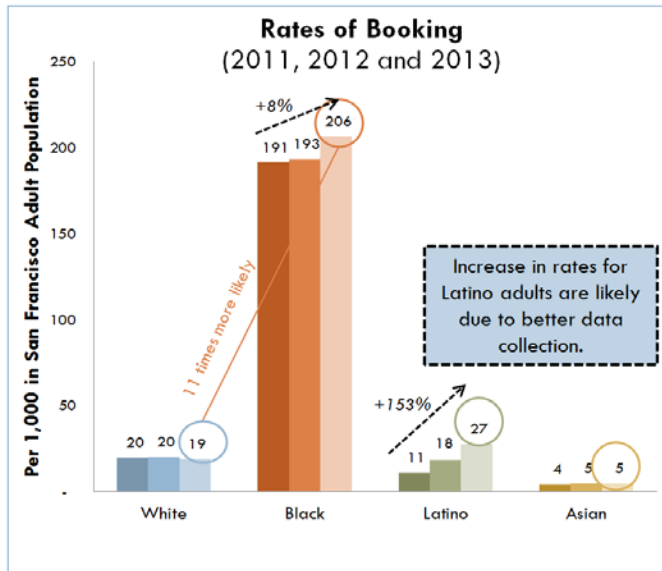
The rate of booking to County Jail has increased in San Francisco over the past 3 years for people of color, but it has decreased for White adults. The rate of booking for Black adults increased from 191 per 1,000 in 2011 to 206 per 1,000 in 2013.

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.

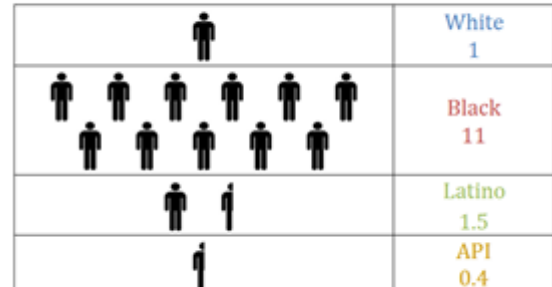
¹⁵ The data clean-up process for the booking data is described in the separate report BI submitted regarding data challenges ("Summary of Data Challenges Encountered during Analysis of Racial and Ethnic Disparities in San Francisco's Criminal Justice System").

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):

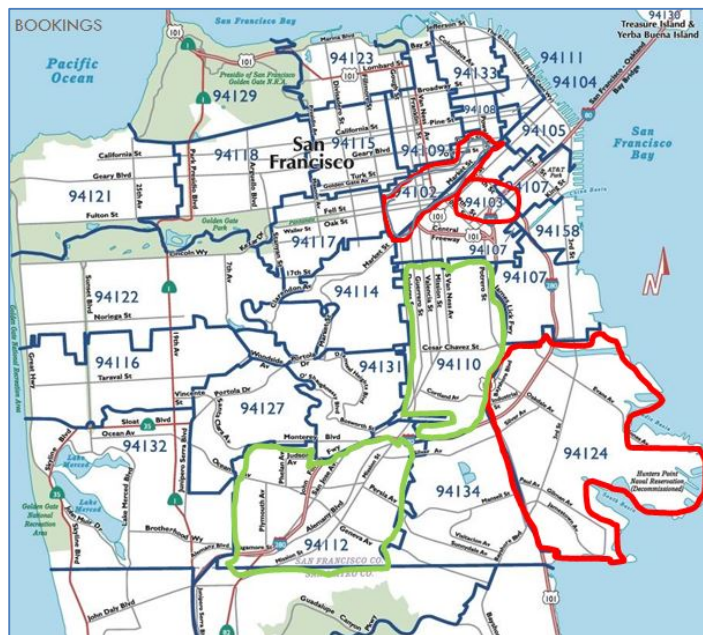
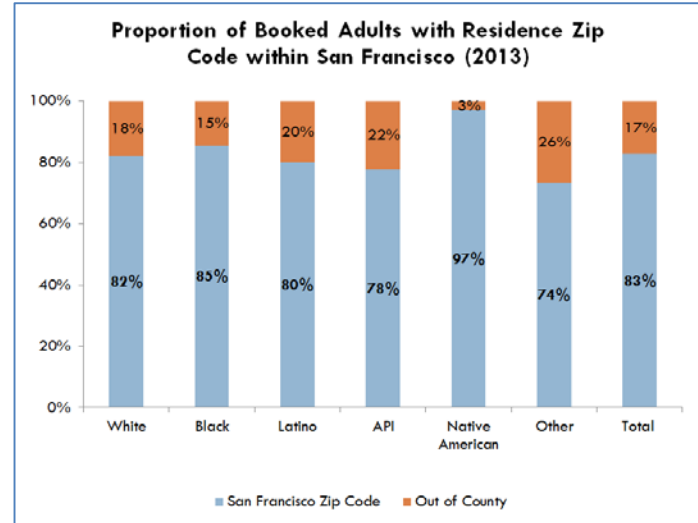


	White	Black	Latino	API	Nat. Am.	Other	Total
2011 Pop.	319,436	41,404	99,104	243,503	2,223	n/a	705,670
2011 Booked	6,269	7,920	1,072	1,012	62	603	16,938
2011 Rate per 1,000	20	191	11	4	28		24
2012 Pop.	322,713	41,094	101,132	249,203	2,234	n/a	716,376
2012 Booked	6,493	7,940	1,863	1,228	66	684	18,274
2012 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

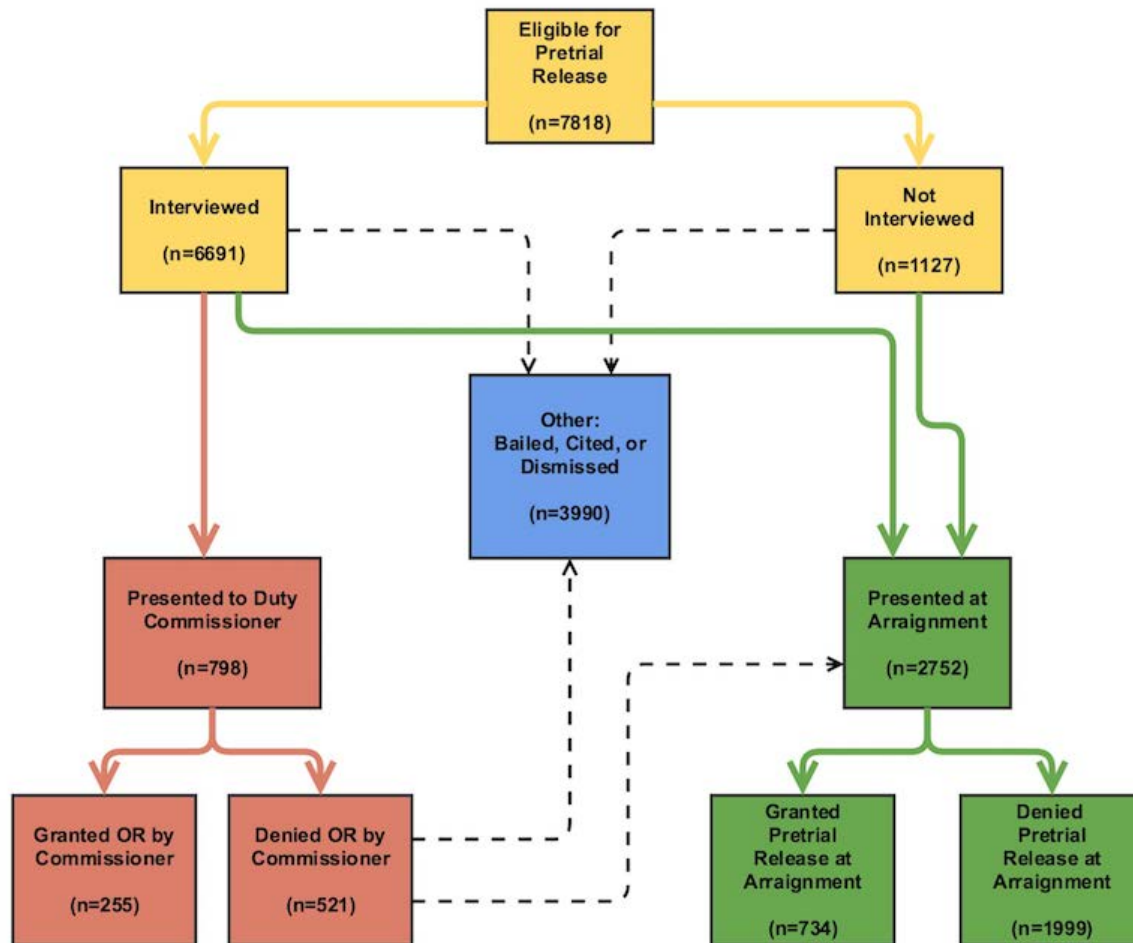
The following analysis includes only for Black and White adults.²³ The charts in this section show the number and respective percentage of the 6,801 individuals (3,118 White and 3,683 Black) as they proceeded through the various decision thresholds associated with pretrial release. The data indicate 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.

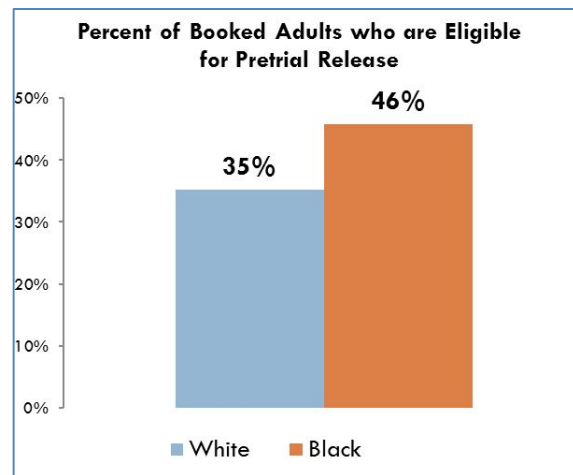
²⁴ Description of terms in this chart is included in Appendix C.



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

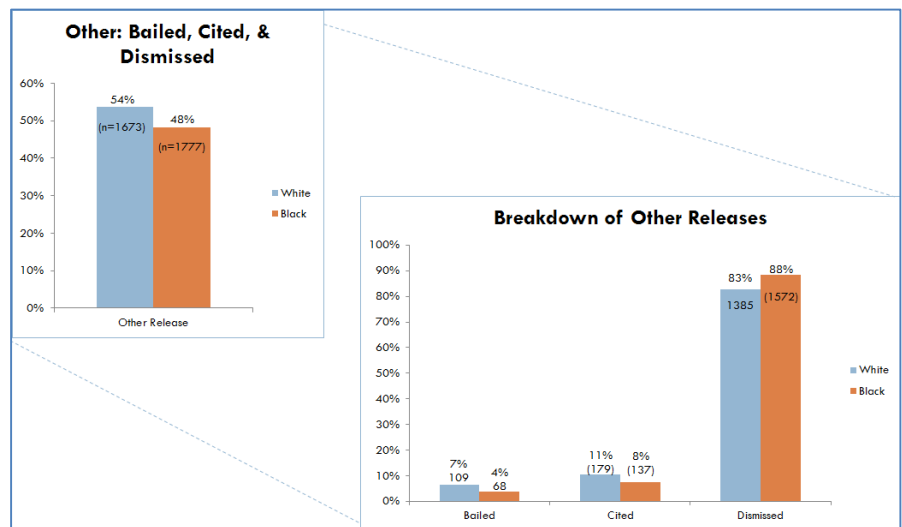


Q3 2013-Q2 2014	White	Black
Bookings	5,940	7,947
Pretrial Release Eligible	3,118	3,683
% of Booked Adults Eligible for Pretrial Release	35%	46%

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.

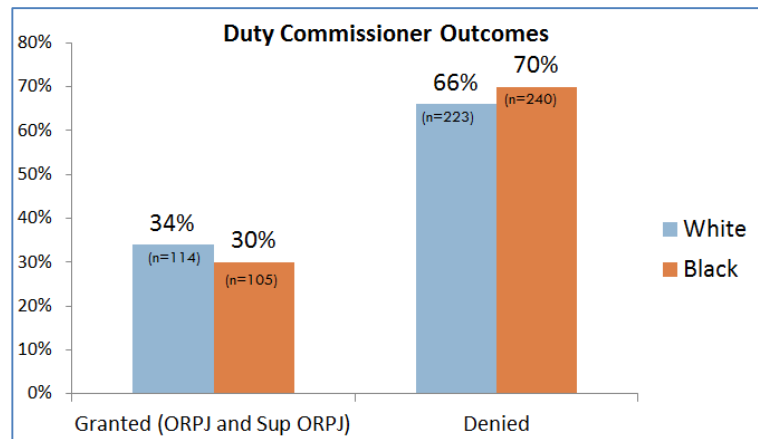
²⁶ Data for both Bookings and Pretrial eligible include the most recent year available (Q3 2013-Q2 2014). The data come from two distinct databases.



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.

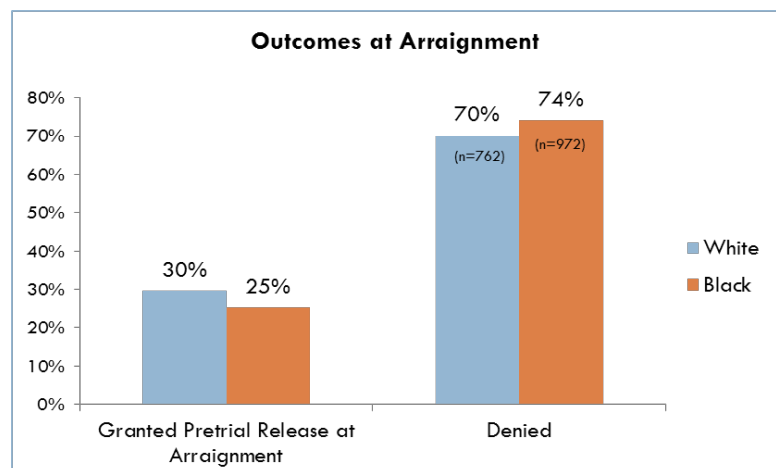
White adults presented to the duty commissioner were more likely to be granted OR than Black adults. Thirty-three (33) percent of White adults presented to the duty commissioner were granted OR compared to 30 percent of Black adults presented.²⁷



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.

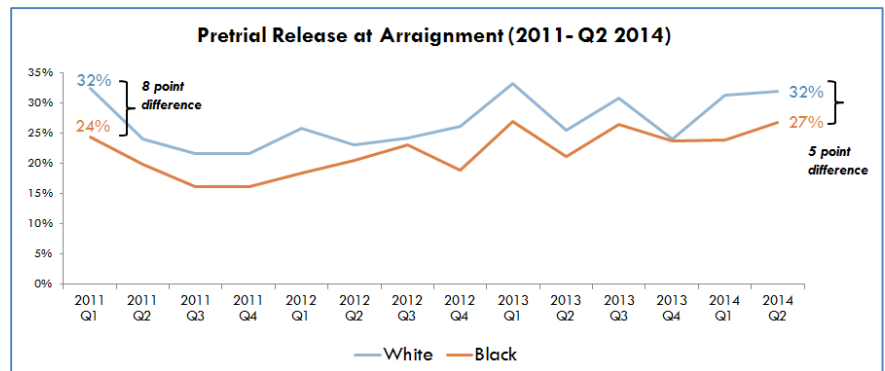
Black adults were less likely to be granted pretrial release at arraignment. Whereas 30 percent of White adults were released at arraignment, only 25 percent of Black adults were.



²⁷ See Appendix C for description of ORNF.

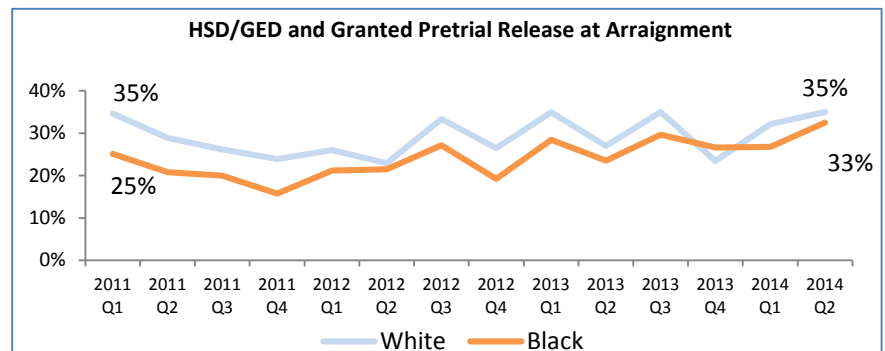
Trends in Pretrial Releases at Arraignment

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.



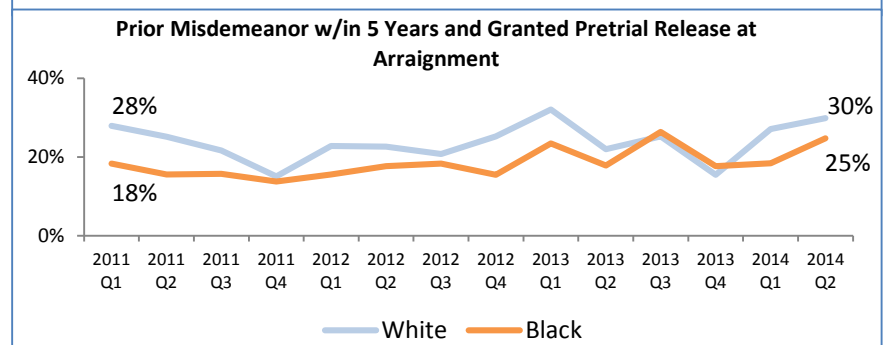
Educational Status

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.



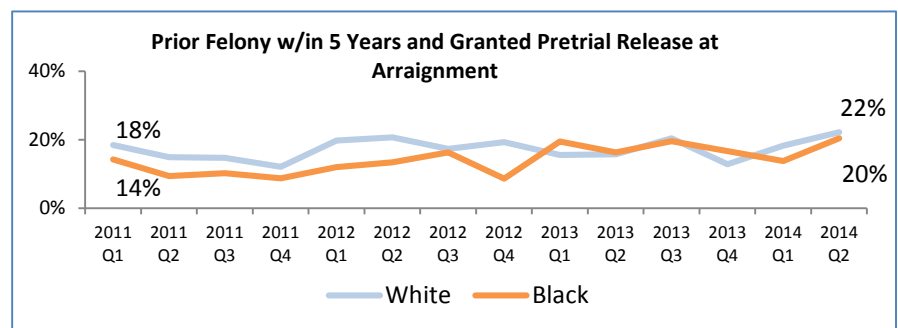
Prior Misdemeanor Convictions

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.

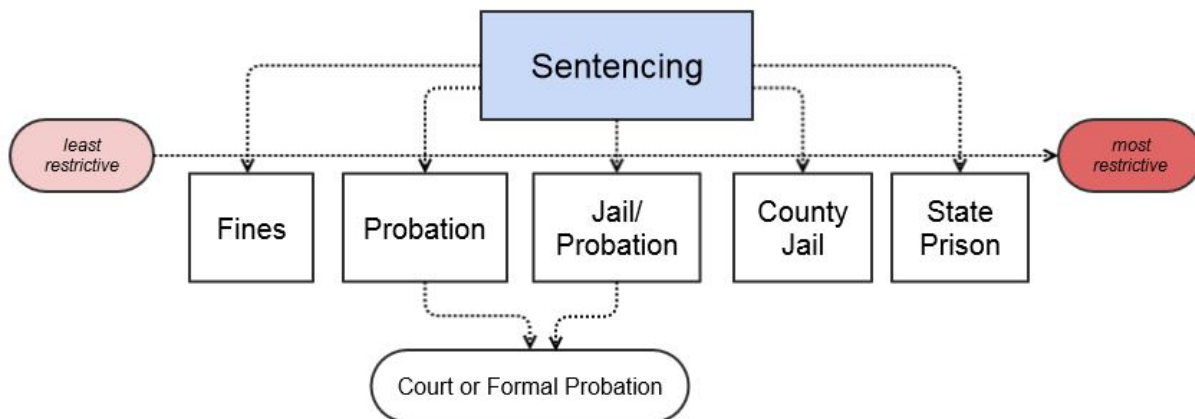
The analysis of sentencing was intended to explore basic questions around potential racial and ethnic disparities in sentences for convicted adults in San Francisco, not to answer questions regarding why the disparities exist or where the responsibility for the disparities lies. The figure on the next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

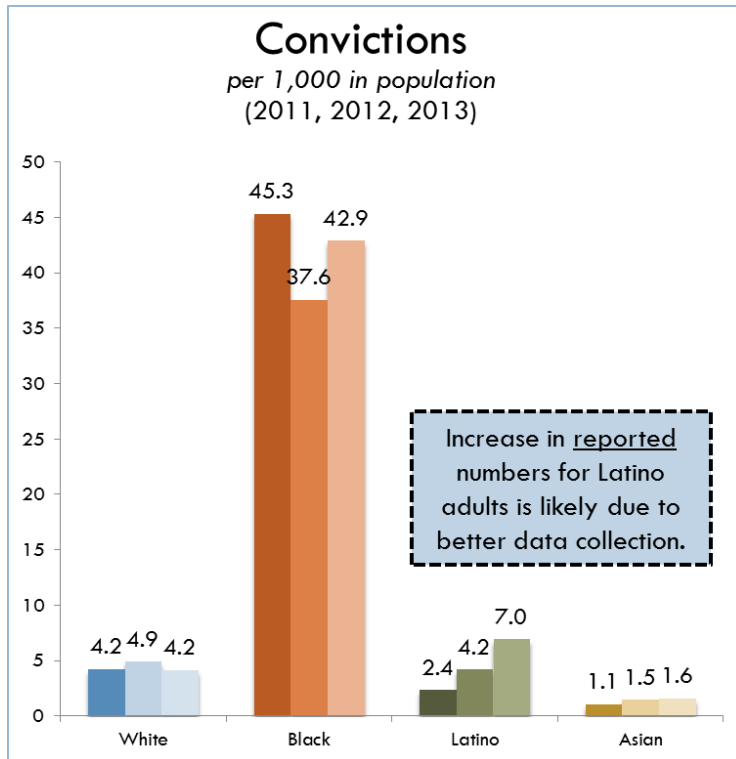
In answering these questions, BI used data from the Court Management System (CMS) and supplemented it with race and ethnicity data from the Sheriff Department's Jail Management System (JMS). The full time frame for the data analyzed is January 1, 2011 to June 30, 2014.³³

Disparity Gap in Convictions

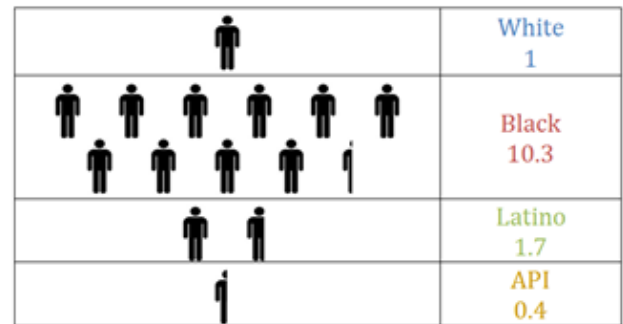
In 2013, more than 10 Black adults were convicted for every White adult convicted in San Francisco. Almost two Latino adults were convicted for every White adult convicted. For every White adult arrested and convicted in 2013, 1.4 Black adults were arrested and convicted. (Due to lack of data about Latinos 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):

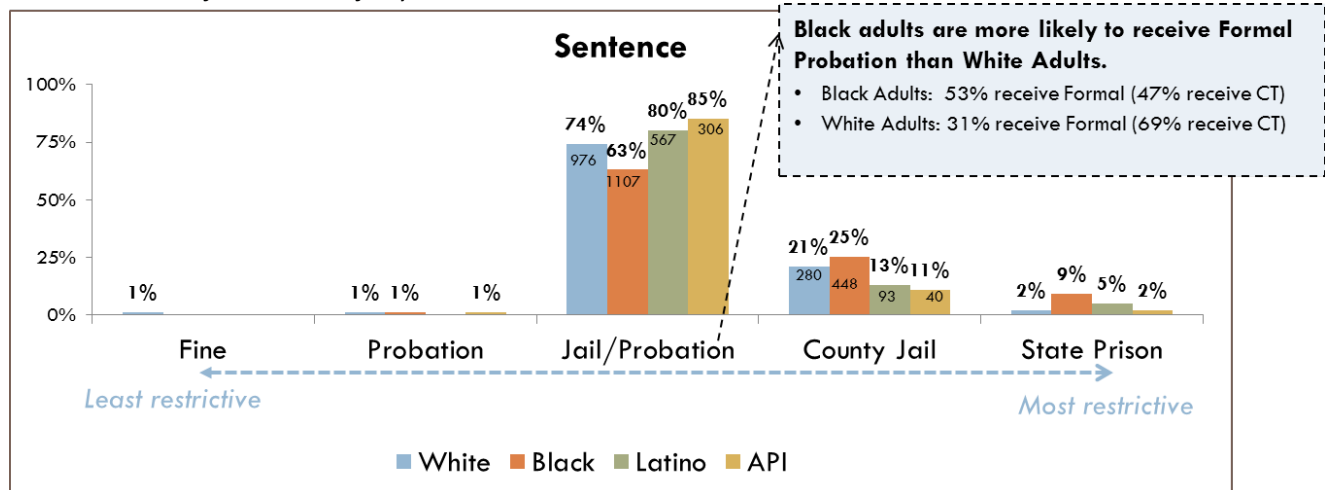


	White	Black	Latino	API	Native American
2011 Population	319,436	41,404	99,104	243,503	2,223
2011 Convictions	1,352	1,877	235	261	9
2011 Rate per 1,000	4.2	45.3	2.4	1.1	4.0
2011 Disparity Gap	1	10.7	.6	.3	1.0
2012 Population	322,713	41,094	101,132	249,203	2,234
2012 Convictions	1,588	1,544	426	370	6
2012 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.

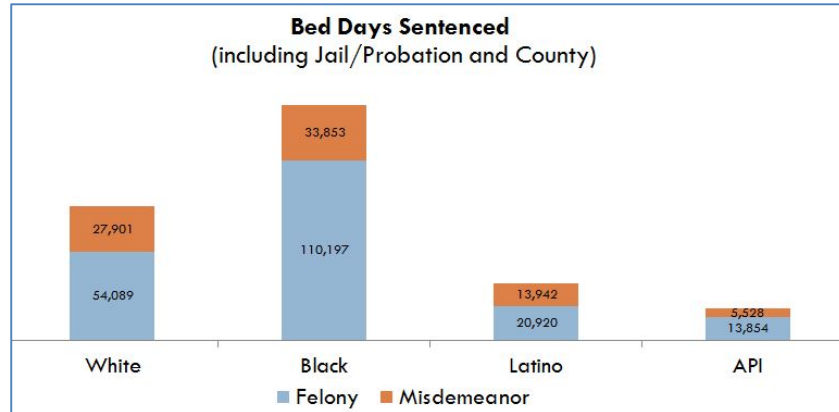
Black adults are more likely to receive a longer State Prison sentence than White adults. Whereas the average State Prison sentence for White adults was 33 months, the average for Black adults was 149 months. When looking at County Jail sentences alone, while the differences in sentences were not statistically 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

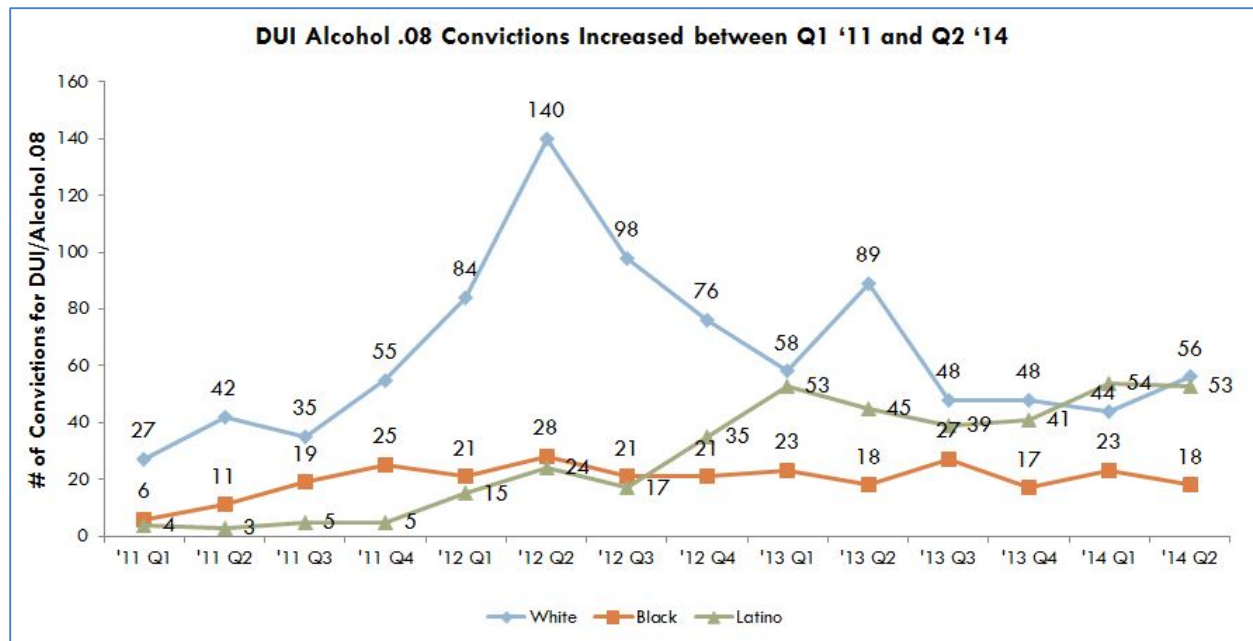
Whereas on average, Black and Latino adults were sentenced to 17 days and 18 days of County Jail, respectively, White adults were sentenced to 13 days County Jail.

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

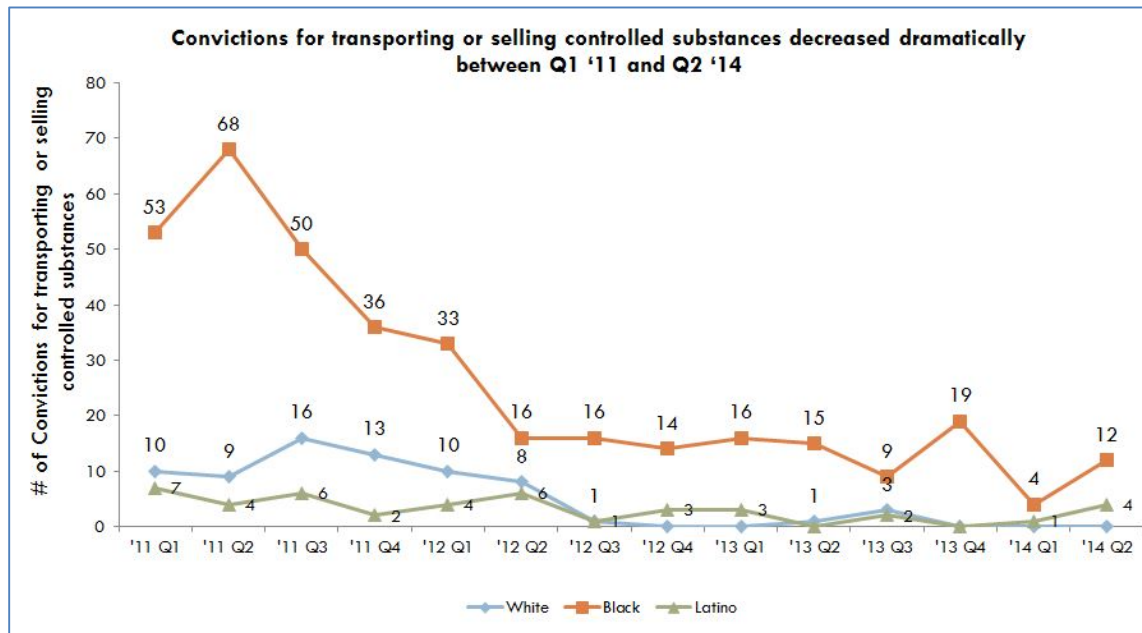
adults convicted for transporting or selling controlled substances has decreased substantially over the past 3 years, the proportion is consistently higher for Black adults.

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



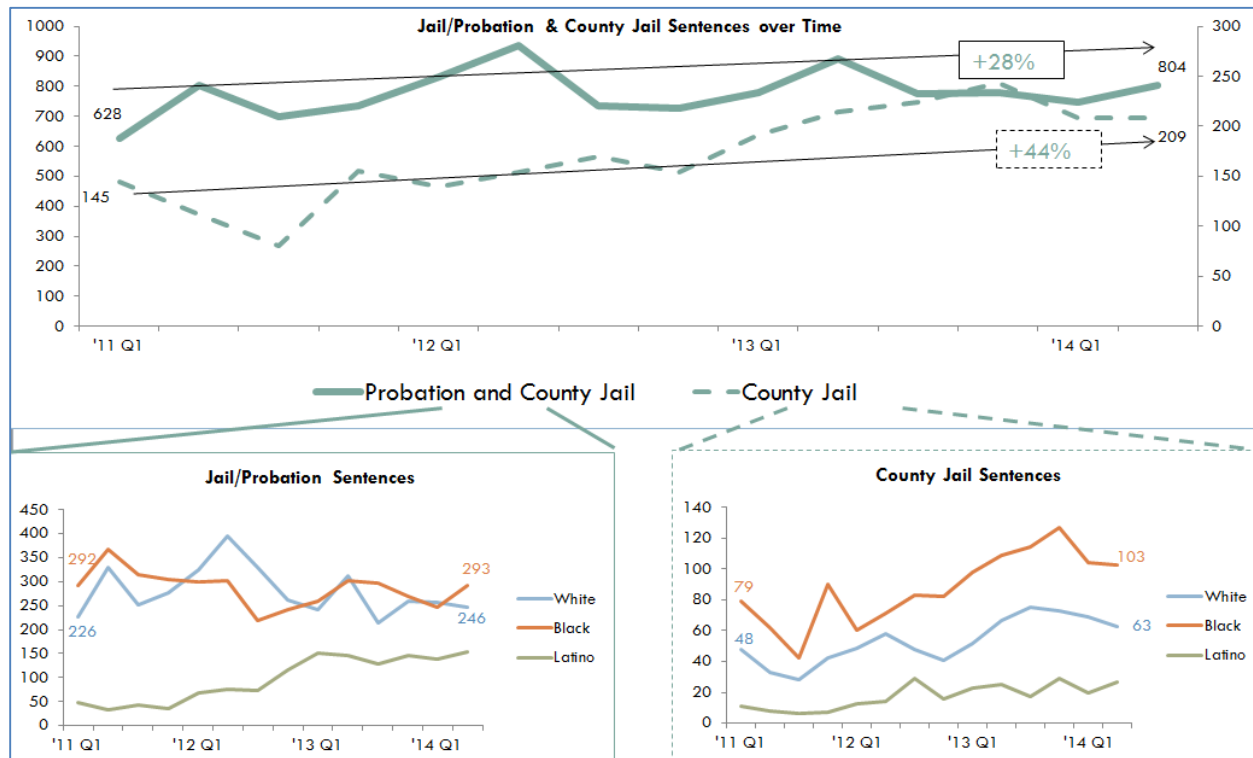
White adults convicted of transport /sell narcotics are more likely to receive a Jail/Probation sentence than Black adults, 90 percent compared to 66 percent. The County Jail portion of the Jail/Probation sentence is longer for Black and Latino adults convicted of transport/sell narcotics. Whereas White 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.

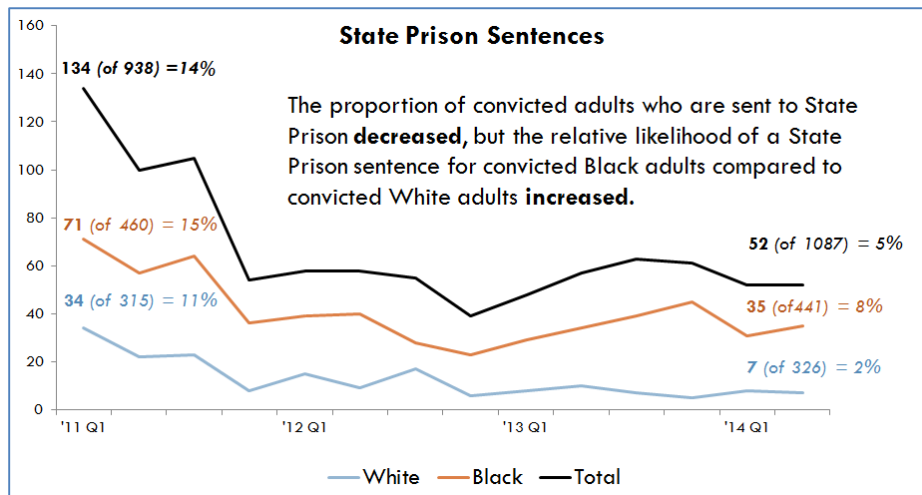
In the first quarter of 2011, 15 percent of White adults (48 of 315) and 17 percent of Black adults (79 of 460) received a County Jail sentence. In the second quarter of 2014, 20 percent of White adults (63 of 326) and 25 percent of Black adults (103 of 441) received a County Jail sentence. In other 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

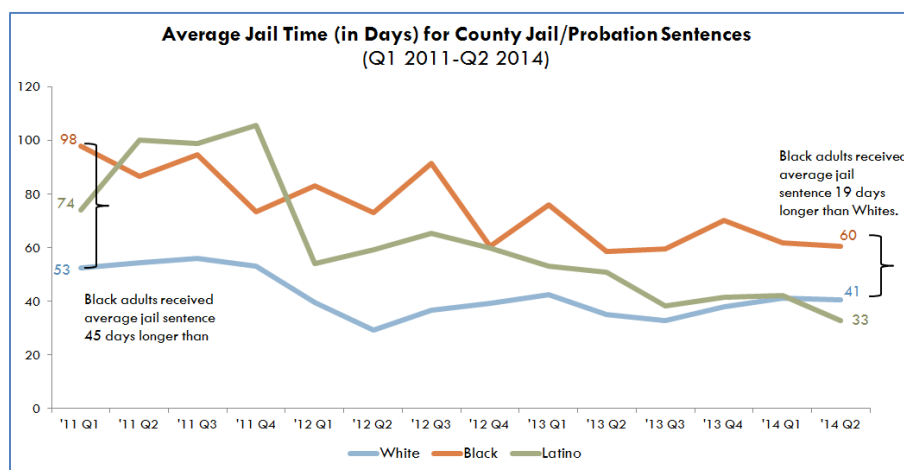
sent to State Prison, in quarter two of 2014, convicted Black adults were nearly four times as likely to be sent to State Prison. In other words, the proportion of Black adults sentenced to State Prison increased over time. During the first quarter of 2011, Black adults made up 53 percent of all State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

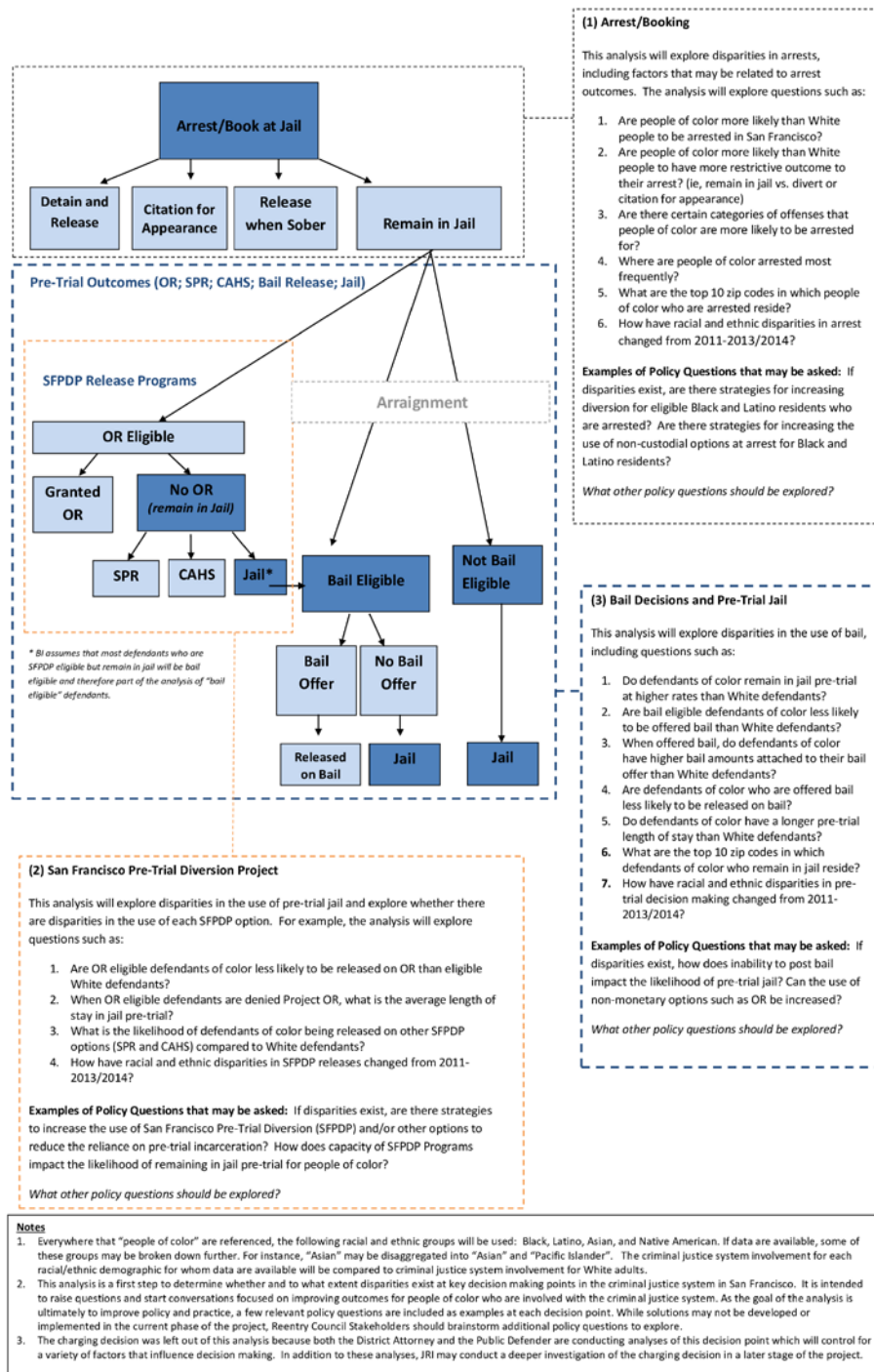
Pretrial Release Decision by Risk Assessment Score

		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.



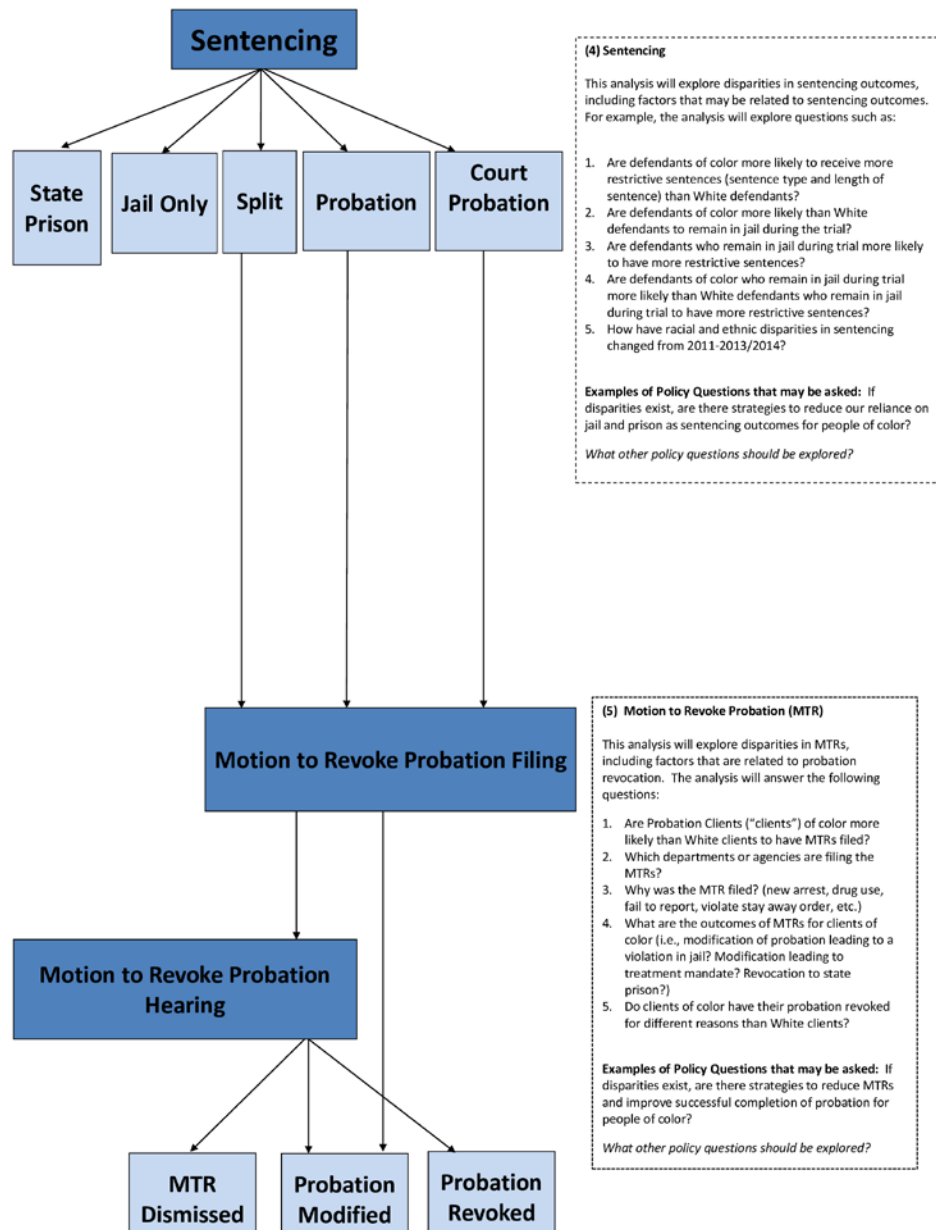
Appendix A: Initial Questions and Flow Charts⁴⁰



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

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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): ROBERT I. SCHRODER

SUNNE WRIGHT McPEAK

ACTION OF BOARD ON October 22, 1991

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

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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

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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)

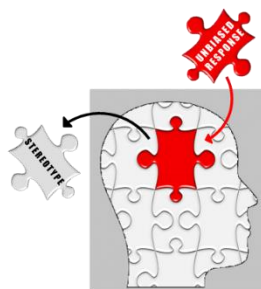
It is important that people consciously engage in the process (Wald and Tropp[†], 2013):

- 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

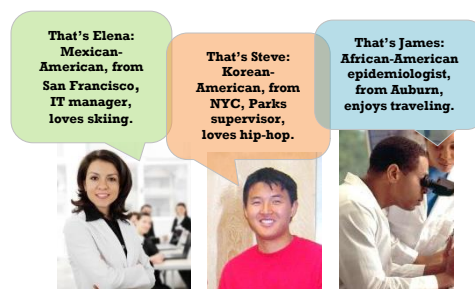
Instructions for Participants

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

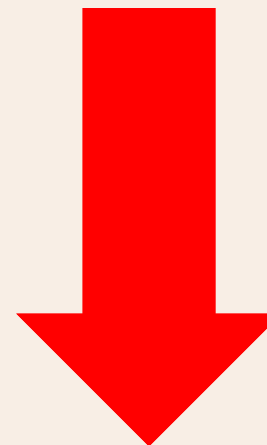
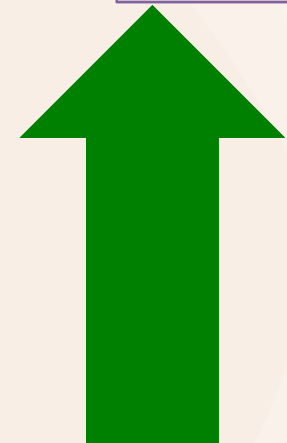
Job search - identical
resumes, apart from names

More “white-sounding”
names

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

Susan Smith

50% more
call-backs.



LaKesha
Washington



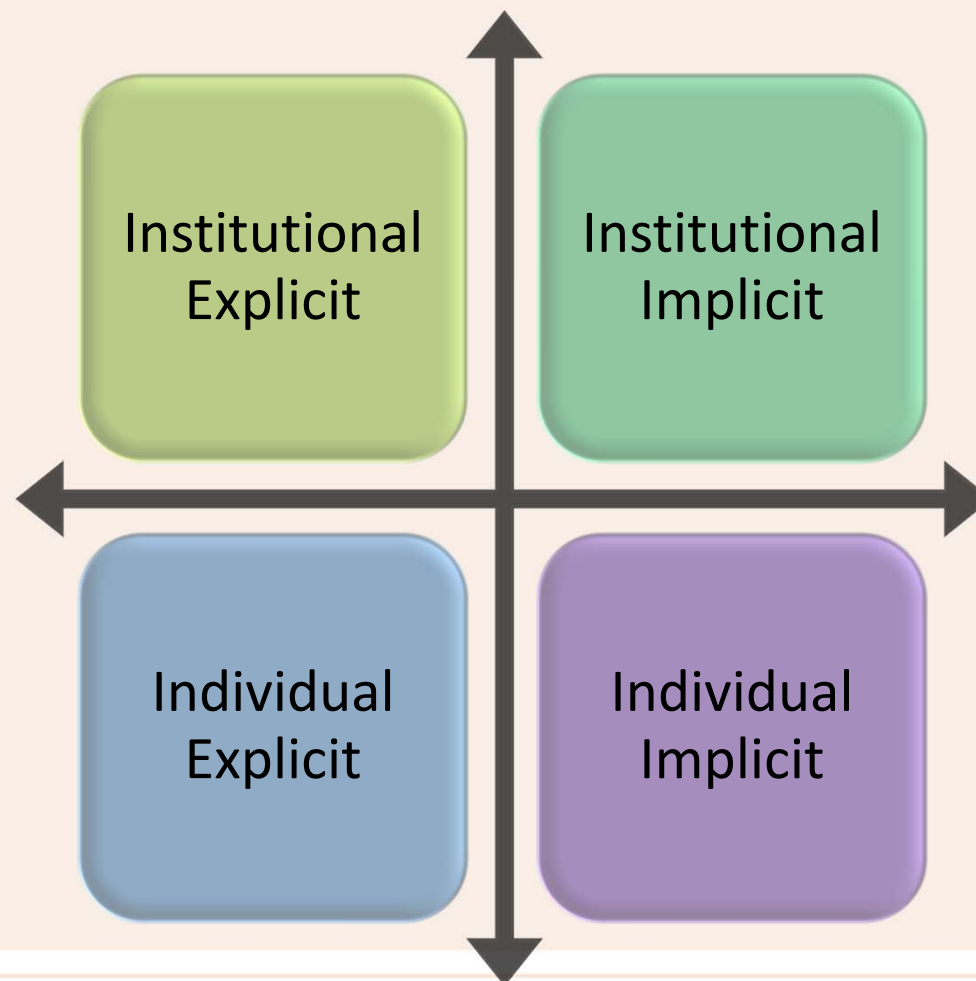
What to do with bias?

- 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.



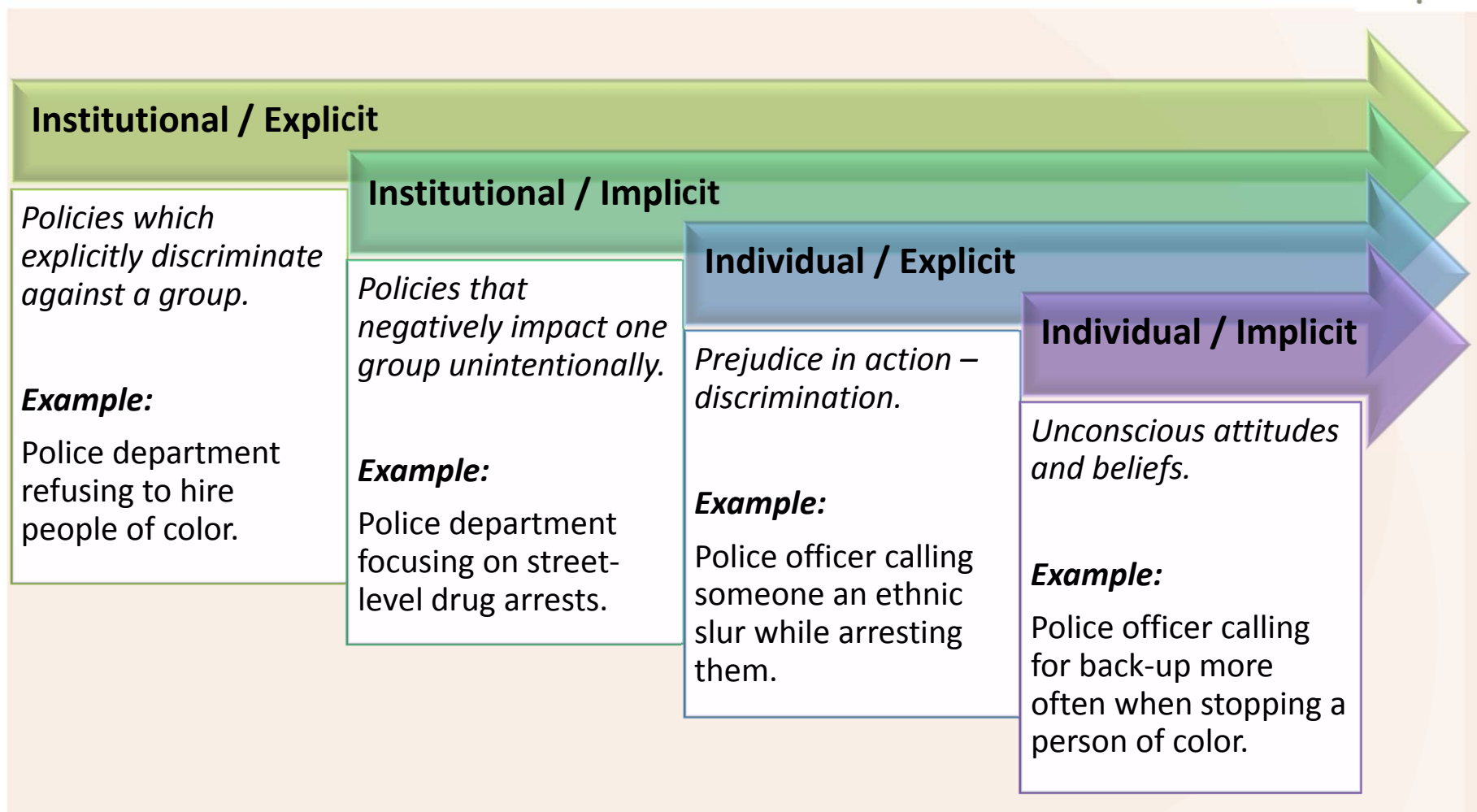


What creates different outcomes?





What creates different outcomes?





Re-framing racism

Individual racism:

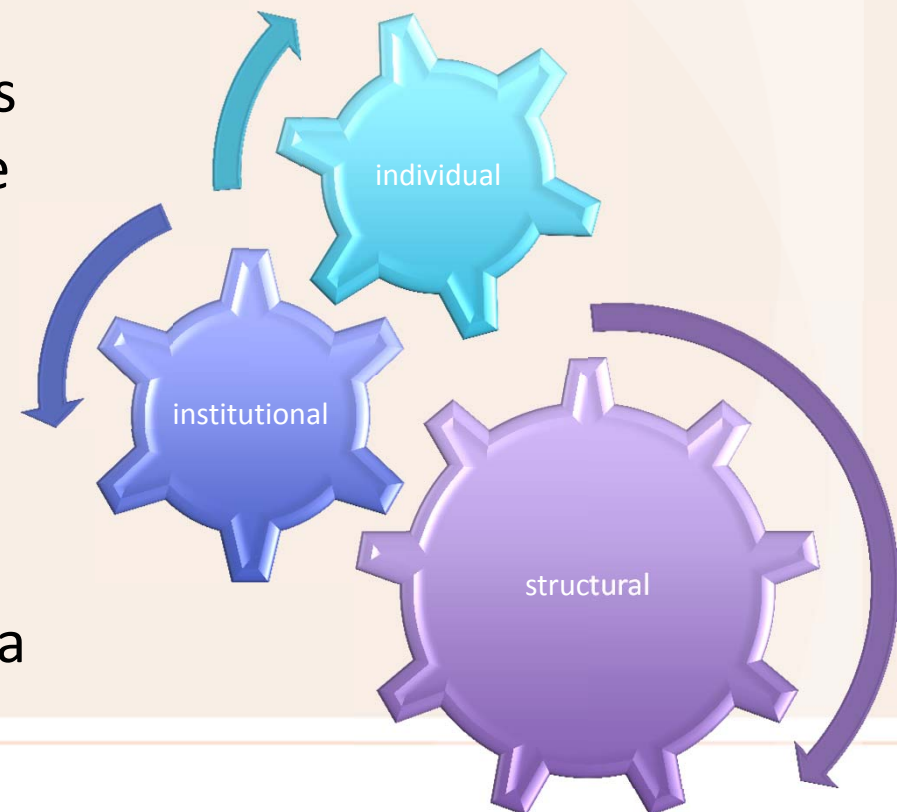
- Pre-judgment, bias, or discrimination by an individual based on race.

Institutional racism:

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

Structural racism:

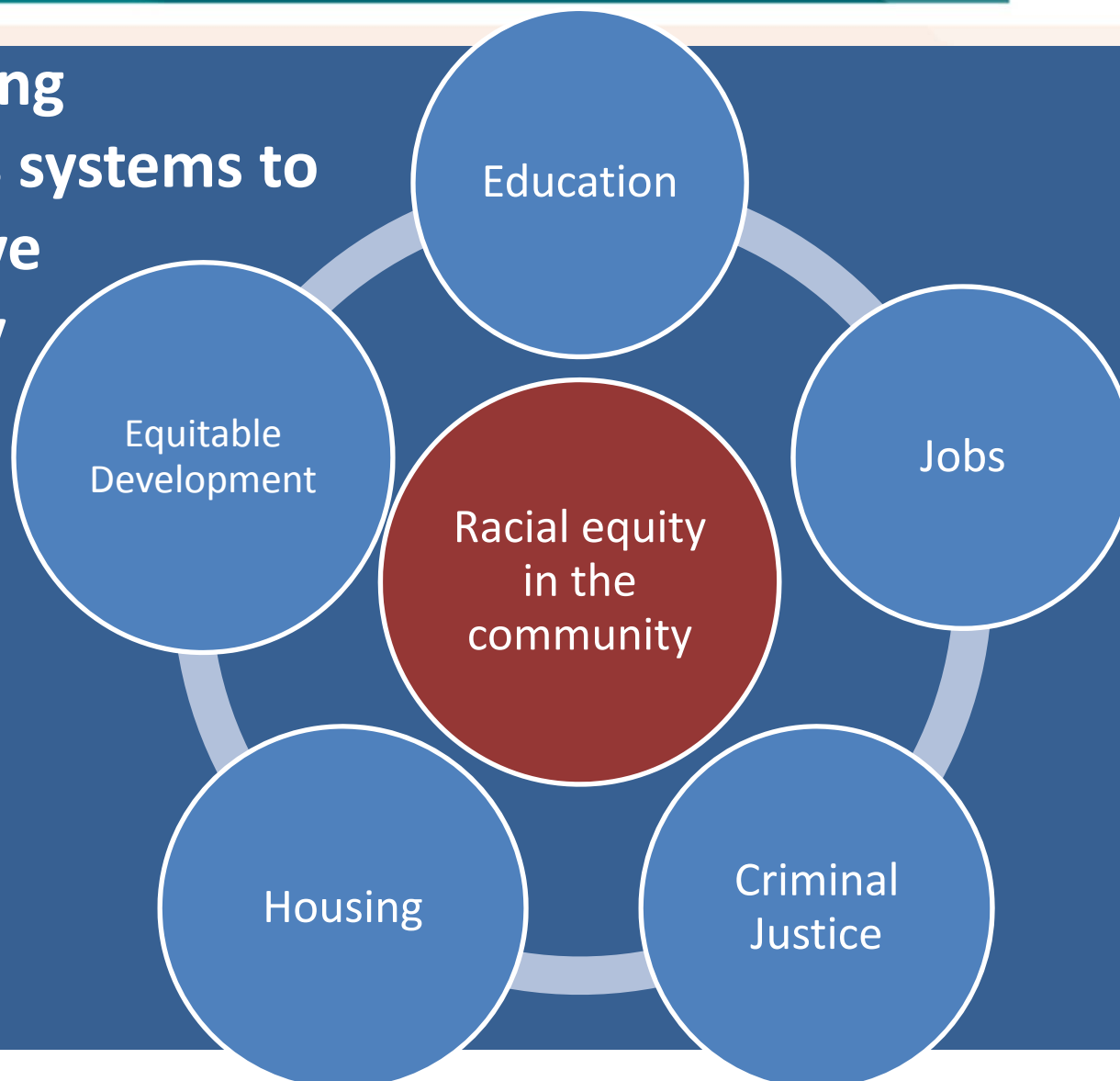
- A history and current reality of institutional racism across all institutions, combining to create a system that negatively impacts communities of color.





Achieving equity

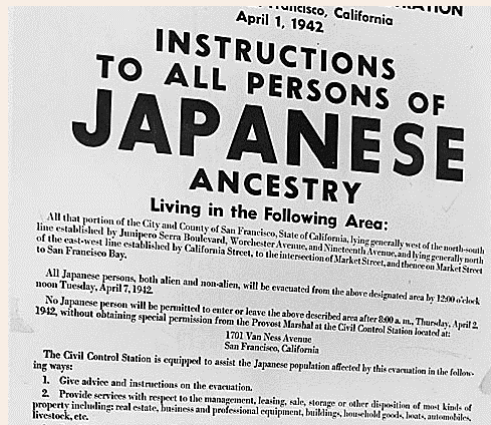
**Working
across systems to
achieve
equity**





History of Government

Explicit bias



Government explicitly creates and maintains racial inequity

Implicit bias



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

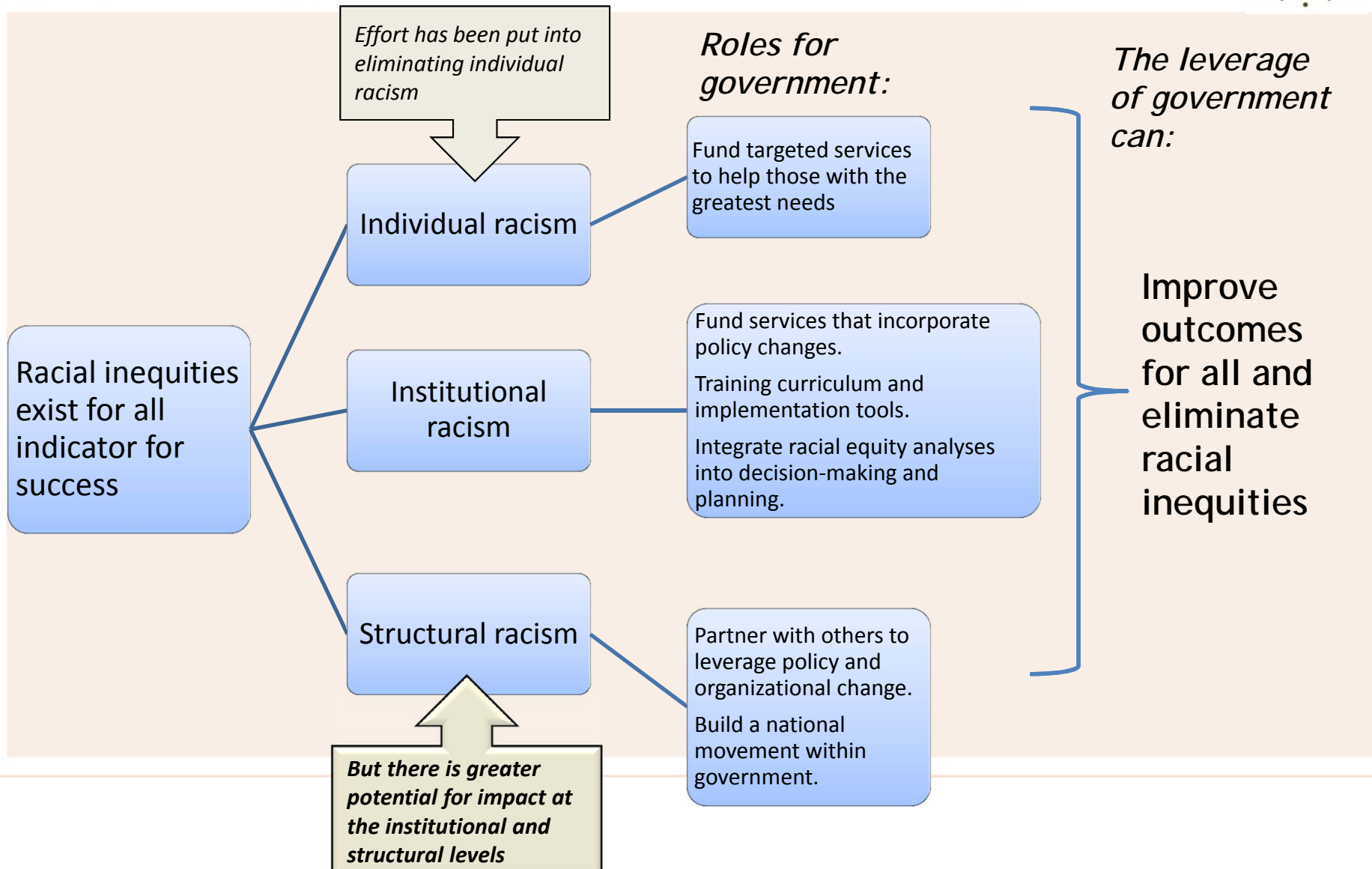
Government for racial equity



Proactive polices, practices and procedures for achieving racial equity

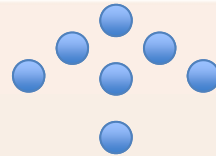


Governmental roles in working towards racial equity





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

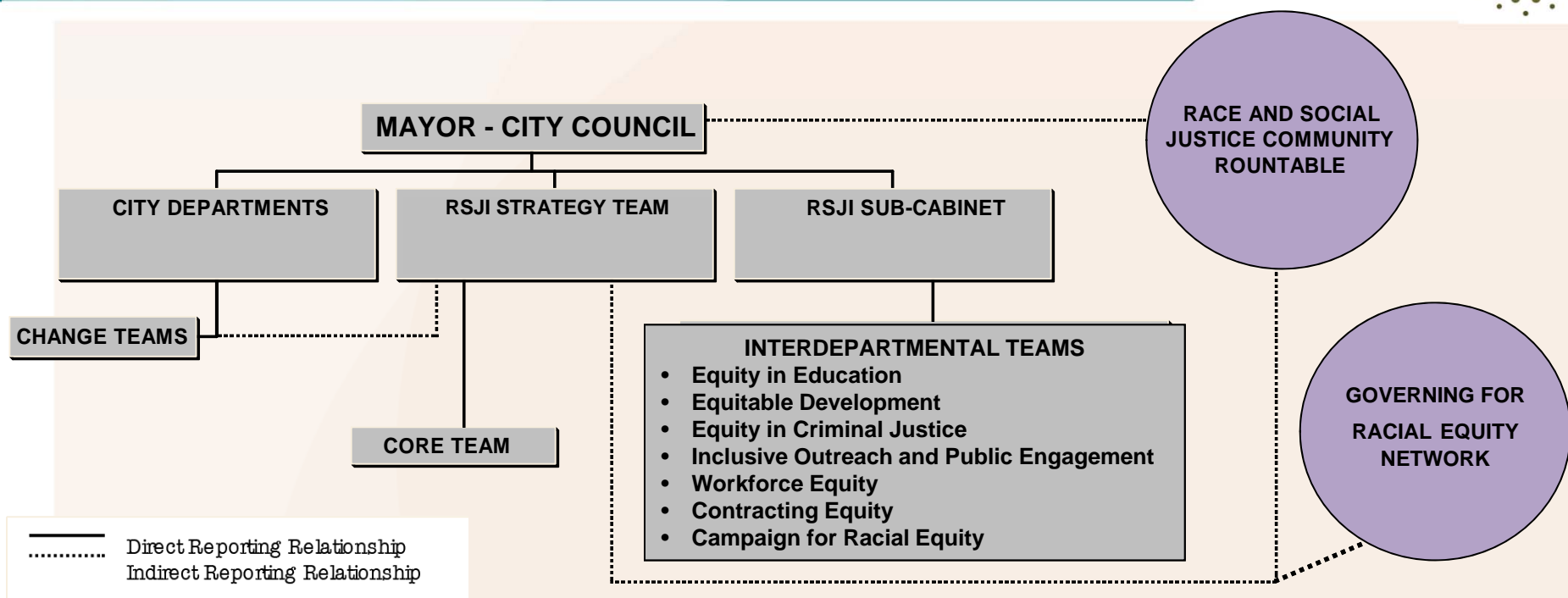
Partner across
sectors with
community

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

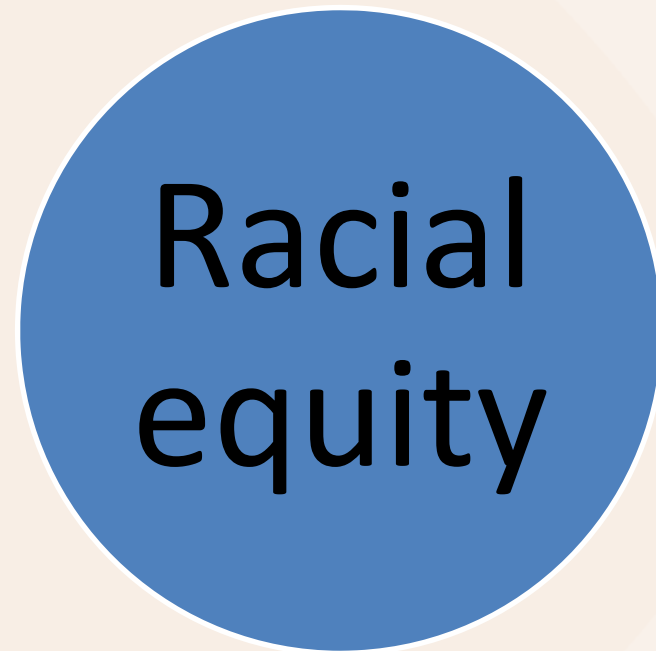
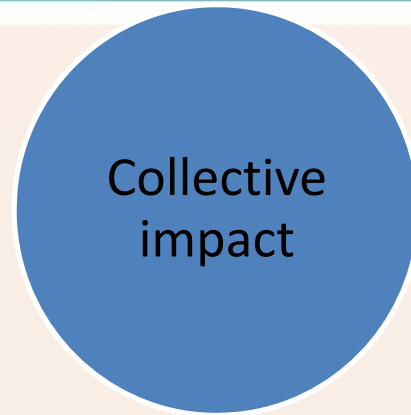
Mutually
reinforcing
activities

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



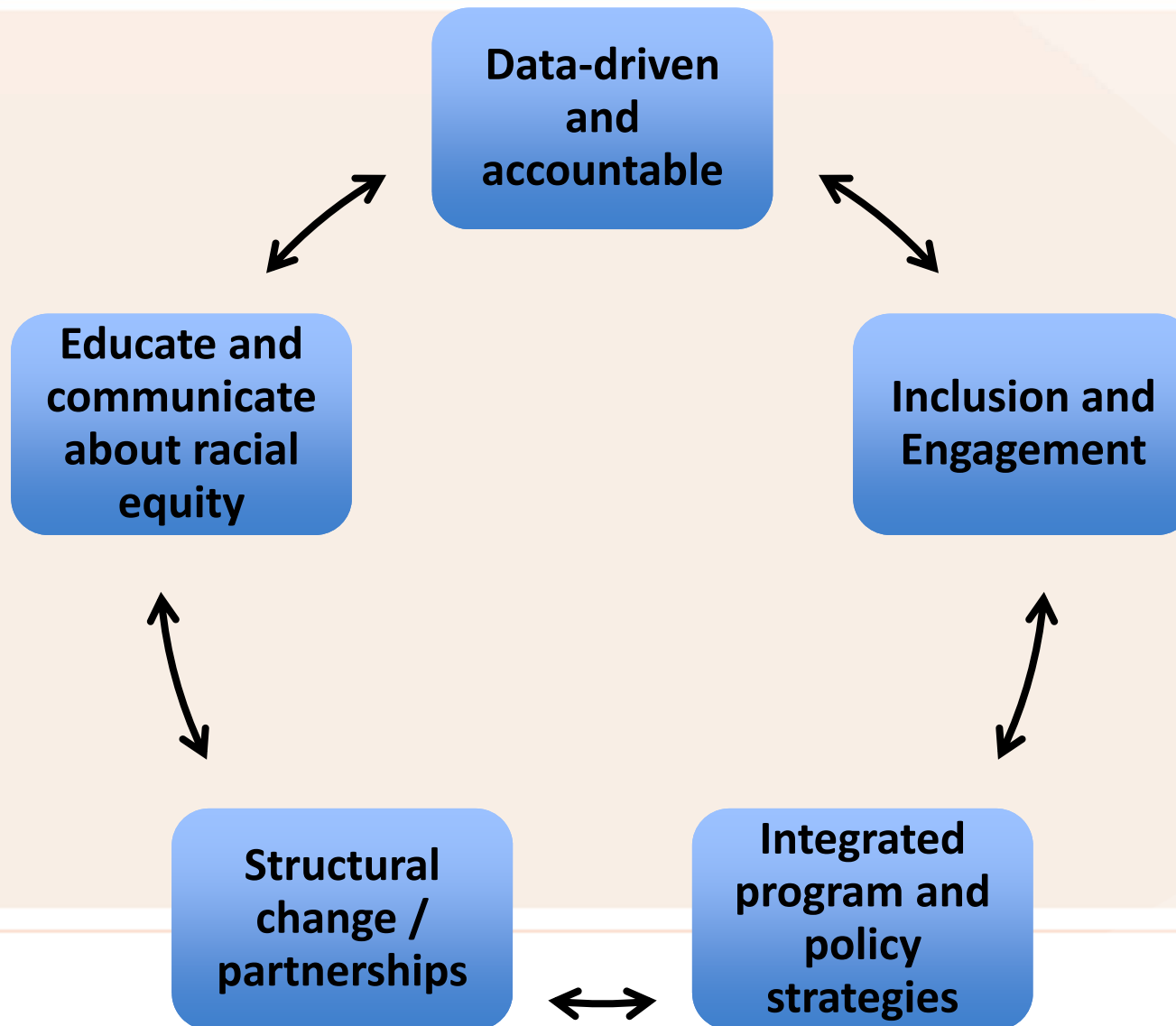
Government's work for racial equity

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**

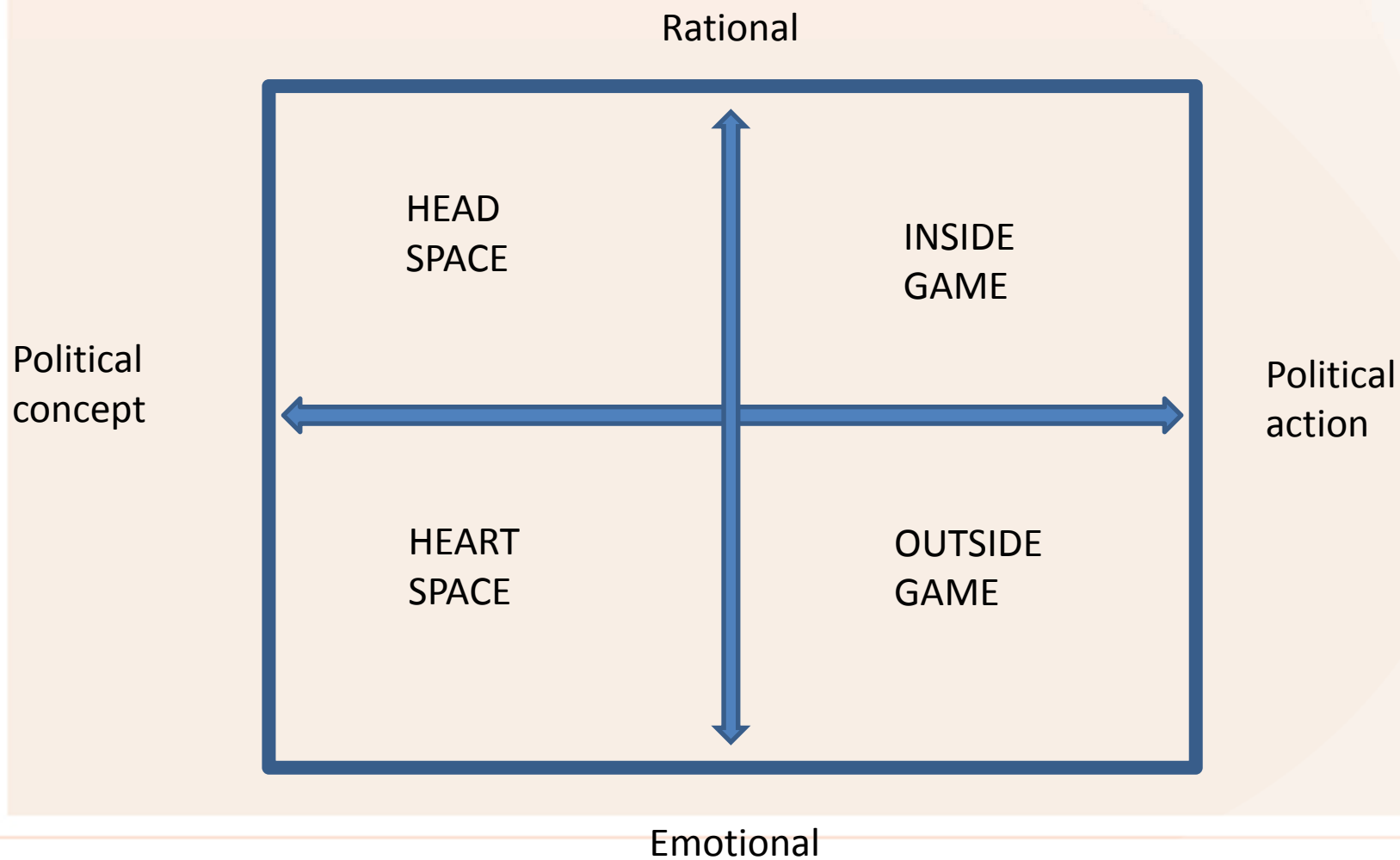


**political
action**

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.

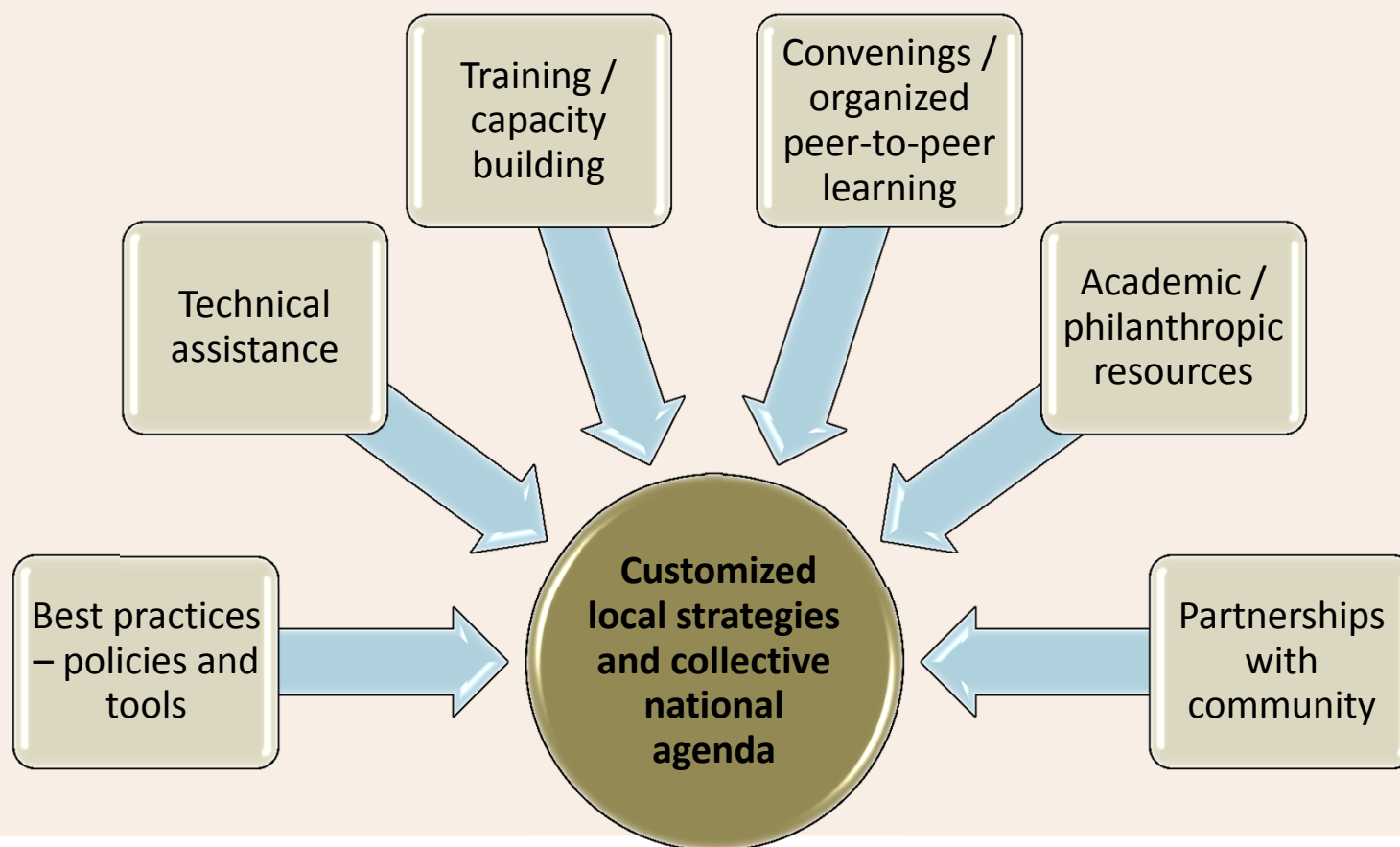


Alliance cohort

- ✓ 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

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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

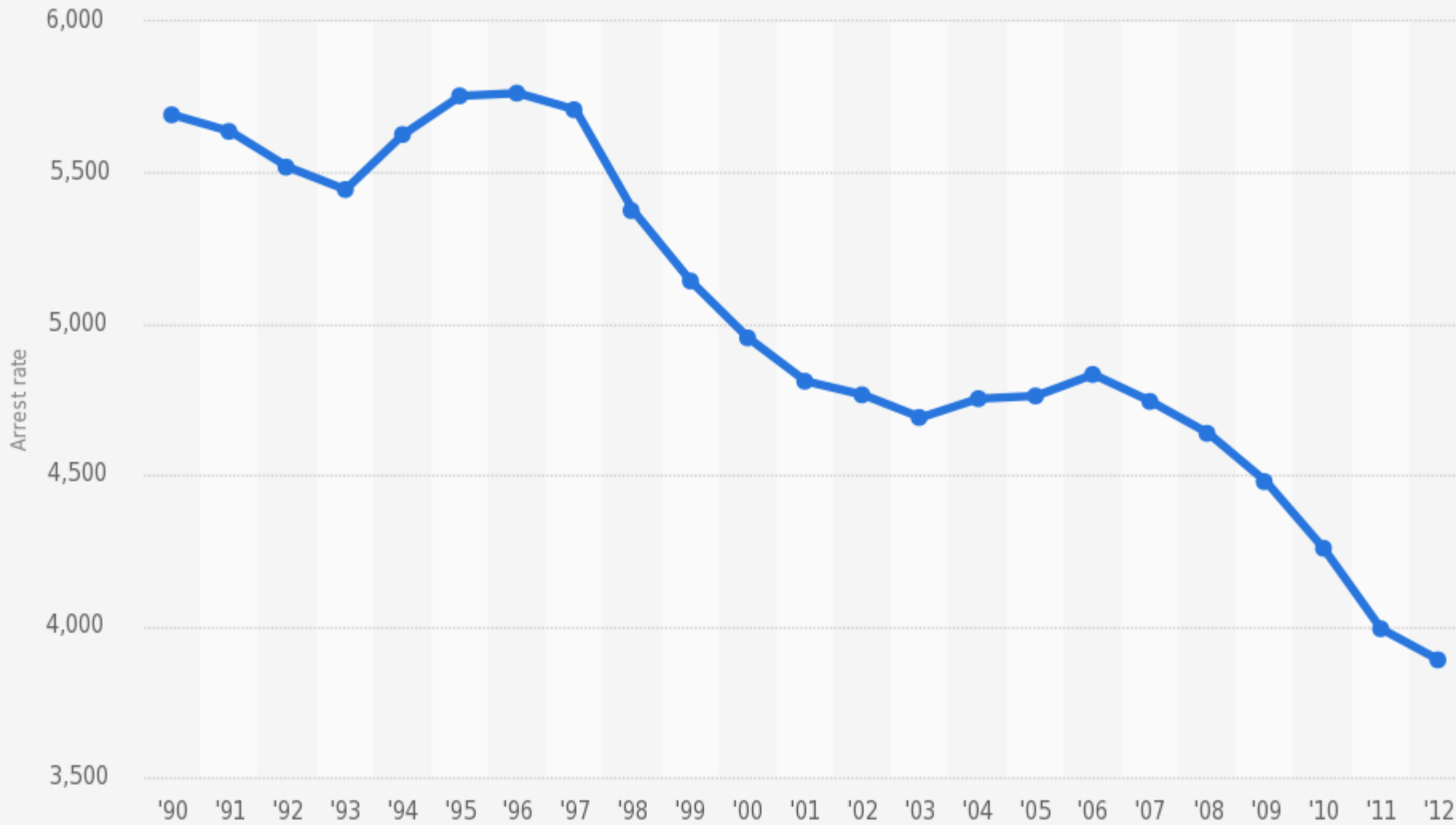


- ❧ Is incorporating RSJ principles into CJS policy necessary?
- ❧ Is incorporating RSJ principles into CJS policy possible?
- ❧ How do we incorporate RSJ principles into CJS policy?
- ❧ Provide relevant examples within the institutions where RSJ principles have been incorporated...

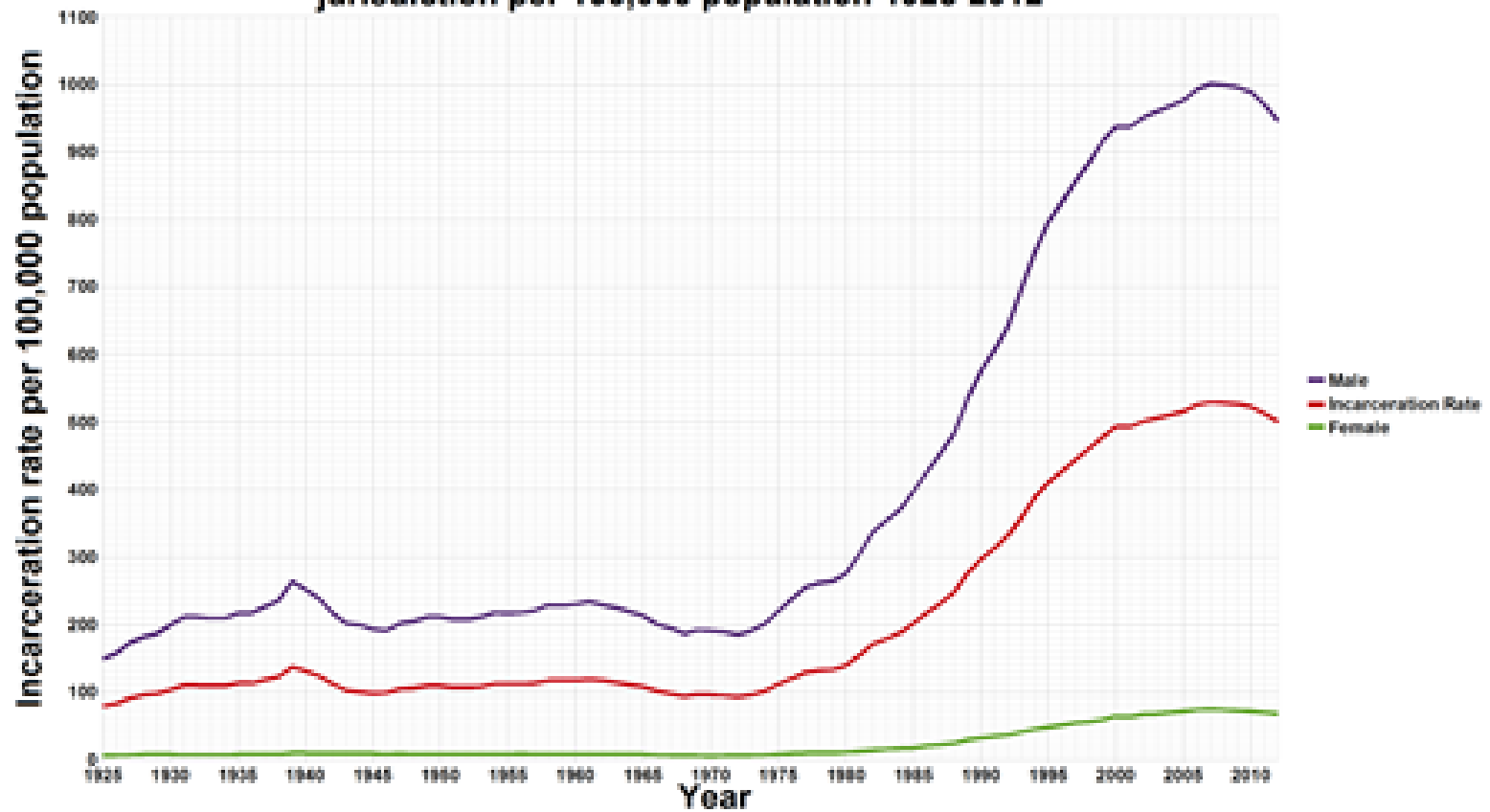


Is incorporating RSJ principles into CJS policy necessary?

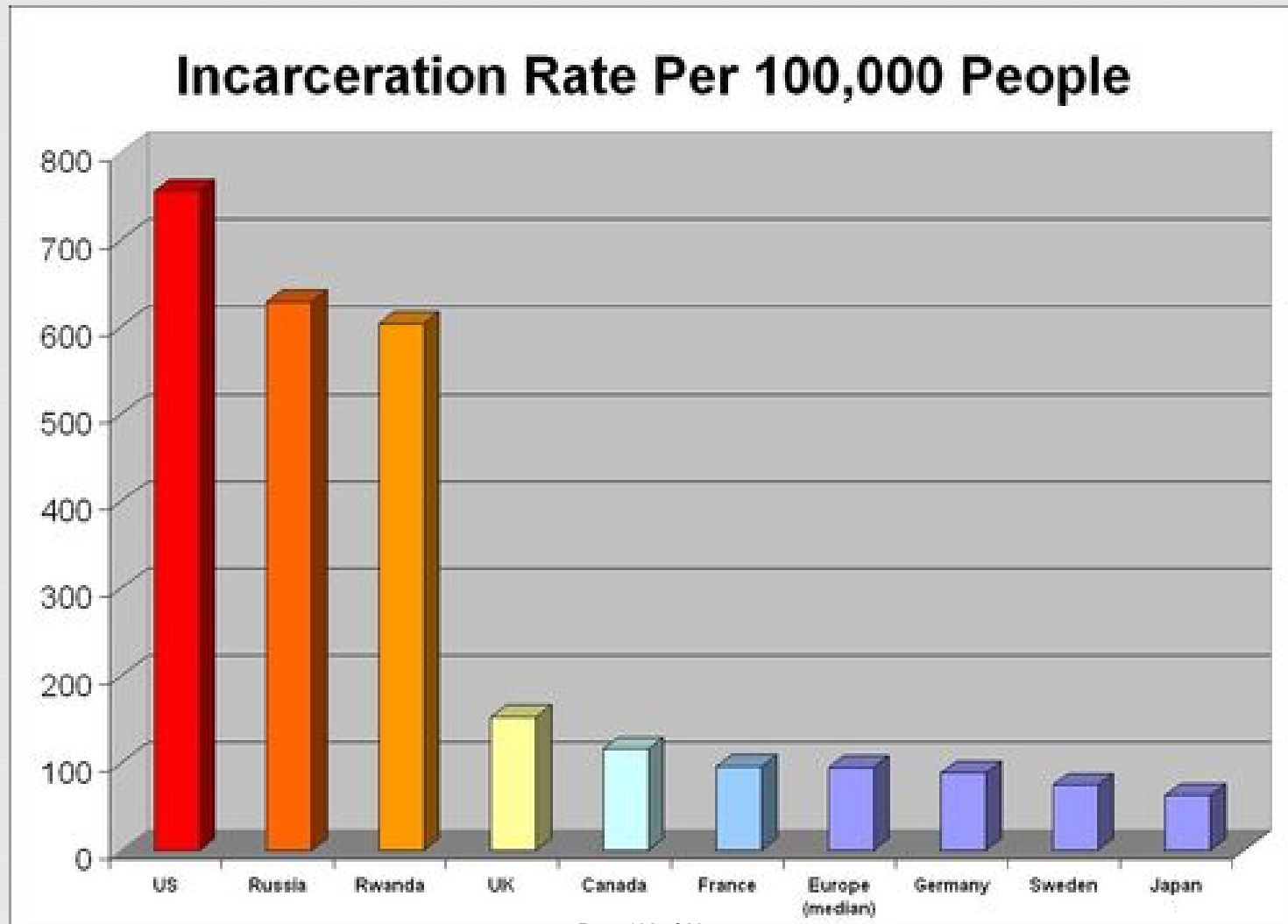
Arrest rate for all offenses in the United States from 1990 to 2012 (arrests per 100,000 people)



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



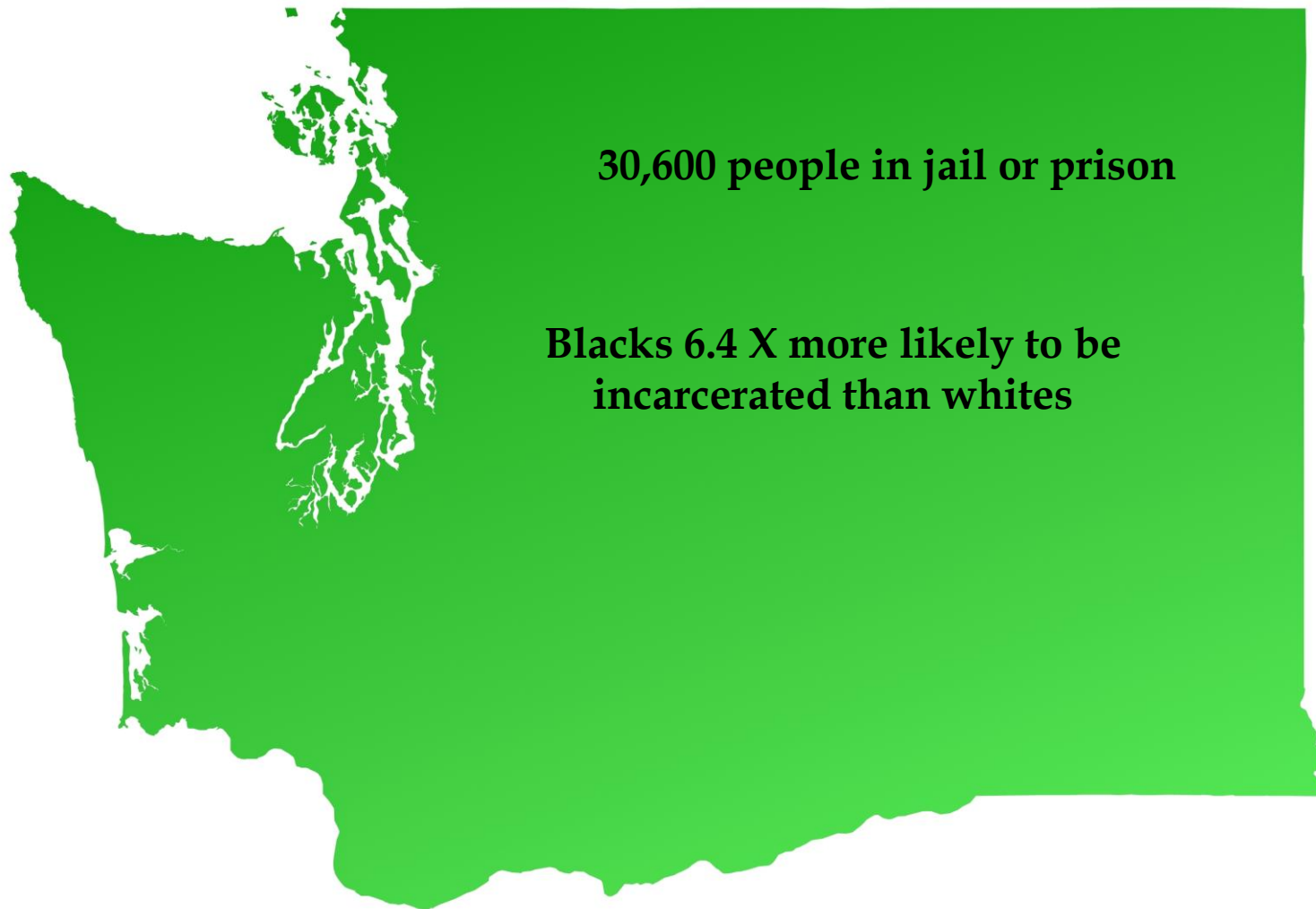
1 in 18

Latina Women



1 in 45

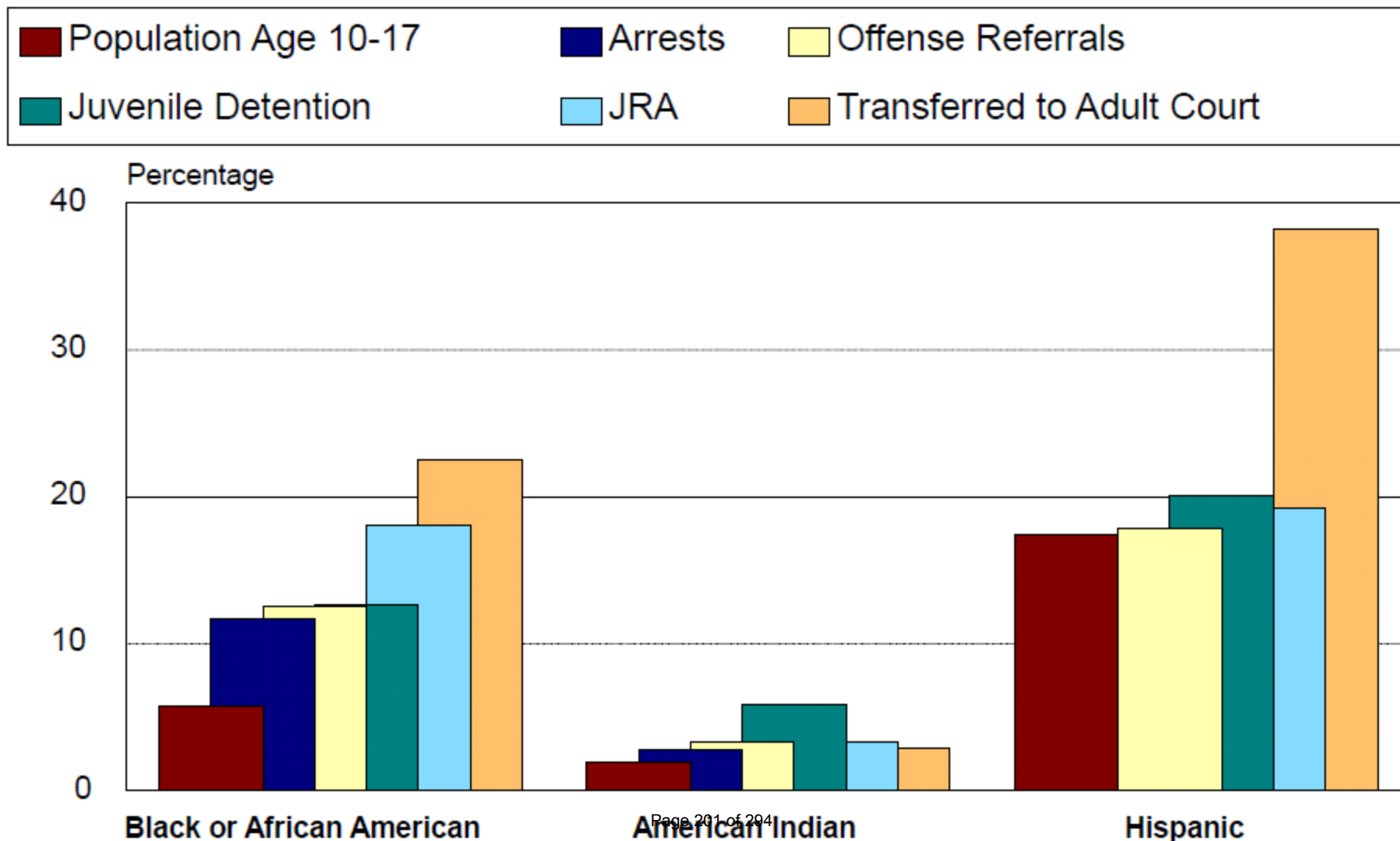
Source: Bonczar, T. (2003). *Prevalence of Imprisonment in the U.S. Population, 1974-2001*. Washington, D.C.: Bureau of Justice Statistics.



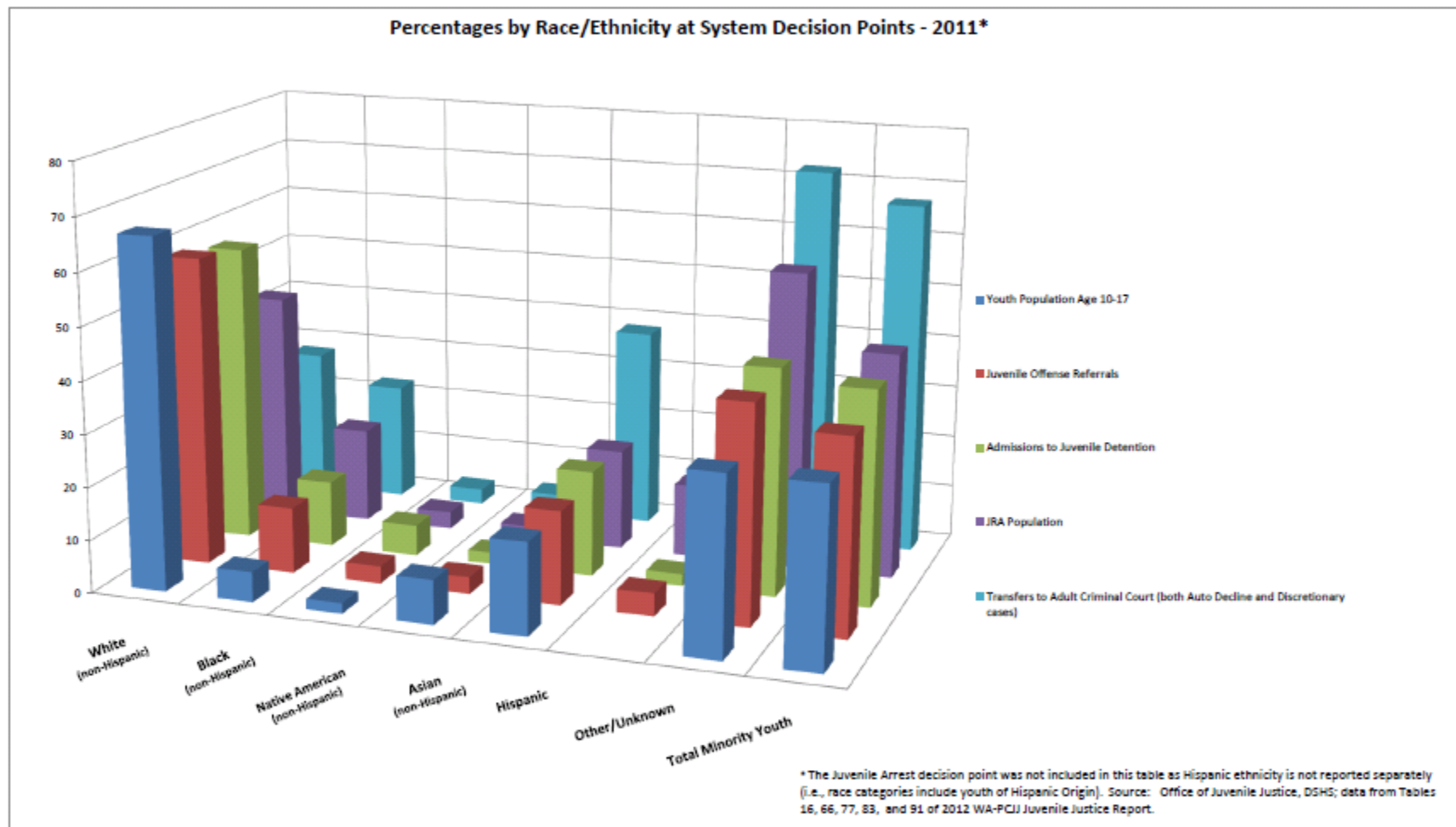
Graph 48

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



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

BSCC Grant Will Strengthen Law Enforcement-Community Relationships

9-17-2015

POMONA (Sept. 17, 2015) – The Board of State and Community Corrections is moving forward on a new grant designed to help strengthen relationships between law enforcement and the communities they serve.

The Board voted to approve establishment of an Executive Steering Committee that will develop requirements for the \$6 million in funding that will be available through the new Strengthening Law Enforcement and Community Relations grant. The Board selected as Chair new Board Member David Bejarano, chief of the Chula Vista Police Department.

The Budget Act of 2015 established the grant to provide law enforcement training on issues such as implicit bias and assessing the status of law enforcement-community relations, and to establish problem-oriented initiatives such as Operation Ceasefire, behavioral health programs and restorative justice programs. It also provides for funding for research to examine how local policing services currently are being delivered and to assess existing relationships, among other things.

The BSCC plans for the Executive Steering Committee to develop its Request for Proposals by early next year. The RFP is expected to be released to the public after the Board's February 2016 meeting. Applications for funding will be due in April 2016, with contracts starting July 1, 2016.

The BSCC will accept statements of interest from members of the public who would like to serve on the Executive Steering Committee from Sept. 18, 2015 to Oct. 9, 2015. Please visit www.bscc.ca.gov (<http://www.bscc.ca.gov>)

For more information please contact: Ricardo Goodridge at 916-341-5160 or at ricardo.goodridge@bscc.ca.gov (<mailto:ricardo.goodridge@bscc.ca.gov>)

Latest News

[AB 1056 Expands Areas of Prop 47 Funding \(news.php?id=80\)](#) 10-06-2015

[NOTICE OF PROPOSED ACTION - AMENDMENT AND ADOPTION OF TITLE 15 REGULATIONS \(news.php?id=79\)](#) 09-25-2015

[BSCC Sets First Regional Meeting on Prop 47 \(news.php?id=78\)](#) 09-21-2015

Pay For Success Program Launches (news.php?id=77) 09-17-2015

BSCC Awards \$3m to Juvenile Justice Programs (news.php?id=76) 09-17-2015

BSCC Grant Will Strengthen Law Enforcement-Community Relationships (news.php?id=75) 09-17-2015

Wild Horse Redemption in Sacramento County (news.php?id=74) 09-02-2015

BSCC Board Gets Two New Members (news.php?id=73) 08-27-2015

In LA, New Section 8 Rules Mean Some Felons Can Go Home (news.php?id=72) 07-27-2015

Magi Work named Deputy Director of CFC Division (news.php?id=71) 07-09-2015

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DISPROPORTIONATE MINORITY CONTACT

Reducing Disparity in Contra Costa County

**Prepared by Monique W. Morris, M.S.
for the Contra Costa County Probation Officer**

DECEMBER 2008

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PART I:

DMC IN CONTRA COSTA COUNTY

I. Introduction and Background

In 1974, the Juvenile Justice Delinquency Prevention Action (JJDP A) mandated that states address Disproportionate Minority Confinement. In 1988, an amendment to JJDP A required states receiving Formula Grant Funds to address the disproportionate confinement and incarceration of youth of color. Disproportionate Minority Confinement was defined as when the proportion of a minority group¹ detained or confined exceeded their proportion in the population. A number of states participating in the data-driven, outcome focused effort to measure DMC developed and implemented a plan to reduce DMC. In 1992, the amendment to JJDP A became a core requirement to be eligible for future funding. DMC language was changed from Disproportionate Minority Confinement to Disproportionate Minority Contact (DMC), so as to include a more complete analysis of the factors that lead to confinement and/or involvement with the justice system at various points along the continuum.

National research has found many factors that contribute to Disproportionate Minority Contact, socioeconomic factors, juvenile justice system factors, educational factors, factors associated with the family and society, victimization, legal and legislative factors, and geographical factors have all been found to correlate with the overrepresentation of youth of color in contact with the justice system.

The state of California, though the Corrections Standards Authority, has implemented several efforts to comply with federal DMC requirements, including distributing grant applications that prioritize consideration for efforts that focus services on youth of color; hosting regional trainings and meetings that provide information about DMC and strategies for addressing it; including DMC information in other juvenile justice workshops and conferences throughout the state; and facilitating the Enhanced DMC Technical Assistance Project in five counties, including Los Angeles, San Diego, Santa Cruz, Alameda, and Contra Costa County.

Since 2005, the effort to examine DMC in Contra Costa County has been led by the Probation Department, under the leadership of Chief Lionel Chatman. Further leadership is provided by a Decision Makers Workgroup, which was formed to bring together the key decision makers in the County's juvenile justice system to discuss DMC, examine data which would hopefully identify the degree of DMC at various decision points along the justice system, develop recommendations regarding ways to reduce the level of DMC, and lead the implementation of next steps to be taken in this ongoing process.

The Decision Making Workgroup is composed entirely of department heads or executive level staff of the various agencies who have some involvement in the

¹ "Minority group" includes the following racial and ethnic classifications: Asian Pacific American, African American, Latino/Hispanic American, and Native American.

juvenile justice system. Its members include the County Probation Officer, the District Attorney, the Presiding Juvenile Court Judge, an Assistant Public Defender, Representatives from the County Board of Supervisors, a representative for the County Administrator's Office, Director of Employment and Human Services, Director of Health Services, County Superintendent of Schools, Chief of the Concord Police Department, Chief of the Richmond Police Department, and the Undersheriff. The selection of members was, to some degree, influenced by the scope of this project, which was designed to study the issue of DMC in three specific areas: the City of Richmond, the city of Bay Point, and the community in the City of Concord known as the Monument Corridor.

II. Review of DMC Trends in Contra Costa County

Data findings analyzed in 2006 revealed that racial disparities in the three target areas were most prevalent at the early stages of the juvenile justice continuum, specifically at the points of arrest and referral to probation. In all three areas, disparities were found for African American youth at arrest and referral to probation, however disparities were also found for other ethnic groups at various decision points. Specifically, in Richmond, disparities were found for African American and Latino youth, although additional research has documented racial disparities for Southeast Asian males in Richmond as well.² [See Table 1]

Table 1: DMC Trends in Richmond, by RRI, 2005

Race/Ethnicity	Arrests	Referrals to Probation
African American	2.8	2.6
Latino	1.0	1.1
White	1.0	1.0
Asian	0.2	0.3
Pacific Islander	--	--
American Indian	--	--
Unknown/Other	1.1	0.6

² Juneja, P., with West Contra Costa County Southeast Asian Youth and Family Alliance. (2006) *Hidden Challenges: A report in a series examining the status of API youth in West Contra Costa County, California*. Oakland, CA: National Council on Crime and Delinquency.

In Concord, disparities were found for African American youth at the points of arrest and referrals to probation. Slight disparities were also found for Latino youth at referrals to probation and for Pacific Islander and for youth whose ethnicity is recorded as “unknown” at point of arrest. [See Table 2]

Table 2: DMC Trends in the Monument Corridor, by RRI, 2005

Race/Ethnicity	Arrests	Referrals to Probation
African American	3.8	5.2
Latino	1.1	2.0
White	1.0	1.0
Asian	0.2	0.1
Pacific Islander	1.4	0.0
American Indian	0.0	0.0
Unknown/Other	1.3	0.2

In Bay Point, in addition to the disparities found for African American youth, a slight overrepresentation was found for Latino youth at point of arrest and referral to probation. Disparity was also shown for youth whose ethnic backgrounds were recorded as “unknown” and Pacific Islander youth at referral to probation. [See Table 3]

A 2007 report by Mark Morris Associates revealed further that the greatest disparities were found at other stages of the justice continuum as well, particularly for African American youth. The study analyzed more than 1,594 youth with a Contra Costa County juvenile court disposition in 2006, and included youth from all over. Leading cities in the sample included: Richmond (22%), Antioch (19%), Concord (12%), and Pittsburg (10%).

Table 3: DMC Trends in the Bay Point, by RRI, 2005

Race/Ethnicity	Arrests	Referrals to Probation
African American	5.7	2.7
Latino	1.7	1.2
White	1.0	1.0
Asian	0	0.1
Pacific Islander	0	3.8
American Indian	0	0
Unknown/Other	2.5	0.3

African American Youth

African Americans were involved in the justice system at disproportionately high rates:

- African American youth almost 13 times as likely as white youth to be placed in secure confinement.
- Disparities were also found among average lengths of stay in detention. African American males were detained longer than non-African American males:
 - African American males: 31 days
 - Latino American males: 13 days
 - White males: nine days
 - Asian American males: five days
- African American males, on average, had a greater number of previous arrests and sustained petitions than non-African American males.
- African American males and females were referred to probation at younger ages than their white counterparts.
- African American females more likely to have sustained petitions for misdemeanor violent offenses (42%) compared to Latina and white females.

Latino Youth

Mark Morris Associates found that like their African American counterparts, Latino youth were more likely to be detained than white youth and stay in detention for a

longer period of time (13 days, compared to nine days and five days for White and Asian American males, respectively).

III. Review of Probation DMC Training Activities

Probation DMC Training

In 2008, eight of trainings were conducted with Probation staff. As of the writing of this report, all Contra Costa County Probation staff members have been trained on the key causes and correlates of DMC. In addition to presenting research and policy trends, the training provided an opportunity for Probation staff to offer their perspectives on the tools, resources and mechanisms required to support the individual and collective efforts to reduce DMC. Specifically, in each training Probation staff were asked the following questions:

1. What type of programming would you like to see to address the issue of DMC?
2. Where in your own work do you think you could impact DMC?
3. What challenges do you feel exist re: reducing DMC in Contra Costa County?
4. What support would you need to address DMC in your own work?

A summary of the responses to these questions are presented below:

Programs of Interest:

- Early intervention in the education (i.e., elementary school), literacy programs and school tutoring
- Increased juvenile mentoring and community service programs
- Life skills and vocational training
- Improved recreation and sports programs (i.e., PAL)
- Alternative detention facilities for girls
- Multilingual outreach
- Victim impact speakers
- Parental education and social skills

Where Probation can Impact DMC:

- Improve staffing, particularly community-based probation officers
- Adjudication intake is critical
- Cultural competency training for management and staff
- Ongoing cross-training
- Provide resources and opportunities equally to all clients
- Promote basic life skills among clients
- Treat all clients with dignity and respect
- Batterer's Program should include more than one spot for those w/o means to pay for programs.

Challenges:

- Lack of funding to provide needed resources.
- Lack of education about DMC
- Lack of employment opportunities for high-risk communities
- Perceived lack of a motivation among client and community
- Perceived lack of staff and administrative buy-in
- Home/Parent situation – Parents should be held more accountable
- Lack of cultural sensitivity and discussion
- Fostering cooperation & communication between agencies

Support Needed

- Increase data collection
- Need for specialized units
- Management support, cooperation, flexibility.
- Financial, support
- Clients support

Each session lasted four hours, and was co-facilitated by the consultant and two of the six Probation staff (2 Deputy Probation Officers, 2 Institutional Supervisor II, and two Institutional Supervisor I) who have been trained to present materials and research on DMC.

A follow-up survey was conducted by Mark Morris Associates. A summary of their findings will be submitted in a separate report.

Community-based Partner DMC Training

Four training sessions were held with the Probation contractors who provide direct services to youth on probation. Community-Based Organization (CBO) partners, including Project Reach (Antioch/Pittsburg), West Contra Costa Youth Service Bureau (Richmond), and New Connections (Concord/Bay Point).

Participants in these training sessions were also provided an opportunity to share their ideas regarding how to support a better partnership to improve public safety and reduce DMC. Specifically, in each training session, CBO partners were asked the following questions:

1. How can the Probation Department better support CBO's effort to improve outcomes for youth and support DMC?
2. What role can the CBO partner play in advancing culturally specific programming for youth of color?
3. What challenges do you feel exist re: reducing DMC in Contra Costa County?

4. What support would you need to address DMC in your own work?

A summary of the responses to these questions are presented below:

- *Communication*- The majority of CBO respondents perceived there to be very little meaningful communication between the Probation Department and the CBO contract about the client (i.e. youth on probation). Improving communication was seen as a key area that could impact other areas of service, particularly where there may be assumptions about roles and responsibilities that need clarification.
- *Resources*: CBOs tended to note a need for improved human and financial resources to support parental services, appropriate language access and services, and mental health programs and responses.
- *Challenges*: CBOs identified fear and a lack of knowledge as major challenges for this work to continue in Contra Costa County. Connecting with unidentified stakeholders and lack of respect for CBO work were also viewed as challenges.
- *Needs*: CBOs identified funding as a continued need with regard to supporting continued efforts to reduce DMC. Additional trainings were also viewed as key to a continued strategy to bridge communication gaps and to support joint strategies to address the overrepresentation of youth of color.

A follow-up survey was conducted by Mark Morris Associates. A summary of their findings will be submitted in a separate cover.

IV. Review of Diversion Planning Activities

There are currently no formal diversion programs recognized by law enforcement in the Richmond, Bay Point, or the Monument Corridor. Diversion programs should occur at the early stages of juvenile justice processing, but can also be instituted at later stages of the continuum to prevent further penetration into the system and costly placements. By definition, these programs divert youth from formal court processing while still providing a means to hold them accountable for their actions.

Research³ has confirmed that there are several important benefits to diversion, including that they provide more effective and appropriate treatment for youth, reduce recidivism, decrease overcrowding in detention facilities, facilitate the

³ Davidson, W. et. al, (1990) *Alternative Treatments for Troubled Youth: The Case of Diversion from the Justice System*. New York: NY: Plenum Press.

further development of community-based services, improve working relationships of cross-systems groups, and expedite court processing of youth into services.

In 2008, two diversion subcommittees were established; one addressing Richmond and one addressing the Monument Corridor/Bay Point. These subcommittees are currently working to prepare a series of recommendations to the Decision Makers Workgroup regarding the design of area-specific diversion protocols and programming, eligibility criteria, and communications strategies between agencies.

The mission of these subcommittees is to develop tools, protocols, and recommend programming to divert youth from further contact with the juvenile justice system. Tools developed by this committee will assist juvenile justice professionals in determining who is eligible for diversion; and will be used, along with internal policies and procedures and the experience and expertise of juvenile justice professionals, as a guide for decision-making.

To support the development of these recommendations, two “best practices” panels on diversion were held. The first panel featured presentations from Sandra McBrayer of the San Diego Children’s Bureau; Joella Brooks of the Southwest Key Programs, Inc., and Julie Posadas Guzman of the Youth Justice Institute—all organizations that have established promising approaches and best practices with regard to protocols, data collection, and the implementation of culturally-competent and gender-responsive programming. A second panel and presentation on diversion was held for diversion subcommittee members and included presentations by Corporal Elmer Glasser of the Contra Costa County Sheriff’s Office, Julie Posadas Guzman of the Youth Justice Institute, and the consultant.

V. Other Stakeholder DMC Reduction Activities

A number of other county agencies are working on efforts that are related to DMC. According to Contra Costa Health Services, the following activities are underway:

- CCHS has a department wide commitment to Reducing Health Disparities, with a unit dedicated to implementing a five-year plan. The goals of the plan are to improve consumer/client/patient/customer experience; increase engagement and partnership with the community, improve staff cultural sensitivity and respect and responsiveness; and develop systems to support and promote access.
- A Cross Divisional Violence Prevention Team has developed 12 recommendations for addressing street violence in Contra Costa and is focusing on communities with disproportionately high rates of violence.

- With John Muir Trauma Center and the Office of Neighborhood Safety in Richmond, CCHS is working to implement a pilot project called Caught in the Crossfire, designed to work with violence victims and their families to prevent retaliation.
- With staff and funding, CCHS support RYSE, the new youth center in Richmond that is based on a harm-reduction model for empowering young people and developing partnerships to provide them with capacity building and services.

According to the Children & Family Services Bureau: In 2001, the Children & Family Services Bureau began a Child Welfare Redesign of a 30-year old system using data from the U.C. Berkeley Center of Social Services Research. A convening of countywide meetings resulted over a two-year period with community partners and agency collaborative efforts. During this two-year period alarming data surfaced from the U.C. Berkeley research indicating a disproportionate number of African American children entering into Contra Costa County's child welfare system, and a disproportionate number of children remaining in our system at age 12-13 years.

In 2002-2003, Children & Family Services formed a Cultural Competency Oversight Committee made up from all classification ranks. In the spring of 2003, as part of the oversight committee's recommendations, Contra Costa County Children & Family Services Bureau launched the training series for all child welfare staff. The series addresses Cultural Competency, Racial Disproportionality & Disparity, Color Blindness, Difficult Dialogue, Bias & Stereotypes, Decision Making and Cultural Considerations. All these trainings were mandated.

From 2003 to 2005, Children & Family Services provided thirty-three trainings with 1,219 Children & Family Services staff, thirty-seven CBO's and collaborative agencies. During this time period Children & Family Services initiated the Annie E. Casey Foundation "Family to Family Initiative" (F2F), and the use of "Team Decision Making" (TDM) for all African American children four years and under countywide in an effort to reduce entry into the child welfare system.

Currently Children & Family Services is at the final training stages for staff on "Best Practice" on the "Words Means Things" training to address office dialogue and written reports.

PART II:

**CONTRA COSTA COUNTY RESPONSES
TO DMC TRENDS**

VI. Contra Costa County DMC Logic Model

The mission of the Contra Costa County DMC effort is to reduce delinquency and DMC by identifying key opportunities to prevent youth of color from contacting and penetrating the juvenile justice system, and by fostering partnerships among and between justice and community stakeholders to improve the healthy life outcomes of all youth.

The Contra Costa logic model [Figure 1] depicts the interconnections of inputs, outputs (activities and reach) and outcomes related to reducing Disproportionate Minority Contact. Research has confirmed that many factors contribute to DMC and no one entity can reduce DMC alone; therefore this logic model reflects the input and skills of multiple stakeholders toward the goal of reducing DMC.

Activities associated with the two primary findings of the research conducted by Mark Morris Associates—that African American youth are disproportionately overrepresented throughout the justice system and that Latino males are disproportionately represented in detention are specifically addressed in this logic model. This logic model depicts four primary areas for reducing DMC for these populations: 1) Inputs, including time and expertise of DMC reduction partners, financial resources, and knowledge; 2) Outputs, including a description of the activities to be performed and who are to comprise the target recipients of services; 3) Outcomes, including those intended outcomes in the short-, intermediate-, and long-term; and 4) External Influences, which—as of the writing of this report—are to be determined by the Decision Making workgroup.

Inputs

Contra Costa County has invested several resources into this process to reduce delinquency and the overrepresentation of youth of color in contact with the justice system. Specifically, the Probation Department has devoted the time and expertise of staff, and invested financial resources into this process by supporting the education needs of DMC trainers and providing materials and space for training sessions. The Probation Department has also invested in the process of gaining knowledge regarding best practices, promising approaches, and data collection to inform the process of reducing DMC. The Probation Department worked with a DMC consultant and a data consultant to support this process, and performed site-visits to Oregon and Santa Cruz, California in order to observe efforts in other counties regarding this issue. These site visits were helpful in terms of providing the Probation trainers with concrete examples of successes and challenges associated with reducing disparities.

Figure 1: Contra Costa County DMC Logic Model



Additionally, the time and expertise of other key decision-making stakeholders are important inputs to this process and provide the partnership necessary to implement strategies and promising approaches to reduce delinquency and racial disparities in the Contra Costa County juvenile justice system.

These inputs inform the outputs associated with this effort, specifically with regard to what activities are performed in association to this effort and which audiences are to be reached.

Outputs

The outputs associated with this effort should include data reports on progress, other research support on progress, training and informational sessions, and the development of a five-year plan to reduce DMC.

The Probation Department has launched a number of activities associated with this effort, including the following:

- *DMC Training*
As noted above, the Probation Department has trained all staff members on the key concepts of DMC, its causes and correlates, and key responses to DMC. An updated training session will be offered in 2009-2010 that includes information regarding the outcomes of the previous training, an overview of new research and legislation that may affect DMC in California and nationwide, and the outcomes of current efforts to reduce delinquency and DMC in Contra Costa County.
Target Audience: Probation Staff
- *Motivational Interviewing*
Research⁴ has confirmed that motivational interviewing is an efficacious, client-centered approach to engaging with individual who exhibit high-risk behaviors, including alcohol and drug abuse. As part of its strategy to improve the quality of services, the Probation Department has been conducting training for staff on motivational interviewing.
Target Audience: Probation Staff, with the ultimate beneficiary being the juvenile in contact with the department.
- *Cognitive Behavior Training*
Research⁵ supports the use of cognitive behavioral therapy as a tool to understand behaviors and to foster improved workplace communication and teamwork. In the Probation Department, this effort has been widely regarded

⁴ Miller, W.R. (1996) Motivational Interviewing: Research, Practice, and Puzzles. Addictive Behaviors, Volume 21, Issue 6, November-December 1996, pp. 835-842.

⁵ Gatto, R. (2006) Reflections from the Workplace. Weirton, WV: National Association of Cognitive-Behavioral Therapists.

as an opportunity to improve communications skills that can ultimately improve the quality of services that are provided to probationers.

Target Audience: Probation Staff.

- *Risk Assessment Tool*

Research⁶ has shown that the use of a structured decision-making instrument at the point of intake to secure detention can dramatically improve the objectivity of decision-making with regard to who is admitted. Historically, juvenile justice researchers and policymakers advocated the use of juvenile detention for two reasons, if youthful offenders pose a public safety risk to themselves or to others. Otherwise, a series of graduated sanctions and alternatives to detention should be established to adequately respond to the risk factors being exhibited by juvenile offenders.⁷ Contra Costa County is in the process of developing a validated risk assessment tool toward the goal of reserving secure detention as a sanction for those who need it.

Target Audience: Juvenile Offenders.

- *Parent Survey*

The Probation Department worked with consultants to develop a survey designed to capture the perceptions of parents who have had contact with the Probation Department regarding services provided. The survey inquires about the manner in which services were provided, as well as about the types of programs and services that they believe would have had an impact on the behaviors of their children.

Target Audience: Parents of Juvenile Offenders

- *Diversion Programming*

Several justice and community stakeholders have been meeting to develop recommendations for the Decision Makers regarding diversion protocols for Contra Costa County, as well as programming in the area of Richmond, Monument Corridor, and Bay Point.

Target Audience: Juvenile Offenders

- *Focus Groups*

As of the writing of this report, the Probation Department is working with consultants to conduct focus groups with youth in custody. The focus groups will provide an opportunity for feedback from the affected population to describe the programs and strategies that they feel are most effective to address their behavior, and what resources they feel are needed to support continued efforts toward rehabilitation in their home communities.

⁶ Bishop, D and Frazier, C. (1996) Race Effects in Juvenile Justice Decision-Making: Findings of a Statewide Analysis. *Journal of Criminal Law and Criminology*. Vol 86, No 2.; p. 392-

⁷ Wilson, J. and Howell, B. (1993) *Serious, Violent, and Chronic Juvenile Offenders: A Comprehensive Strategy*. Washington, DC: Office of Juvenile Justice and Delinquency Prevention.

Target Audience: Juvenile Offenders

- *Cultural Competency Training and Events*
The Probation Department has developed a number of events (e.g., luncheons, lectures, etc.) to support the continued learning about the diverse cultures among staff and clients. Additionally, the department is planning a training session on cultural competency.
Target Audience: Probation Staff.

Additionally, several stakeholders in this process have been engaged in discussions regarding disparities in other fields (e.g., health, education, child welfare, etc.). To the extent that these efforts can partner and offer joint training and/or discussion groups in Richmond, Bay Point, and the Monument Corridor, the overall effort to reduce DMC would be enhanced.

Outcomes

The outputs described above are designed to foster immediate, short-term, intermediate, and long-term outcomes. Specific outcome statements need to be developed by the stakeholders involved in this effort. The ultimate goal of this initiative is to reduce delinquency and DMC in Contra Costa County. The outcomes needed to achieve this goal will be reached through the implementation of research-supported activities, including the recommendations below.

VII. Consultant Recommendations

According to the Office of Juvenile Justice and Delinquency Prevention,⁸ the steps required to reduce DMC include the following:

- Define the Problem
- Develop Program Logic
- Identify Measures
- Implement Evidence-Based Programming
- Collect and Analyze Data
- Report Findings
- Evaluate Effectiveness of Program Logic

These steps require the input and participation of multiple stakeholders, including individuals and agencies who represent the following: juvenile justice and law enforcement, education, child welfare/social services, health services, community-

⁸ Nellis, A. (2005) *Seven Steps to Develop and Evaluate Strategies to Reduce Disproportionate Minority Contact (DMC)*. Washington, DC: U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention.

based services, faith community, youth and parents. Additionally, research⁹ has found that in order to reduce DMC, data must be collected and carefully analyzed to inform efforts to reduce racial disparity in the justice system, that strong leadership is essential to the successful implementation of recommendations, and that while it is impossible to control all of the factors that lead to racial disparities, there are activities that can control and change rates of contact with the justice system.

In light of these established steps and principles, and other research that supports diversion, early intervention and the importance of implementing a series of graduated sanctions and program alternatives to promote a reduction in delinquency and disproportionate minority contact, the consultant has prepared a summary of recommendations for Contra Costa County. These recommendations are organized according to those activities, which can and should take place immediately (within six months), in the short-term (six months to one year), in the intermediate term (one to two years), and in the long-term (three to five years).

A. Immediate (Within 6 Months)

Probation Specific

1. The Probation Department should contract with a consultant who can continue the process of guiding strategies, meetings, and training sessions regarding reducing DMC in Contra Costa County's three target areas. The consultant's primary role should be to help support the identification of effective diversion protocols and programming, foster a continued momentum of the project, and work with the Probation leadership on this effort to communicate successes to the Corrections Standards Authority, and other key stakeholders to execute activities according to its identified set of priorities.
2. The Probation Department should consider appointing DMC Coordinators in each of the major segments of the department's services. DMC coordinators should be assigned to the field, juvenile hall, and the Oren Allen Youth Rehabilitation Center. These positions should be designed to support the collection of data, the monitoring of progress at key decision points, and the assistance with implementation of culturally competent programming and services where appropriate.
3. The Probation Department should continue its training of all Probation staff on DMC. Future curricula should include a review of the key causes and correlates, but also relate the findings and key successes of the 2008 study and the current activities to reduce delinquency and DMC.
4. The Probation Department should finalize its risk assessment tool being developed for the juvenile hall and train appropriate staff on its usage.

⁹ Hinton-Hoytt, E. et.al. (2002) *Reducing Racial Disparities in Juvenile Detention*. A project of the Annie E. Casey Foundation.

5. The Probation Department should follow up with its CBO partners to arrange meetings to discuss and clarify roles, responsibilities and communication between Deputy Probation Officers and community-based service providers, so as to improve the outcomes of juvenile probationers.

All Stakeholders

6. To support the ongoing effort to address DMC and delinquency prevention at decision points that are under the control of agencies other than Probation, juvenile justice stakeholders represented among the Decision Making workgroup should consider conducting DMC training for their staff. Training should mirror the curriculum provided for the Probation Department and include specific information about the way in which their agencies can contribute to the overarching goal of this effort.
7. The Diversion subcommittees should continue to discuss protocols and programming to develop recommendations for the Decision Makers Workgroup regarding diversion pilot initiatives in Richmond, Monument Corridor, and Bay Point.
8. The DMC Decision Makers Workgroup and other partnering agencies in the DMC effort should develop and adopt a set of cultural competency principles. These principles should set a tone for continued discussions regarding DMC and the administration of intervention services and programs to all juvenile offenders in Contra Costa County. These principles should be shared and visible within the agencies working with youth who are system-involved.

B. Short-Term (Between 6-12 Months)

Probation Specific

1. The Probation Department should complete the design, validation, implementation, training, and use of a validated risk assessment tool at intake decision point in the juvenile hall. A valid research assessment instrument is a critical tool to support objective decision-making and the application of uniform responses to youth who are facing detention.
2. The Probation Department should work with appropriate analysts to collect data at the DMC decision points, which will continue to inform the DMC and delinquency reduction process in Contra Costa County, and specifically in Richmond, the Monument Corridor, and Bay Point. Data reports are necessary in the following areas:

- Juveniles arrested in Contra Costa County, by race, ethnicity, age, gender, and offense (note first-time and repeat offenders. If repeat, note prior services rendered);
- Juveniles in diversion programs, by race, ethnicity, age, gender, offense, and prior services rendered;
- Juveniles referred to probation, by race, ethnicity, age, and gender
- Juvenile petitions filed, by offense, by race, ethnicity, age, gender and offense;
- Juveniles with a sustained petition by race, ethnicity, age, gender, and offense;
- Juveniles in detention, by race, ethnicity, age, gender, and offense
- Average length of stay for juveniles in detention, by race, ethnicity, age, gender, and offense (pre- and post-adjudication);
- Juveniles transferred to adult court, by race, ethnicity, age, gender, and offense.

If possible, additional data reports, including the RRI, should be generated in the following areas:

- School suspensions and expulsions, by race, ethnicity, age, and gender;
 - School-based incidents that lead to law enforcement or probation officers intervention—by race, ethnicity, age, gender, and offense.
 - Dual jurisdiction case trends, including reports on juveniles who qualify for 241.1 hearing, by race, ethnicity, age, and gender (300 and 600 cases);
 - Mental health trends (assessments that lead to formal diagnoses and treatment), by race, ethnicity, age, gender, and offense; and
 - Group home placement trends, by race, ethnicity, age, gender, and offense.
3. The Probation Department should continue its planning and implementation of cultural competency training for all Probation Department staff. Additionally, the Department should continue to implement its other activities and events that provide opportunities to celebrate the diversity and acknowledge the presence of diverse cultures among the population of youth and families who are in contact with the Probation Department.
 4. The Probation Department should examine the outcomes and findings of the surveys conducted with the Probation Department, its CBO partners, and parent surveys to determine whether responses and/or modifications to existing training curriculum, policies, or events are necessary.

All Stakeholders

5. The Diversion subcommittees that have been established for the Monument Corridor/Bay Point and Richmond areas should complete their development of recommendations to the Decision Makers Workgroup regarding the implementation of a pilot diversion program in each of the three target areas. Once the protocols and program are confirmed and adopted, the County should design an evaluation protocol and implement the pilot strategies as recommended.
6. Key stakeholders should work with a new consultant to develop an action plan to implement recommendations. For each problem issue, the planning team will should develop goals, objectives, and specific activities, processes, and outcome measures.

EXAMPLE: Problem Issue: African American and Latino youth in Contra Costa County are underrepresented at the Diversion decision point.

Goal: To reduce delinquency and DMC at the early stages of contact with the juvenile justice continuum.			
Objective: To develop diversion program alternatives for youth who are arrested and live in Richmond, Bay Point, and the Monument Corridor			
Activities	Process Measure	Outcomes	Outcome Measures

7. The Decision Makers Workgroup should continue to meet as needed (at least quarterly) to monitor and discuss progress regarding the DMC effort in Contra Costa County.

C. Intermediate (Between 1-2 Years)

Probation Specific

1. The Probation Department should launch the use of a new Management Information System, which can produce reports on key DMC data areas. These data reports identical to those produced in the short-term period, so as to measure progress and inform the efforts made regarding reductions in delinquency and DMC. Findings of the reports should be reviewed and discussed by key Probation Department staff and appropriate stakeholders in this effort.
2. The Probation Department should consider establishing ethnic liaison groups with community stakeholders to help guide the development of culturally competent protocol, programming, and communication

regarding youth who are system-involved—in custody and out of custody—African American, Latino, Asian Pacific Islander, and Native American. This effort should include the development of MOUs, meeting schedules and agendas to be discussed between the Probation Department and the members of the liaison group.

All Stakeholders

3. The Decision Makers Workgroup should meet and evaluate the effectiveness of the pilot diversion programs in the City of Richmond and the Monument Corridor/Bay Point areas.
4. The Decision Makers Workgroup, in partnership with the Board of Supervisors—and potentially, other Bay Area DMC counties—should consider sponsoring a summit or convening to discuss the regional successes, challenges, and opportunities regarding responding to DMC in the Bay Area.

D. Long-Term (Between 3-5 Years)

All Stakeholders

1. Research¹⁰ has confirmed that it is essential to evaluate the process on a regular cycle to determine if the logic model and its accompanying activities are producing the intended outcomes, or if there unintended consequences that need to be addressed. Therefore, all key stakeholders should review the effectiveness of logic model and discuss changes as needed.
2. All key stakeholders should continue the process of monitoring trends at key decision-making points and developing programming and policy responses to decisions or practices that are found to result in unfair or unnecessary contact with the justice system.
3. All key stakeholders should continue to examine their respective areas of control and/or decision-making and determine whether existing programs and strategies are sufficiently producing intended outcomes or if it is necessary to expand programming and services to support culturally-competent and gender-responsive efforts to reduce DMC.
4. At the end of five years, key stakeholders should work together to evaluate key outcomes of the DMC effort and determine where additional support is needed.

¹⁰ SUPRA, Note 6.

VIII. Conclusion

Contra Costa County is poised to accept the tremendous opportunity to continue its efforts to reduce DMC. As discussed in this report, the County has already taken important steps toward establishing an infrastructure to support and continue this work. With a continued commitment to implementing best practices to produce positive life outcomes for youth and provide a range of fair and equitable responses to youth who come into contact with the justice system, Contra Costa County will maximize its opportunities to reduce delinquency and DMC.

VIII. Acknowledgments

The consultant would like to extend her acknowledgment and appreciation to several individuals who have provided leadership and commitment to this effort. First, the consultant would like to thank Cynthia Haven, Contra Costa County's DMC Coordinator, for her commitment and passion with regard to this project. The consultant would also like to thank the Probation Department, and specifically Chief Lionel Chatman, for providing a vision for working together to reduce disparities and to improve the quality of services provided to youth in contact with the justice system. A strong and heartfelt thank you is extended to the six Probation trainers—Arthur Fernandez, Suzanne Nelson, Marlon Washington, Theodore Martell, Petrenya Boykins, and Forrest Coleman—who dedicated hours of their time to learning and teaching the DMC curriculum to their colleagues.

The consultant would also like to extend her gratitude to the Decision Makers Workgroup, which has continued to provide leadership on this effort:

Ms. Bianca Bloom, Contra Costa County Office of Education
Chief Lionel Chatman, Probation Department
Mr. David Coleman, Public Defender
Ms. Valerie Early, Employment and Human Services Department
Mr. John Gioia, Board of Supervisors
Mr. Federal Glover, Board of Supervisors
Hon. Lois Haight, Presiding Juvenile Court Judge
Mr. Robert Kochly, District Attorney, Chairperson of Decision Makers Workgroup
Chief David Livingston, Concord Police Department
Chief Chris Magnus, Richmond Police Department
Dr. William Walker, Contra Costa Health Services
Mr. Timothy Ewell, County Administrator's Office

Additionally, there were several agencies and individuals who have participated in or supported this ongoing process to examine DMC in Contra Costa County.

Mr. Devonne Boggan, Richmond Office of Neighborhood Safety
Ms. Joella Brooks, Southwest Key Programs, Inc.

Ms. Kim Broussard, CA Corrections Standards Authority
Mr. Daniel Cabral, District Attorney's Office
Ms. Lily Caceres, Oregon Youth Authority
Mr. Terrance Cheung, Supervisor John Gioia's Office
Chief Judy Cox, Retired, Santa Cruz County Probation Department
Ms. Sheryl Dash, Salem/Kaiser NAACP
Ms. Kanwarpal Dhaliwal, RYSE Youth Center
Ms. Julie Freestone, Contra Costa County Health Services
Cpl. Elmer Glasser, Contra Costa County Sheriff's Office
Mr. Wendell Greer, West Contra Costa County School District
Ms. Taalia Hasan, Youth Service Bureau
Ms. Shaline Hunter, CA Corrections Standards Authority
Mr. Lonnie Jackson, Oregon Youth Authority
Sgt. Marice Jennings, Concord Police Department
Mr. Robert Jester, Oregon Youth Authority
Lt. Dennis Kahane, Contra Costa County Sheriff's Office
Mr. David Koch, Multnomah Dept. of Community Justice
Mr. Don Lau, YMCA of Richmond
Mr. Jack Lawson, Oregon Youth Authority
Mr. Phillip Lemman, Oregon Youth Authority
Cpl. Larry Lewis, Richmond Police Department
Mr. Steve Liday, Multnomah Dept. of Community Justice
Ms. Anita Marquez, Center for Human Development
Ms. Sandra McBrayer, The Children's Initiative
Mr. Michael Newton, Contra Costa County Probation
Ms. Denise Nolan, Contra Costa County Public Defender's Office
Ms. Carolyn Plath, Ygnacio Valley High School
Ms. Julie Posadas Guzman, Youth Justice Institute
Ms. Elaine Prendergast, Center for Human Development
Ms. Christina Puentes, Oregon Youth Authority
Mr. Rich Saito, Consultant
Dr. Cynthia Scheinberg, New Connections
Ms. Anya Seiko, Oregon State DMC Coordinator
Hon. Bill Shinn, Mayor of Concord, CA
Mr. Ron Weaver, Oregon Youth Authority
Mr. James Woggan, Mt. Diablo School District

Ambrose Community Center
La Clinica de La Raza
Monument Community Partnership
Project REACH
Richmond Building Blocks for Kids
West Contra Costa County Youth Service Bureau

For this project, the Contra Costa County training team had the opportunity to conduct site-visits to the Oregon Youth Authority and the Santa Cruz Probation

Department. Thank you to all of the individuals at those institutions for their hospitality and resources, as well as their willingness to share information, successful strategies, and pitfalls with regard to examining this issue.

Additionally, the consultants would like to acknowledge the parents, youth, and community members who attended meetings and participated in surveys and interviews associated with this project.



Contra Costa County Board of Supervisors

Subcommittee Report

PUBLIC PROTECTION COMMITTEE

5.

Meeting Date: 12/14/2015
Subject: COUNTY SALES TAX OPTIONS FOR FUTURE BALLOT
Submitted For: David Twa, County Administrator
Department: County Administrator
Referral No.: N/A
Referral Name: COUNTY SALES TAX OPTIONS FOR FUTURE BALLOT
Presenter: Supervisor Gioia **Contact:** Timothy Ewell, 925-335-1036

Referral History:

On September 15, 2015, the Board received a report from the Transportation, Water and Infrastructure Committee regarding the Contra Costa Transportation Authority's (CCTA's) development of a Transportation Expenditure Plan and potential sales tax ballot measure. At that time, the Board asked for further information about the options for placing a countywide sales tax measure on the November 2016 ballot. Although often called a "sales tax," the tax in question would technically be a "transactions and use tax," imposed under Division II, Part 1.7, Chapter 2, of the Revenue and Taxation Code, "Counties Transactions and Use Taxes" (Revenue and Taxation Code section 7285 et. seq.). Potential direction from the Board might include: whether staff should take further action regarding a County sales tax separate from the action currently being taken on behalf of CCTA concerning a new sales tax for transportation purposes. If the Board directs further action, the Board might provide guidance concerning the duration of a proposed new sales tax; the proposed sales tax rate; and whether the sales tax proceeds would be used to fund general services or specific services and, if specific services, what those services would be.

A. Public Opinion Polls Conducted in 2014 and 2015.

On June 24, 2014, the Board of Supervisors accepted a presentation and report from EMC Research on the results of a public opinion poll on a potential countywide sales tax. That poll showed that when likely voters were presented with categories of how the sales tax revenues would be used, the voters gave funding for fire-fighting, emergency medical, emergency response, public safety, and road repairs the highest favorable response. A summary of the 2014 opinion poll is attached to this staff report as Attachment A. Based on the results of the poll, the Board directed the County Administrator to take no further action regarding a potential countywide sales tax.

At the Board of Supervisors meeting on September 15, 2015, EMC Research, on behalf of CCTA, presented the results of a telephone survey of 800 likely voters in this County. The respondents were asked whether they would approve a half cent or a quarter cent sales tax for specific

purposes. The revenues would support transportation programs (i.e., to fix roads, improve highways, reduce traffic congestion, increase bicycle and pedestrian safety, enhance transit services for seniors and people with disabilities, and similar uses) and/or for public safety programs (i.e., for fire and police services and equipment). A copy of the results of the 2015 CCTA opinion poll is attached to this staff report as Attachment B.

B. Potential Sales Tax Options

The Board potentially has three general options with regard to the imposition of a new County sales tax: (1) The County could seek special legislation to authorize a general or special Countywide sales tax measure for the entire County for purposes other than transportation; (2) the County could continue to work with CCTA on a transportation sales tax measure without special authorizing legislation; or (3) the County could propose a general or special sales tax measure in the unincorporated area only without special authorizing legislation.

1. Legislation Would be Needed to Propose a New Countywide Sales Tax to Fund Services or Facilities Not in the CCTA Transportation Expenditure Plan

Sales taxes are either “special” or “general.” If the Board of Supervisors wants to consider placing a countywide sales tax measure on the November 2016 ballot, the Board of Supervisors would need to decide whether it intends to propose a “general” or a “special” sales tax. A general purpose sales tax measure can be used to fund general governmental facilities or services. Revenue and Taxation Code section 7285 permits a county board of supervisors to propose a general sales tax at a rate of 0.125% or a multiple thereof. The ordinance proposing the tax must be adopted by four members of the Board of Supervisors (i.e., “a two-thirds vote of all the members”). The sales tax measure must be approved by a *majority* of the electors voting on the measure.

Alternatively, Revenue and Taxation Code section 7285.5 permits a county board of supervisors to propose a tax to the voters to fund specific services. A tax measure that proposed to dedicate the revenues to fund specific services like firefighting, emergency services, public safety, roads or other specific purposes is a “special” tax. A special tax may be imposed at a rate of 0.125% or a multiple thereof. The ordinance proposing the tax must be adopted by four members of the Board of Supervisors (i.e., “a two-thirds vote of all the members”). Unlike general sales tax measures, the law requires that special taxes measures be approved by *two-thirds* of the voters voting on the measure.

The Legislature has limited the maximum combined rate of sales, transactions and use taxes that can be imposed in California at 9.5% (the “cap”). Revenue and Taxation Code section 7251.1 caps the local portion of this combined rate at 2%. On August 17, 2015, Governor Brown vetoed AB 464, which would have raised the maximum combined rate of local sales, transactions and use taxes from 2% to 3%.

The cities of Richmond, Moraga and Pinole each have a 1% transaction and use tax which, when combined with the countywide tax, puts the sales and use tax rates in these cities at the 9.5% cap. Last year, El Cerrito obtained special legislation that allowed it to exceed the 2% cap by 0.5%. City voters approved the additional 0.5% sales tax effective January 1, 2015. That means the current sales and use tax rate in El Cerrito is 10%. Below is a list of the Contra Costa County sales and use tax rates in effect on July 1, 2015.

<u>Jurisdiction</u>	<u>Tax Rate</u>
County (this includes the unincorporated area and cities in this County except as listed below)	8.50%
City of Antioch	9.00%
City of Concord	9.00%
City of El Cerrito	10.00%
City of Hercules	9.00%
Town of Moraga	9.50%
City of Orinda	9.00%
City of Pinole	9.50%
City of Pittsburg	9.00%
City of Richmond	9.50%
City of San Pablo	9.25%

Because several cities in this County have a sales tax rate at or above the statutory cap, in order to impose a new countywide sales tax (i.e., including both the incorporated and unincorporated areas of the County) for a general purpose or a specific purpose (for example, a tax that would support enhanced fire or police services), other than the support of countywide transportation programs, the County would need to obtain special “above the cap” legislation.

2. Special Legislation is Not Required to Propose New Countywide Special Sales Tax Measure to Support Countywide Transportation Programs.

Special legislation would not be required for the County to continue to work with CCTA to develop a sales tax measure to provide additional funding for transportation programs in this County. By way of background, in 1998, Contra Costa County voters approved Measure C, a transportation sales tax measure. In November 2004, the voters approved Measure J to continue this County’s half-cent transportation sales tax for 25 more years beyond the original expiration date of 2009. According to the CCTA's website, Measure C was approved by 71% of the voters.

In 2013, the Legislature approved AB 210, amending Sections 7291 and 7292 of the Revenue and Taxation Code. Revenue and Taxation Code section 7291 authorizes the County to impose an “above the cap” sales tax, of up to one-half cent (0.5%), “*for the support of countywide transportation programs.*” CCTA’s Countywide Transportation Plan (CTP) is this County’s only “countywide transportation program.” The Transportation Expenditure Plan (TEP) identifies the projects that are part of the plan and will be funded by the existing Measure C and Measure J sales tax proceeds and, potentially by the proceeds of a future sales tax measure. If the Board elects to place a special tax measure on the ballot “for the support of countywide transportation programs,” the tax proceeds would be used in the manner specified in CCTA's TEP. A ballot measure proposed under this statute requires two-thirds voter approval. The authority to impose this tax expires if the voters have not approved the new tax by December 31, 2020.

In 2014, Alameda voters approved a measure called Measure BB, which proposed a 30-year transportation sales tax under the authority of Revenue and Taxation Code section 7291. Measure BB passed by a 70.76% vote. That ballot measure read as follows:

*“Shall voters authorize implementing the Alameda County 30 year Transportation Expenditure Plan to:
Expand and modernize BART in Alameda County;*

*Improve transit connections to jobs and schools;
Fix roads, improve highways and increase bicycle and pedestrian safety;
Reduce traffic congestion and improve air quality; and
Keep senior, student, and disabled fares affordable?"*

On September 15, 2015, the Department of Conservation and Development asked this Board to provide direction on projects that should be included in CCTA's new TEP and funded with the proceeds of a proposed new 25 year sales tax. The Department of Conservation and Development continues to work with CCTA on this project.

3. Special Legislation is Not Required to Propose a New General or Special Sales Tax in the Unincorporated Area Only.

Before January 1, 2015, a county board of supervisors could only levy, increase, or extend a transaction and use tax within the entire county. However, in many cases, counties were unable to levy further transaction and use taxes because, as is true in this County, the statutory cap for the transaction and use tax rate had been reached in the cities. Former Revenue and Taxation Code sections 7285 and 7285.5 required the tax to be levied on the entire county. To allow counties to levy a transaction and use tax solely within the unincorporated area of a county, the Legislature amended Revenue and Taxation Code sections 7285 and 7285.5.

Revenue and Taxation Code section 7285 now permits a county board of supervisors to "levy, increase, or extend a transactions and use tax throughout the entire county *or within the unincorporated area of the county* for general purposes Revenue and Taxation Code section 7285.5, as amended, gives a county board of supervisors the same ability to levy a transactions and use tax for special purposes.

These statutes require that the revenue derived from the imposition of a tax in the unincorporated area may only be used for the general or specific purposes within the unincorporated area. Thus, for example, if the Board of Supervisors were to propose a half-cent special tax for public safety purposes to the voters of the unincorporated area, the proceeds of the sales tax would have to be spent for safety services to the unincorporated area only.

C. Potential Sales Tax Revenues.

A voter-approved Transactions Tax for the unincorporated area of Contra Costa County at 0.5% is estimated to generate \$8.5 million in year one. The estimate, which was provided by the County's sales tax consultant HdL Companies, uses FY 2014/15 base values, a Pool allocation adjustment at 65%, and has been adjusted for businesses making local sales but delivering goods outside the County area as well as for purchases by County area residents or businesses of registered vehicles, vessels or aircraft from dealers not located in the County area and for taxable goods delivered by out of area sellers to County area purchasers. Base values will vary based on the amount of time between this estimate and the actual receipt of funds pending a successful election.

California levies a "use tax" on the use, storage and consumption of taxable goods on which the state's sales tax was not paid and allocates the tax, levied at the same rate as the local sales tax, through a system of countywide use tax pools. Most use tax is generated by purchases of taxable goods from sellers outside the state (including catalogers and online sellers), private party sales of autos, boats and aircraft, long-term equipment leases and contractor installation sales. Each local

jurisdiction in the County receives a share of the pooled use tax each quarter based on its proportionate share of countywide sales tax receipts.

As noted an adjustment was made for local sales of goods delivered to purchasers outside the county area. The methodology we use also adjusts in the opposite direction. For example county area residents who buy a car from a dealership not in the county area, would pay the district tax. This adjustment is made by using countywide per capita sales for the autos and transportation group - the underlying assumption being that county area residents buy cars at more or less the same frequency and price as other county residents.

Using the Contra Costa Transportation Authority (CCTA) for which we have quarterly totals, in FY 2014-15 CCTA received, net of BOE administrative charges, a total of \$79.1 million for their 0.5% tax rate. Therefore, a countywide tax at 0.5% would generate approximately \$79.1 million.

D. Timing.

By statute, ballot measures must be received by the Elections Department 88 days before the date of the election. In this case that would be Friday, August 12, 2016. That deadline does not work well for our Elections Department because it doesn't allow them enough time to do what they have to do. Their procedures usually call for the measure to be submitted a few weeks earlier.

In addition, an ordinance proposing a special tax requires two readings at two different meetings of the Board of Supervisors.

Referral Update:

On October 20, 2015, the Board of Supervisors received a comprehensive staff report on this topic from the County Administrator. Following that presentation, the Board referred the issue to the Public Protection Committee for further evaluation.

Today's action initiates that discussion and requests that the Committee provide direction to staff regarding next steps.

Recommendation(s)/Next Step(s):

1. INITIATE discussion and PROVIDE feedback to staff on a potential County Sales Tax to be proposed on a future ballot.

Fiscal Impact (if any):

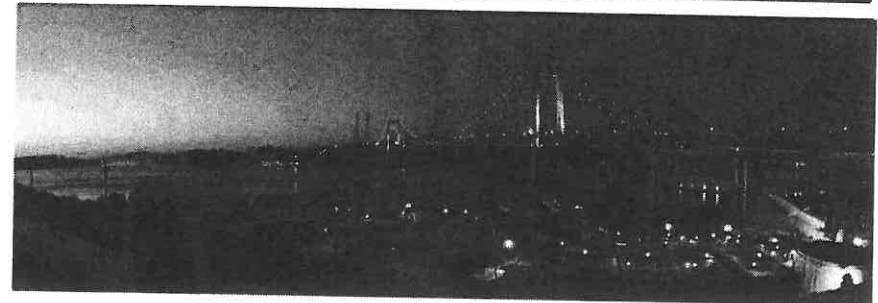
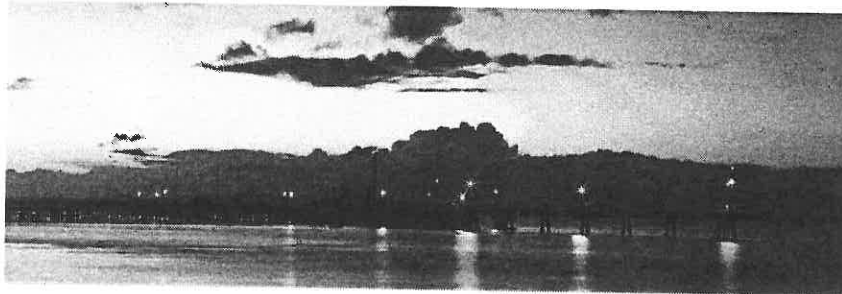
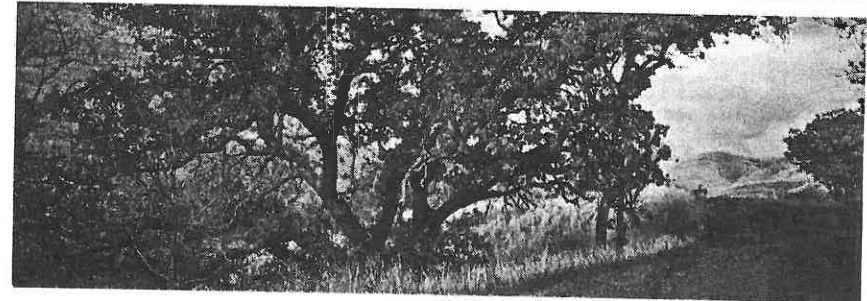
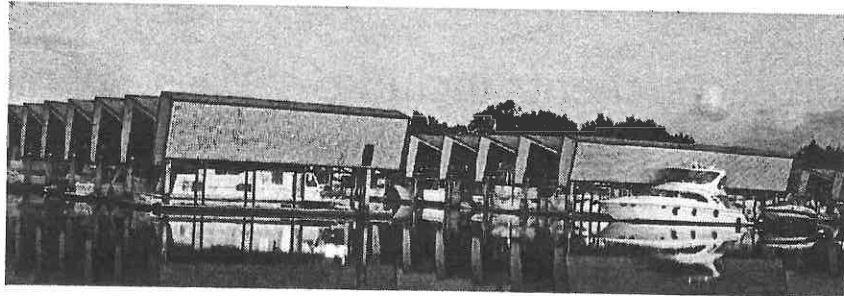
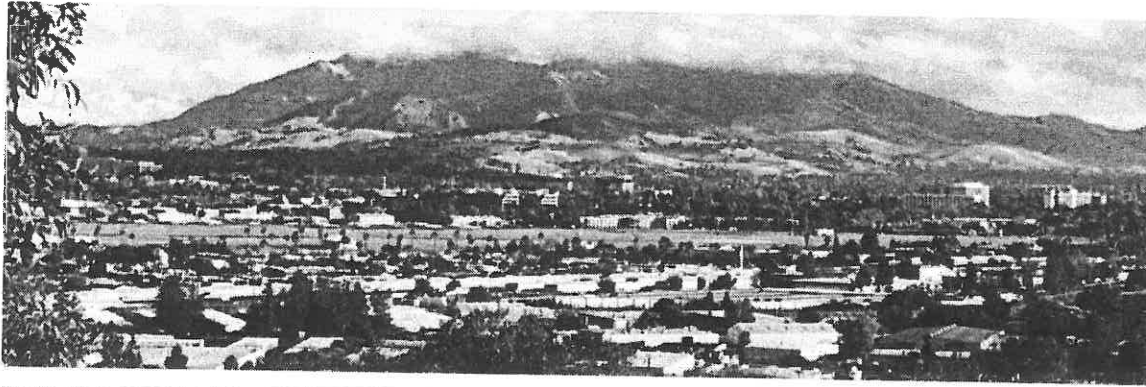
No fiscal impact at this time.

Attachments

Attachment A: ARCHIVED DOCUMENT - EMC Survey of Likely November 2014 Voters – Presentation to Board of Supervisors, June 24, 2014

Attachment B: EMC Contra Costa Transportation Authority Survey Results Summary – Presentation to Board of Supervisors, September 15, 2015

October 20, 2015 PowerPoint Presentation to Board of Supervisors: Sales Tax Options for November 2016 Ballot



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Contra Costa County

Survey of Likely November 2014 Voters

Presentation to Board of Supervisors

June 24, 2014

EMC Research, Inc.

- ▶ Polling, public opinion research, and strategic consulting.
- ▶ Conducting research in Contra Costa County and the San Francisco Bay Area since our founding in 1989.
- ▶ Recent Contra Costa County research projects/clients include:
 - Contra Costa Transportation Authority
 - Contra Costa Community College District
 - 2012 and 2013 Contra Costa Poll
 - Contra Costa County Fire Protection District
 - East Contra Costa County Fire Protection District
 - Contra Costa Water District
- ▶ Dozens of research projects for various entities within Contra Costa County – municipalities, regions, legislative districts, school districts, transit districts, etc.
- ▶ Dozens of other similar research projects in the Bay Area and throughout California, including many different types of ballot measures.



Methodology

- ▶ Telephone survey of Likely November 2014 Voters in Contra Costa County.
- ▶ Interviews conducted on both landlines and cell phones.
- ▶ Survey conducted June 10-18, 2014.
- ▶ 806 total completes, with split sample methodology:
 - Sample A: n=403, asked about ¼-cent measure.
 - Sample B: n=403, asked about ½-cent measure.
- ▶ Margin of error +/- 3.5% overall; +/- 4.9 within each sample.

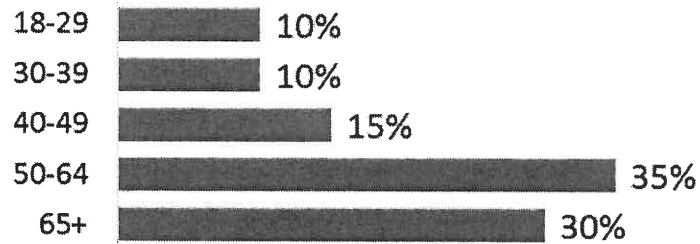
Please note that due to rounding, some percentages may not add up to exactly 100%.



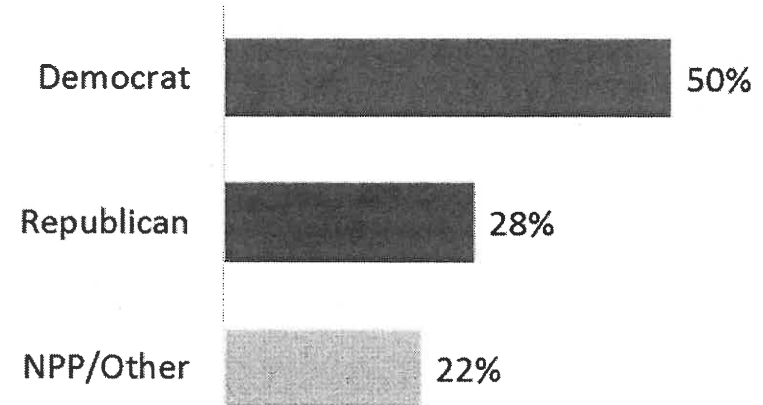
Voter Demographics

Polling demographics are representative of Likely November 2014 voters.

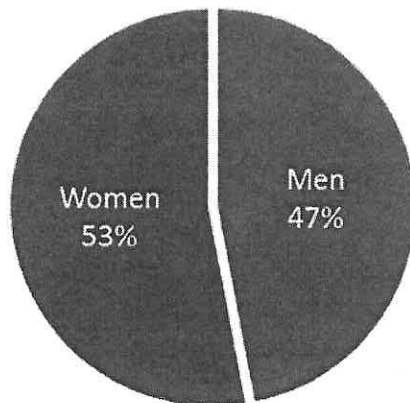
Age



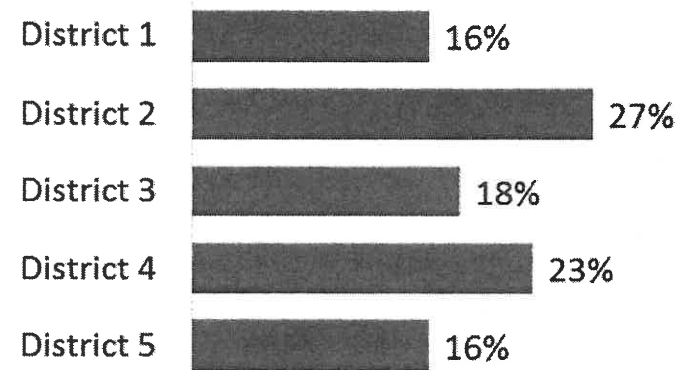
Party



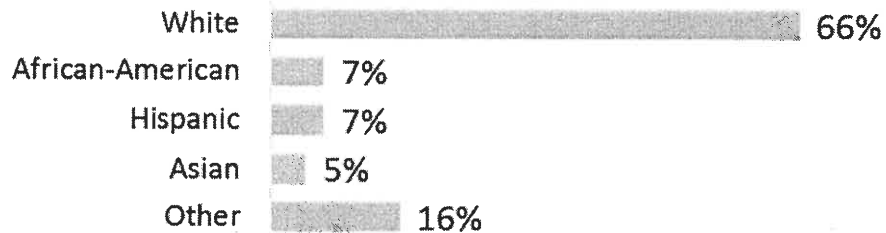
Gender



County Sup District

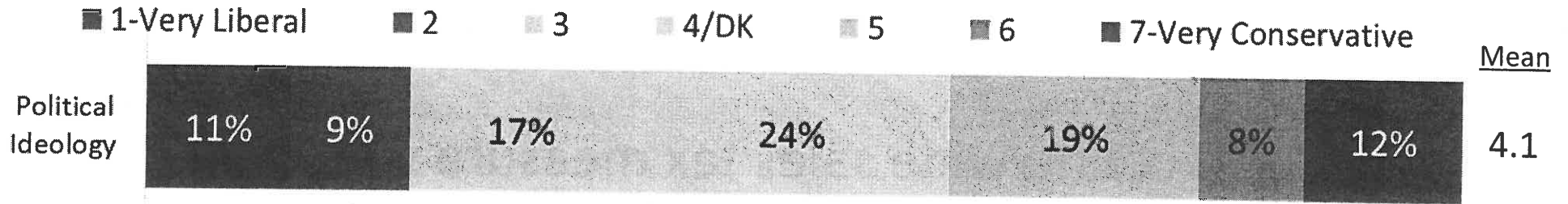


Ethnicity

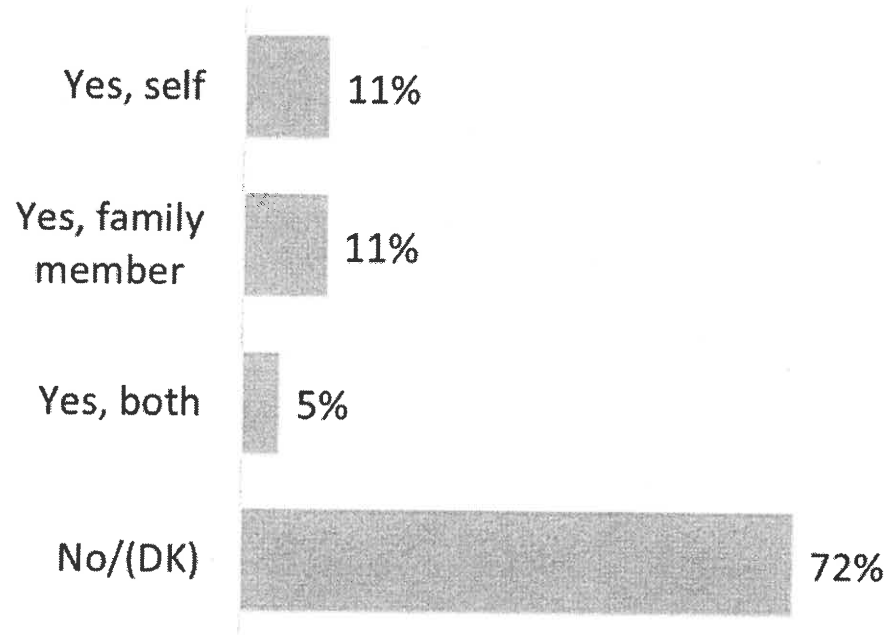


Voter Demographics

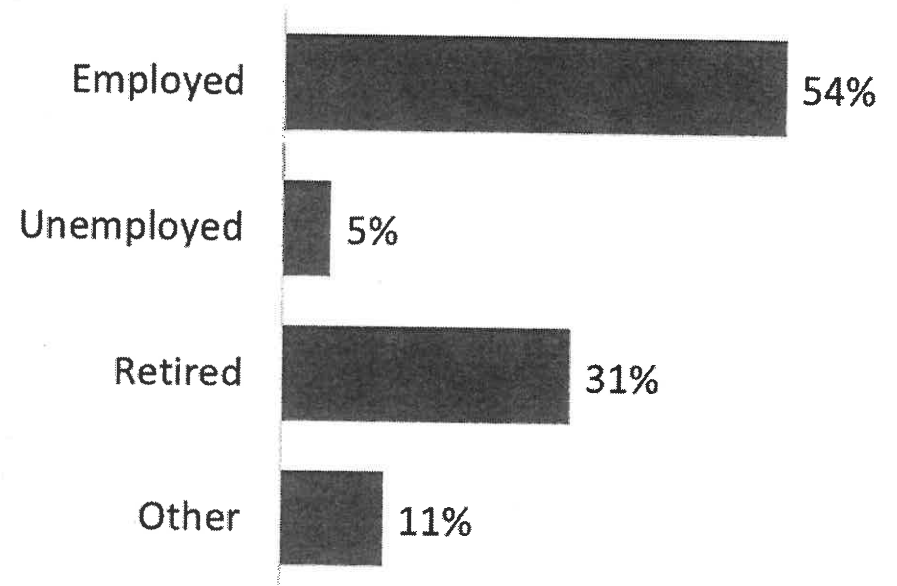
Most voters self-identify as moderates.



Union Membership



Employment Status



Key Findings

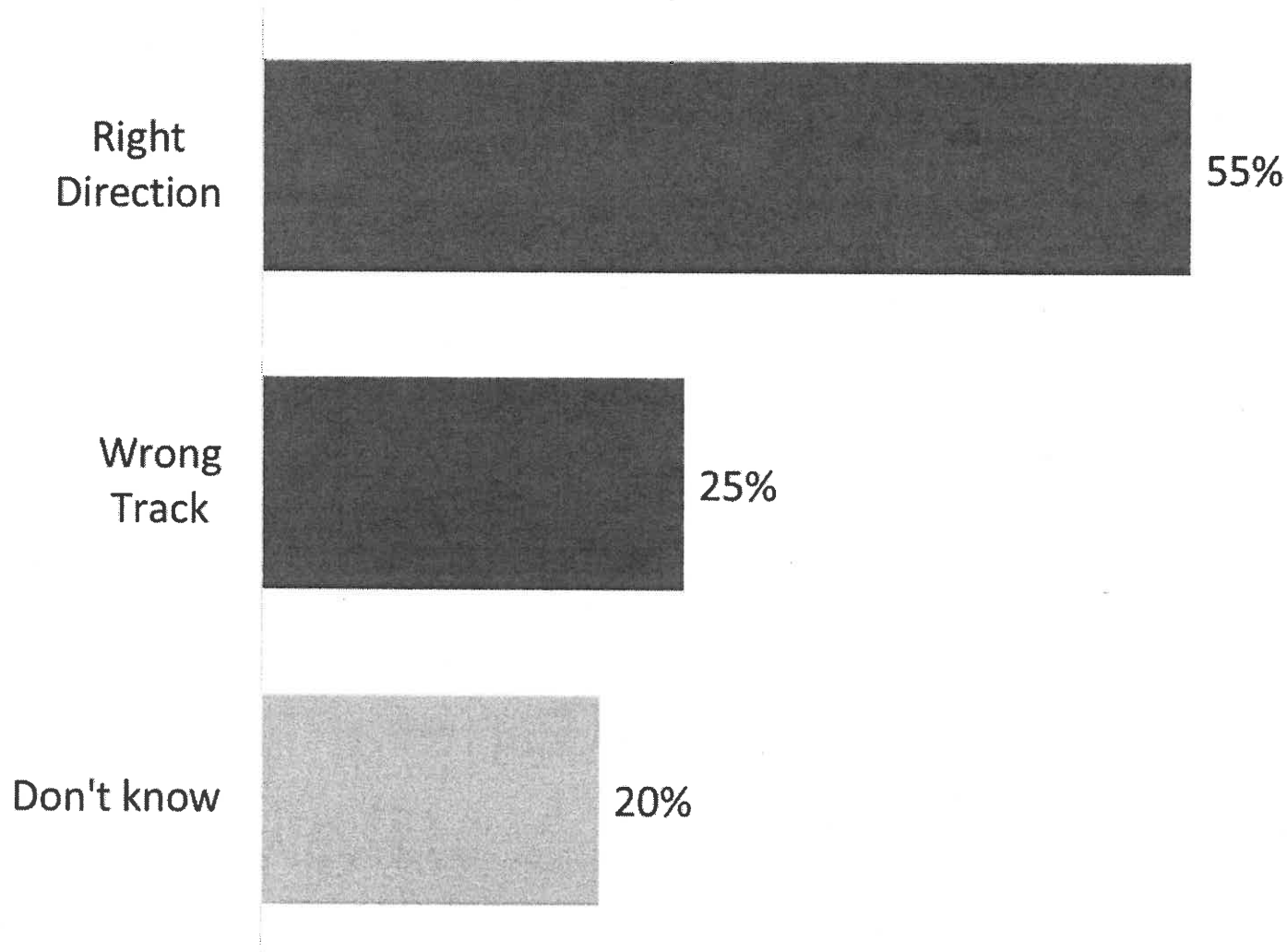
- ▶ Voters are optimistic over the direction of Contra Costa County.
- ▶ Passing a countywide sales tax measure would be challenging.
- ▶ A slim majority of voters (54%) support a ¼-cent sales tax measure, while just under half (49%) support a ½-cent measure.
- ▶ Funding for fire-fighting, emergency medical, emergency response, public safety, and road repairs had the highest support.



General Mood of Likely Voters

Direction of the County

A majority of voters feel optimistic about the direction Contra Costa County is headed.



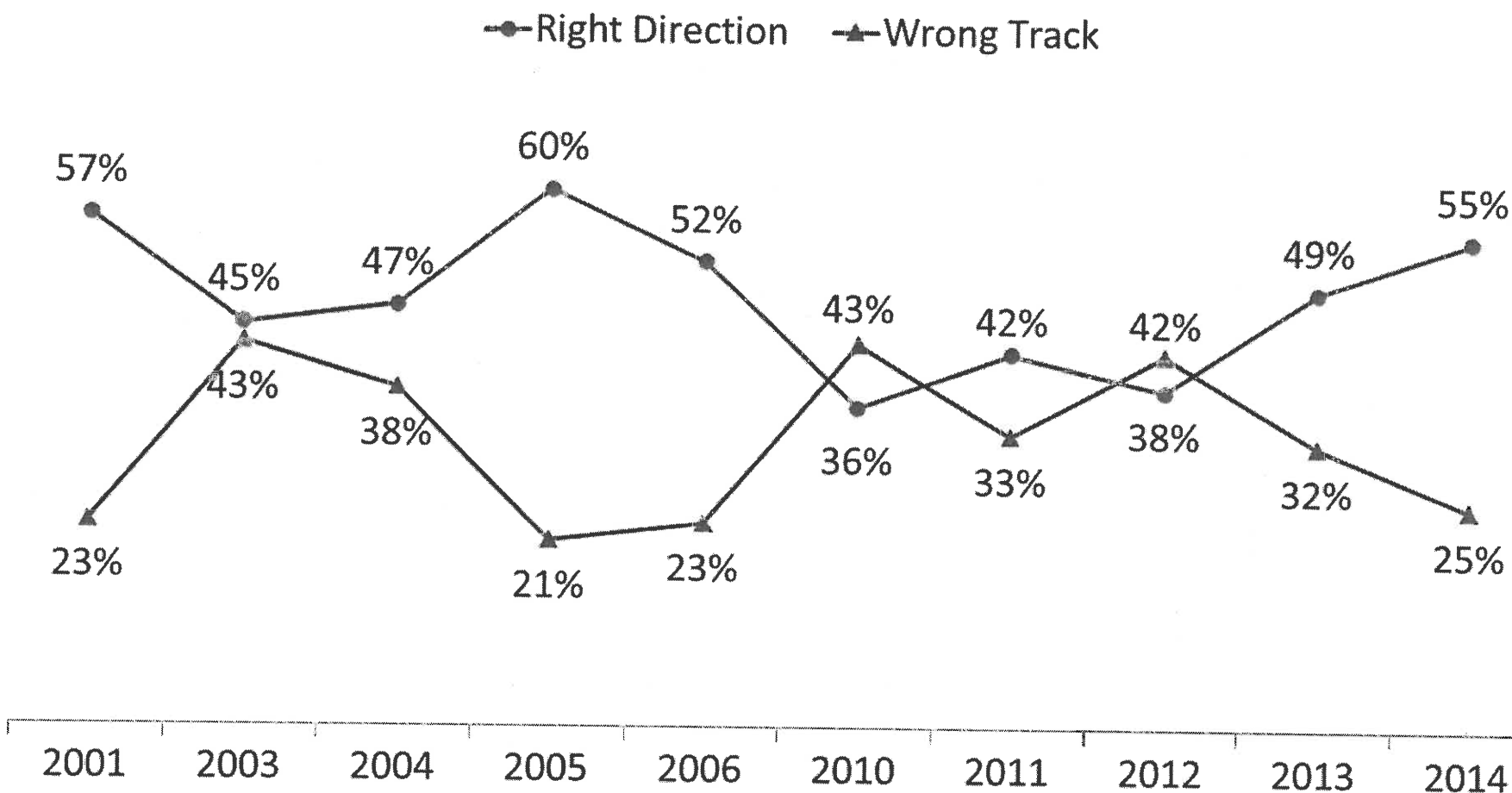
Q4. Do you feel that things in Contra Costa County are generally going in the right direction or do you feel things have gotten pretty seriously off on the wrong track?



EMC #14-5274 | 8

Direction of the County Over Time

Voter optimism is as high as it's been since 2005.



Results from previous countywide polling conducted by EMC Research.

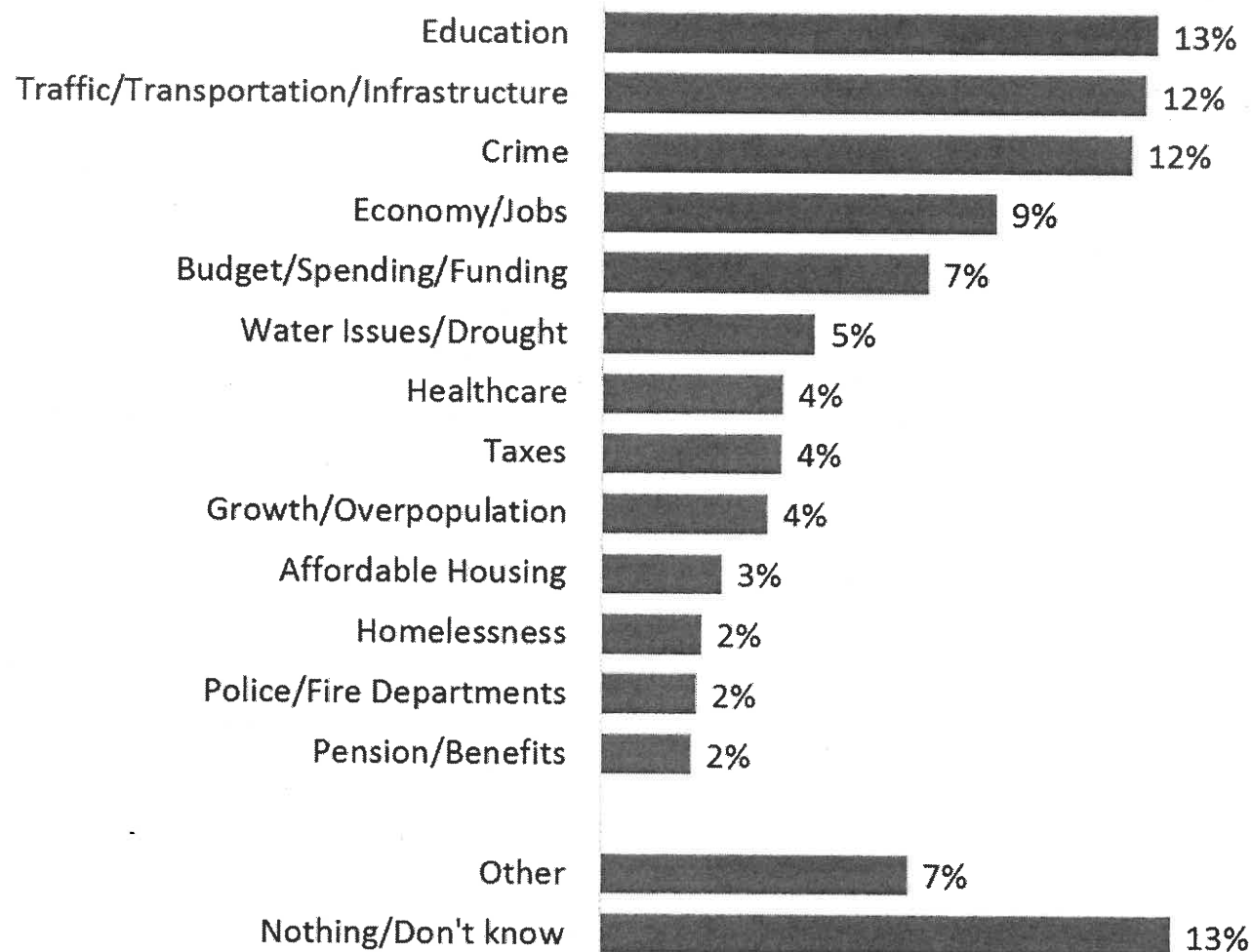
Q4. Do you feel that things in Contra Costa County are generally going in the right direction or do you feel things have gotten pretty seriously off on the wrong track?



EMC #14-5274 | 9

Most Important Problem

Voters find education, transportation, and crime to be the most important problems facing Contra Costa County.



Q5. What do you think is the most important problem facing Contra Costa County today?
(Open Ended question, 1 response accepted)



EMC #14-5274 | 10

Most Important Problem Over Time

Concern over the economy and jobs has continued to fall since August 2011.

	August 2011	May 2012	February 2013	June 2014
Education	16%	23%	18%	13%
Traffic/Transportation/Infrastructure	8	6	8	12
Crime	12	5	13	12
Economy/Jobs	25	19	16	9
Budget/Spending/Funding	4	13	8	7
Water Issues/Drought	-	-	-	5
Healthcare	-	-	-	4
Taxes	3	3	4	4
Growth/Overpopulation	-	-	-	4
Affordable Housing	6	5	3	3
Homelessness	-	-	-	2
Police/Fire Departments	-	-	-	2
Pension/Benefits	2	3	4	2
Other	16	13	13	7
Nothing/Don't know	10	9	14	13

Results from previous countywide polling conducted by EMC Research.

Q5. What do you think is the most important problem facing Contra Costa County today?



EMC #14-5274 | 11

Proposed Ballot Measure



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Survey Ballot Language

Now I'd like to ask you about a measure that may appear on a future ballot in Contra Costa County. The measure could read as follows:

To ensure local quality of life in Contra Costa County, shall the County enact a

(SAMPLE A: ¼ cent) (SAMPLE B: ½ cent)

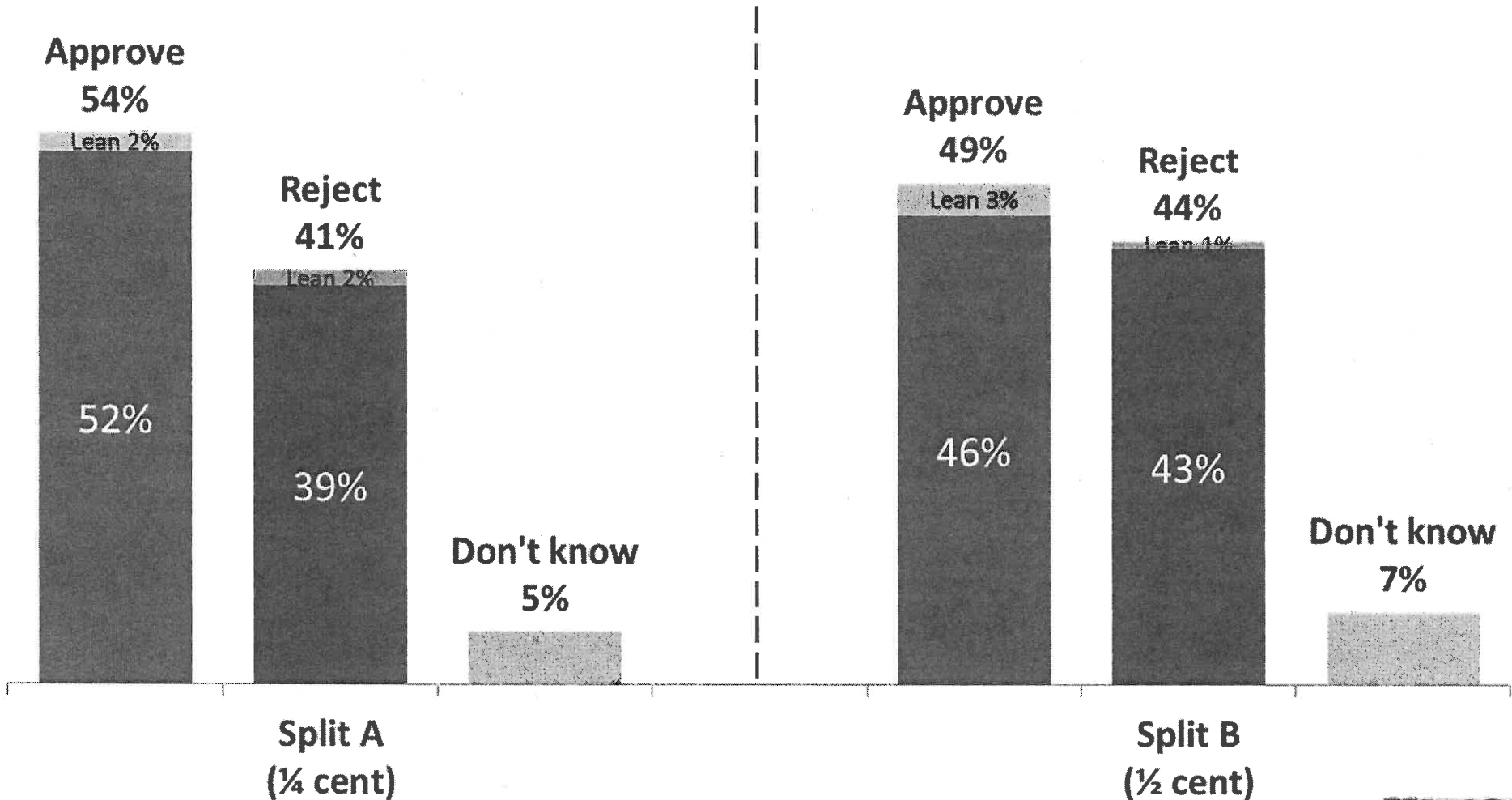
sales tax, for a limited period of 10 years, that cannot be taken by the state, for local priorities and services such as police, fire, emergency response, criminal prosecution, emergency medical, libraries, and local street and road improvements, with annual public audits and citizens oversight to ensure fiscal accountability?

If the election were held today, would you vote Yes to approve or No to reject this measure?



Initial Support for Proposed Measure

*Just over a majority of voters support a ¼-cent sales tax measure;
Slightly less than a majority support a ½-cent sales tax measure.*



Q6. If the election were held today, would you vote Yes to approve or No to reject this measure?

EMC

EMC #14-5274 | 14

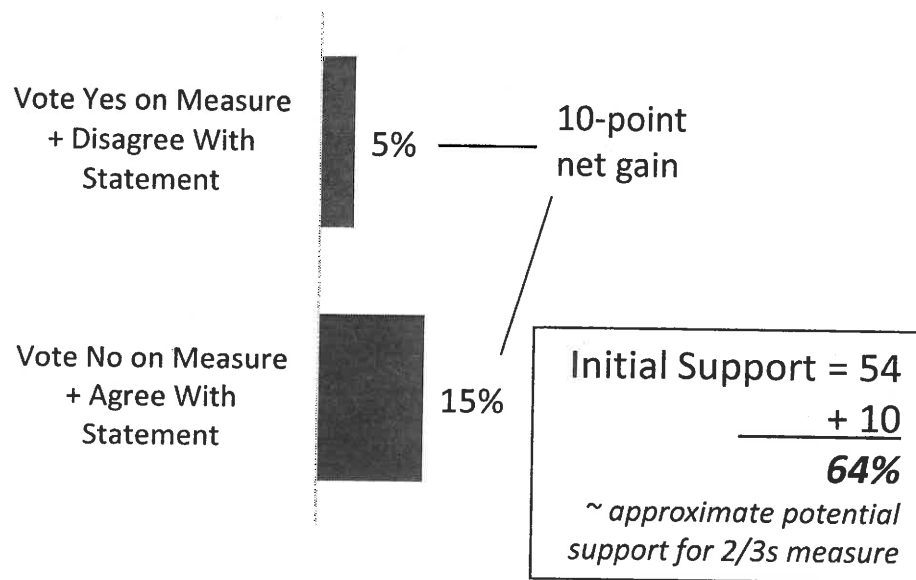
Dedicated-Funding Measure

Preliminary analysis suggests a dedicated-funding, 2/3rds measure would not perform much, if any, better than the general revenue measure.

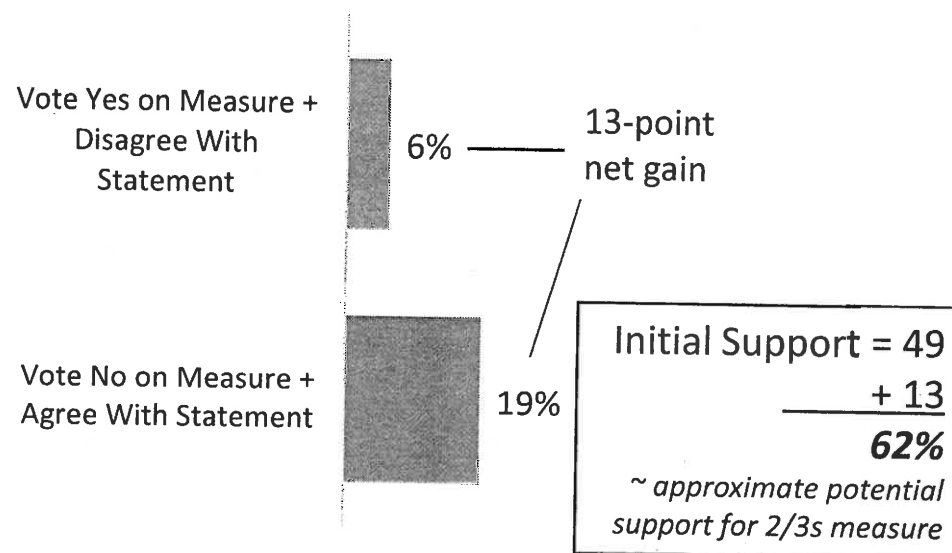
Q18. I would support the proposed measure if the funds were specifically dedicated to fund public safety, including police, fire, emergency response, criminal prosecution, and emergency medical services only, rather than going into the County general fund.



Split A (¼ cent)

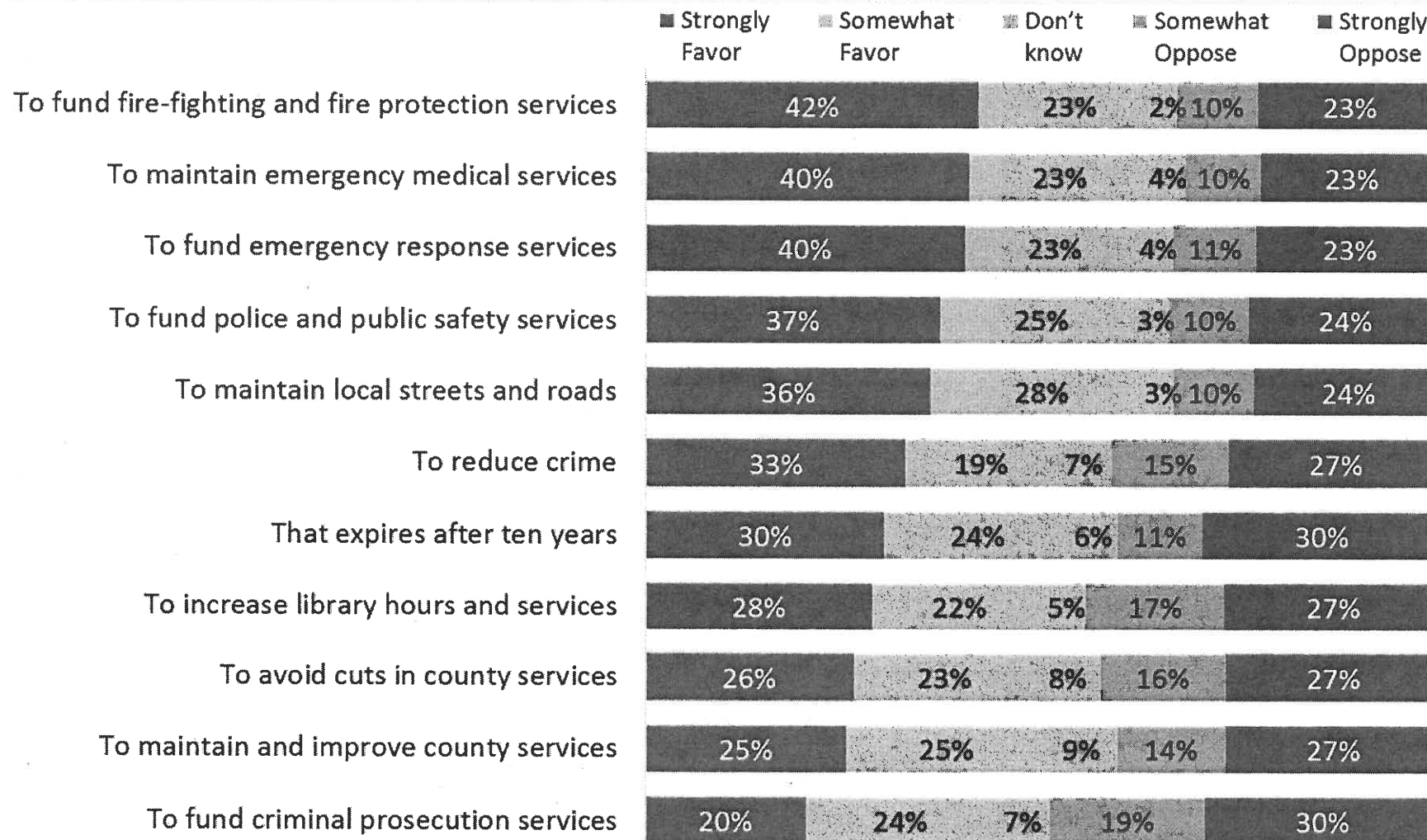


Split B (½ cent)



Potential Measure Components

Voters are most in favor of a sales tax that would fund fire-fighting, emergency medical, emergency response, public safety, and road repairs.



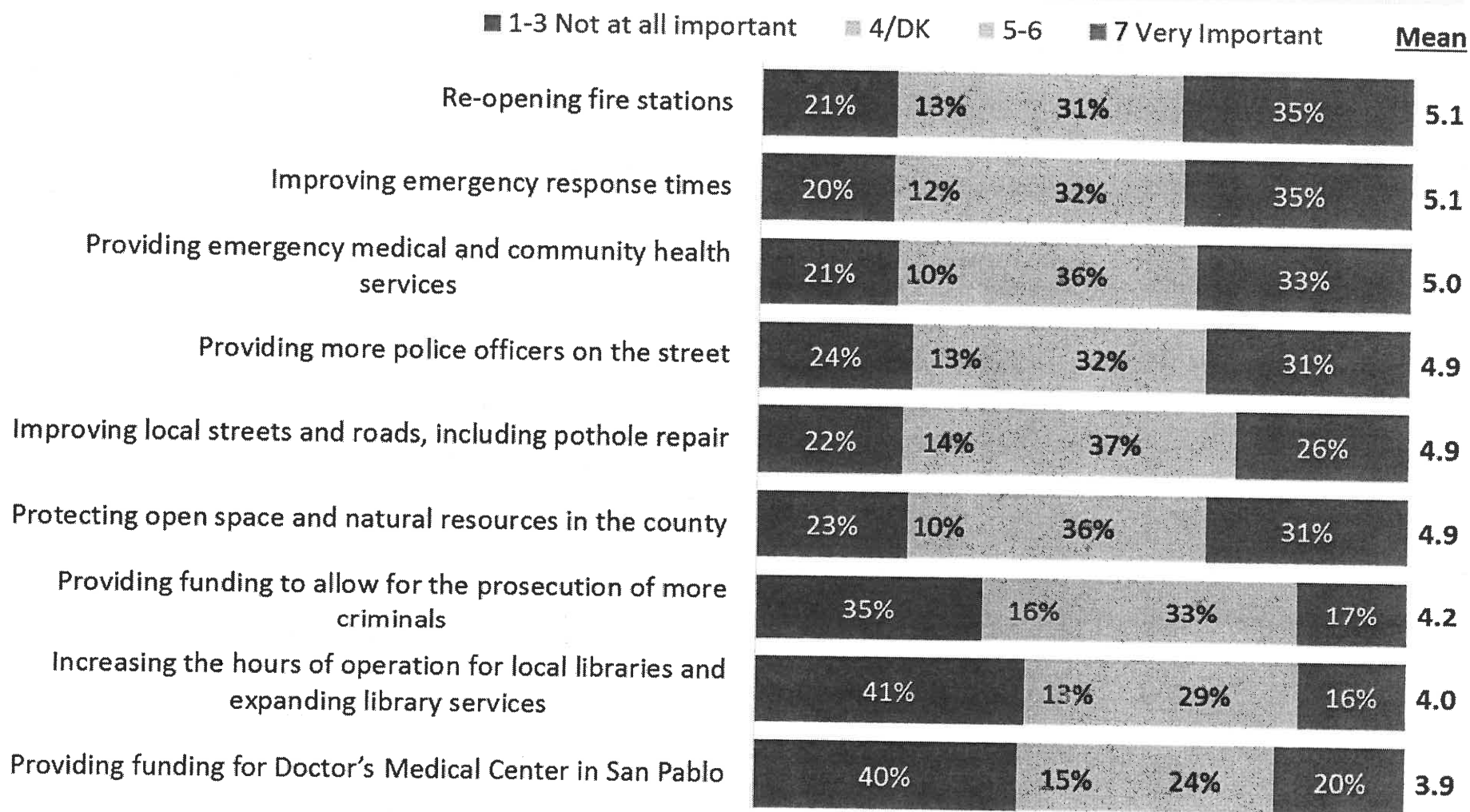
Q7-Q17. Would you favor or oppose a measure that would implement a sales tax...?



EMC #14-5274 | 16

Project Importance Ratings

Re-opening fire stations, improving emergency response times, and providing emergency medical and community health services were the highest rated potential projects.



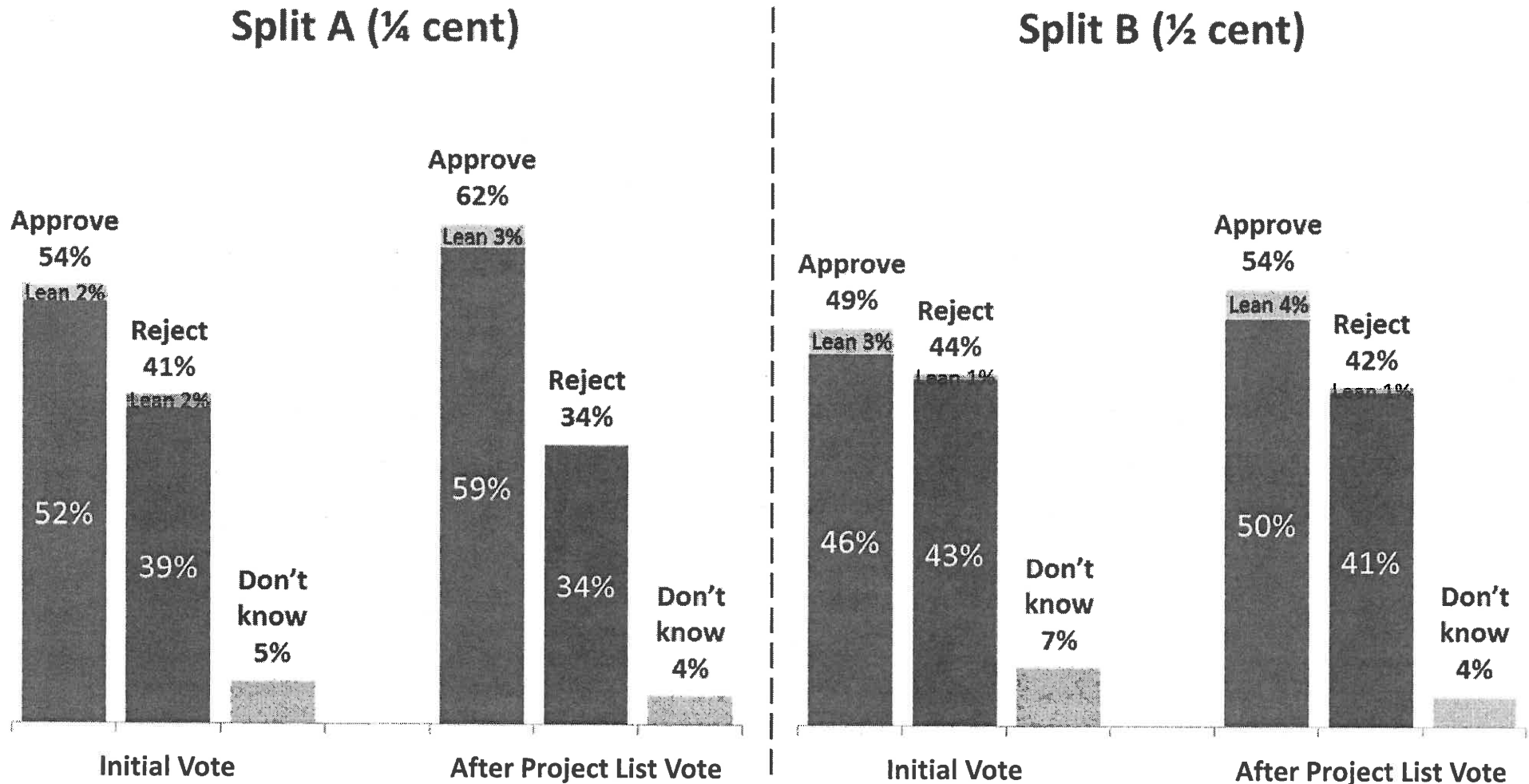
Q19-Q27. Now I'm going to read you a list of projects and programs that are being considered if the County has revenue from a sales tax. Please rate each on a scale from 1 to 7, where 1 is not important at all and 7 is very important.



EMC #14-5274 | 17

Support After Project Details

Support for both measures improves after voters learn more about potential projects and programs that could be funded.



Q6/Q28. If the election were held today, would you vote Yes to approve or No to reject this measure?



EMC #14-5274 | 18

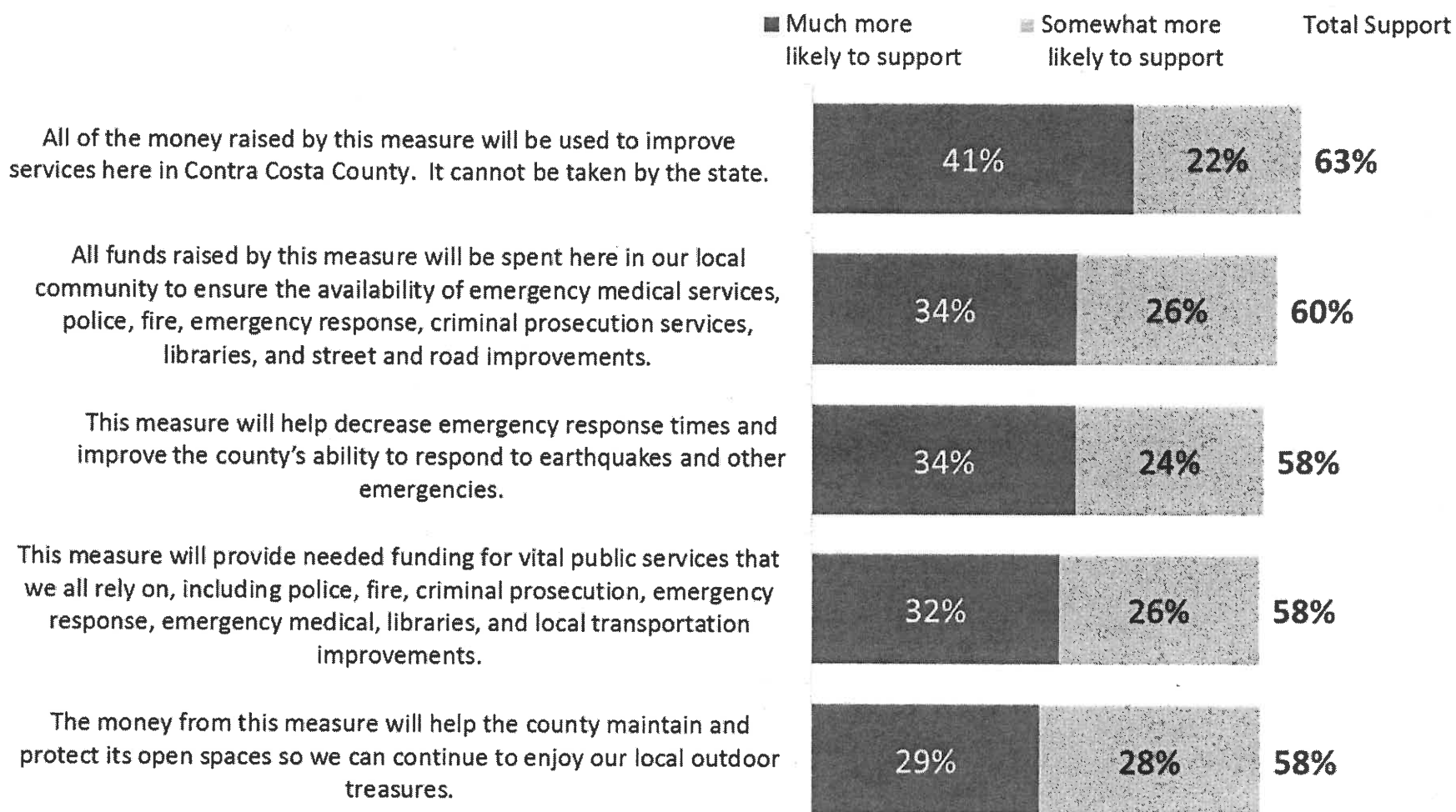


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Informational Messaging

Positive Information

That the funding will stay local and cannot be taken by the state was important information about the measure for voters.



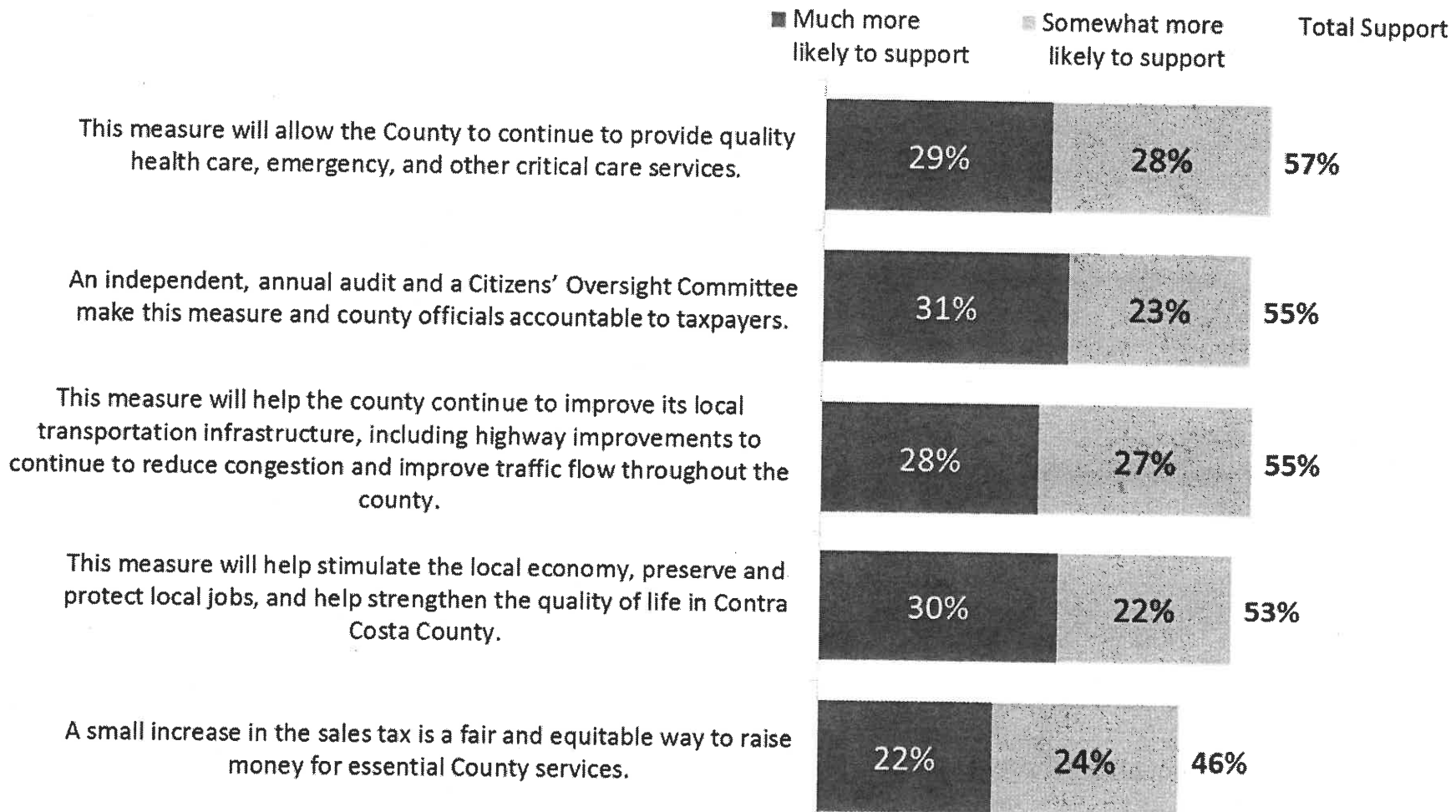
Q29-Q38. For each statement, please tell me if that would make you much more likely to support the measure, somewhat more likely to support, or would it make no difference to you.



EMC #14-5274 | 20

Positive Information, continued

Other information was important to some, but less compelling overall.



Q29-Q38. For each statement, please tell me if that would make you much more likely to support the measure, somewhat more likely to support, or would it make no difference to you.

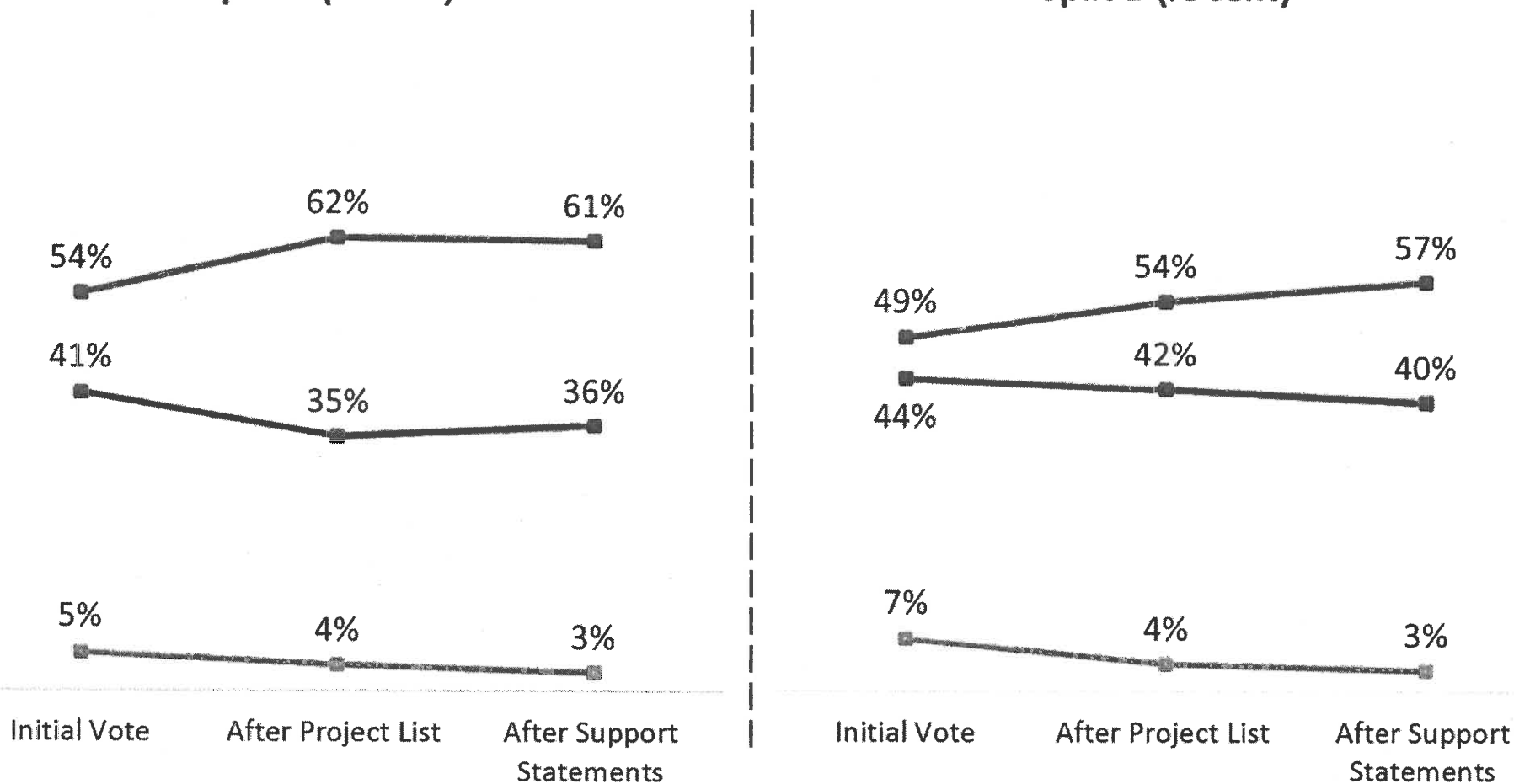


EMC #14-5274 | 21

Measure Support After Positive Statements

Additional information had little impact on support for either measure, beyond the impact already seen by the projects and components information.

Split A (¼ cent) ■ Approve ■ Undecided ■ Reject **Split B (½ cent)**



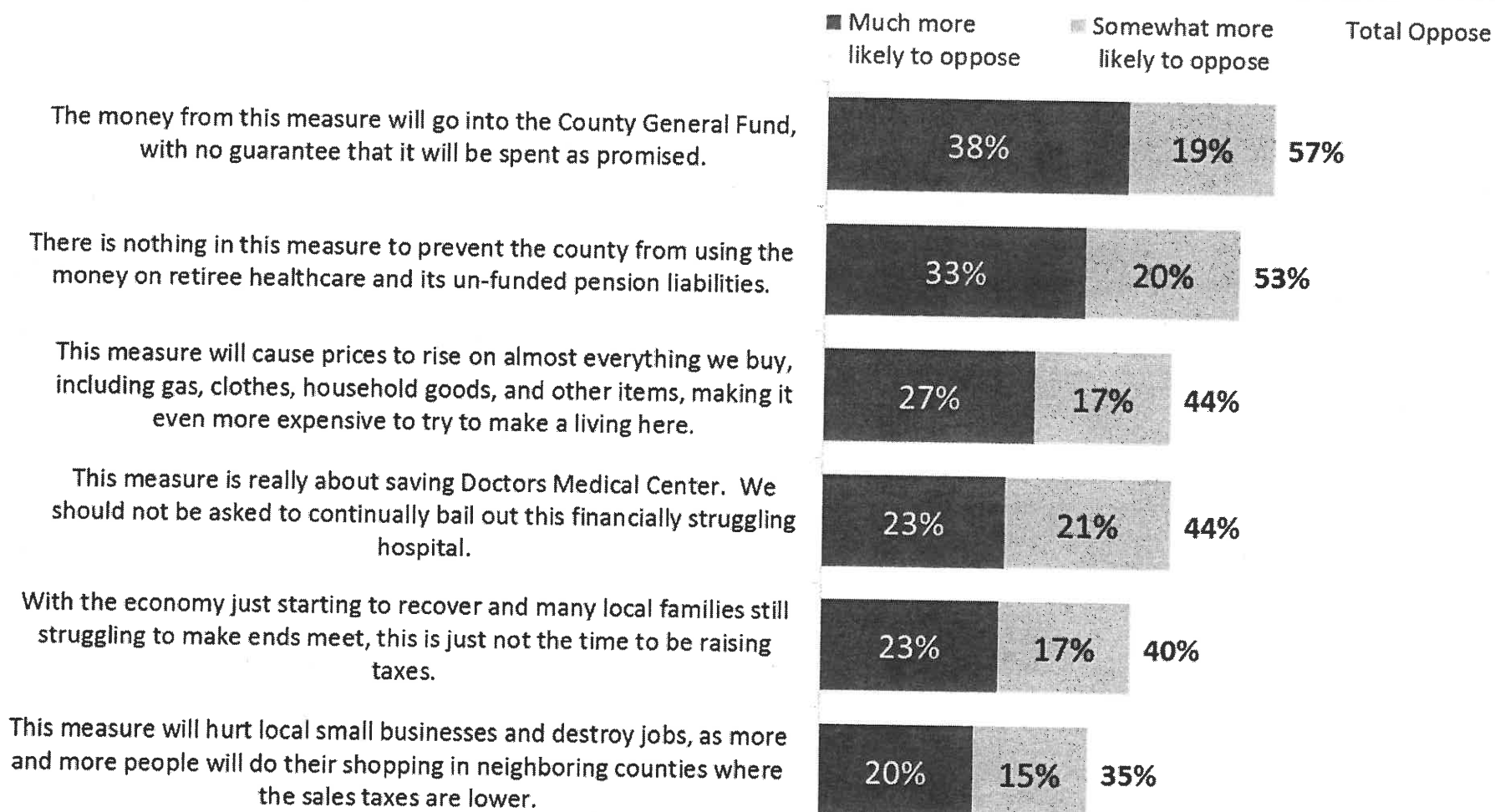
Q6/28/39. If the election were held today, would you vote Yes to approve or No to reject this measure?



EMC #14-5274 | 22

Negative Information

Lack of guarantees on how the money would be spent was important information about the measure for many voters.



Q29-Q38. For each statement, please tell me if that would make you much more likely to support the measure, somewhat more likely to support, or would it make no difference to you.



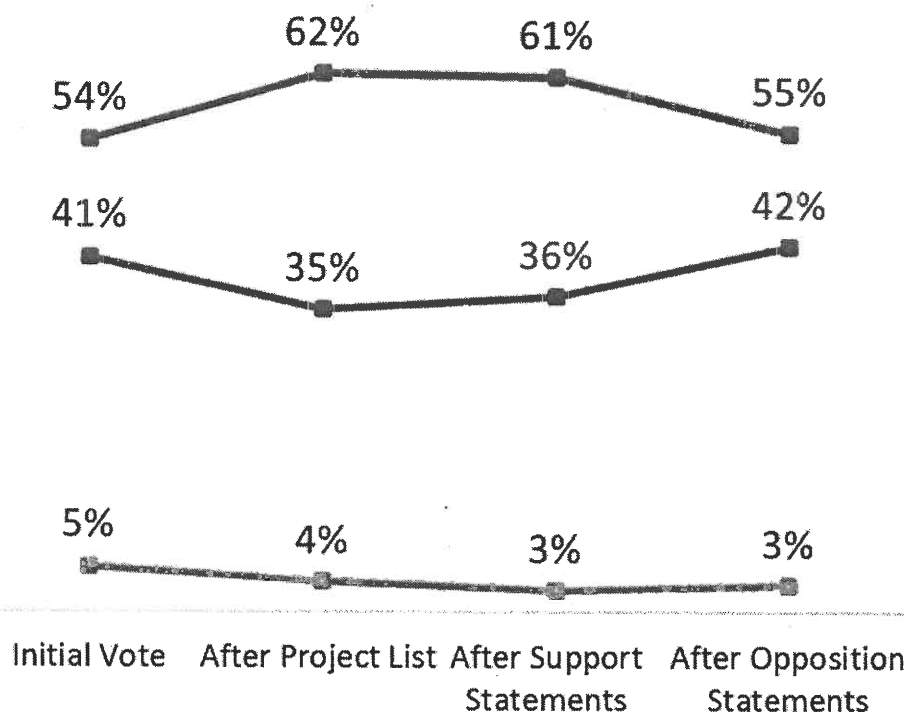
EMC #14-5274 | 23

Measure Support After Negative Statements

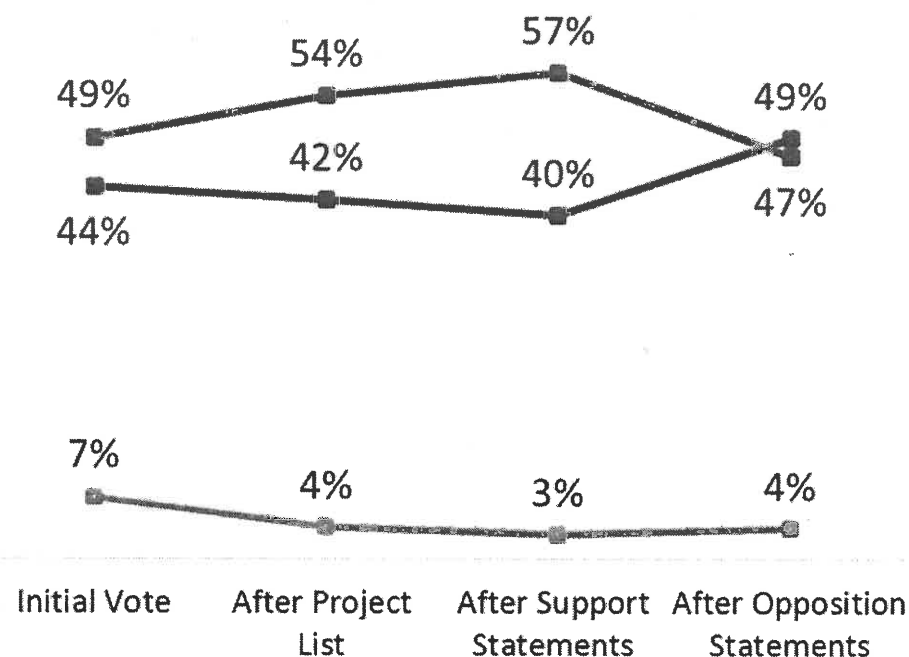
Negative information returns support to near its original levels.

■ Approve ■ Undecided ■ Reject

Split A (¼ cent)



Split B (½ cent)



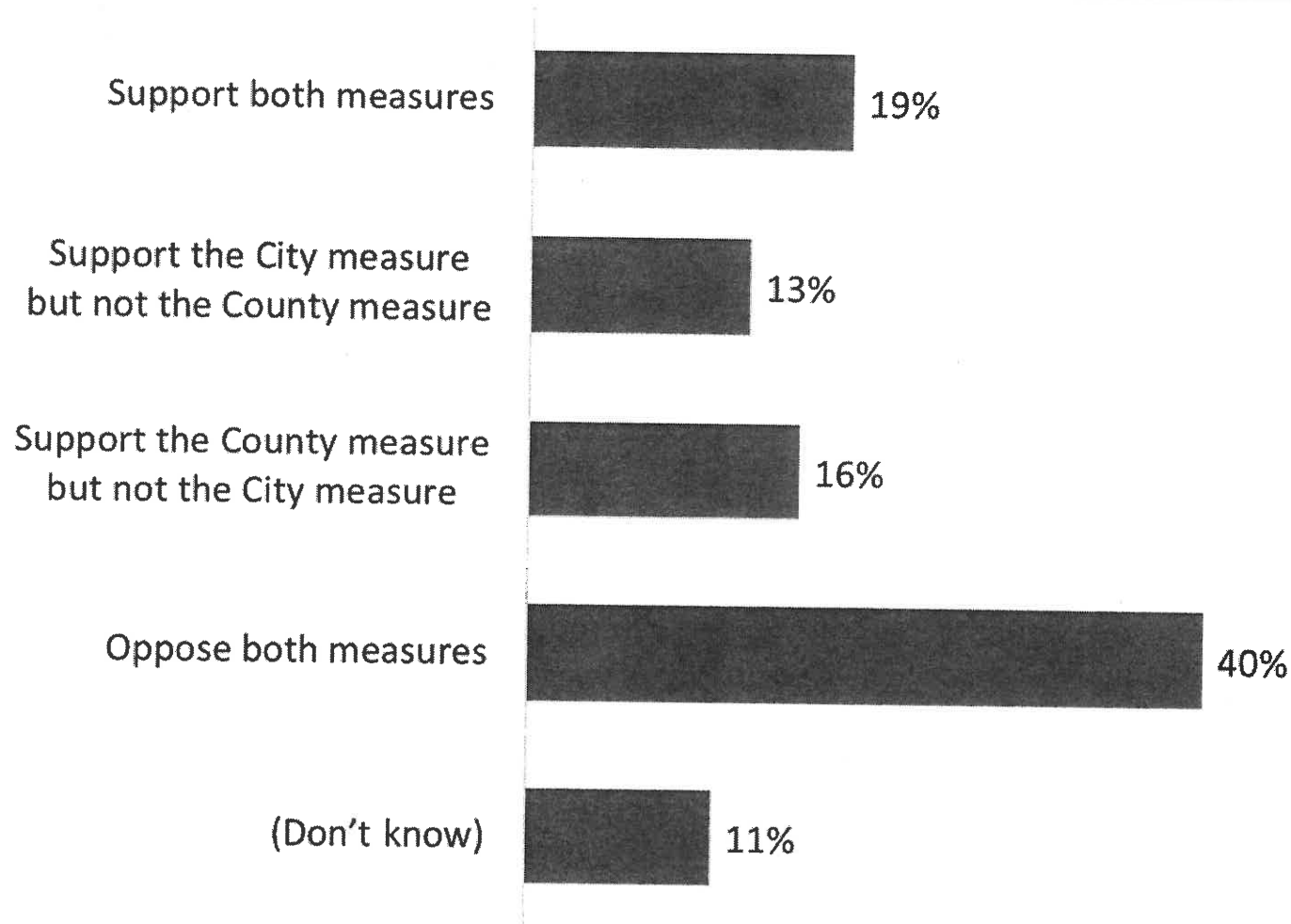
Q6/28/39/46. If the election were held today, would you vote Yes to approve or No to reject this measure?



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Impact of Additional Measures

Forty-percent of voters indicate that they would oppose both a local and county measure if they appeared on the same ballot.

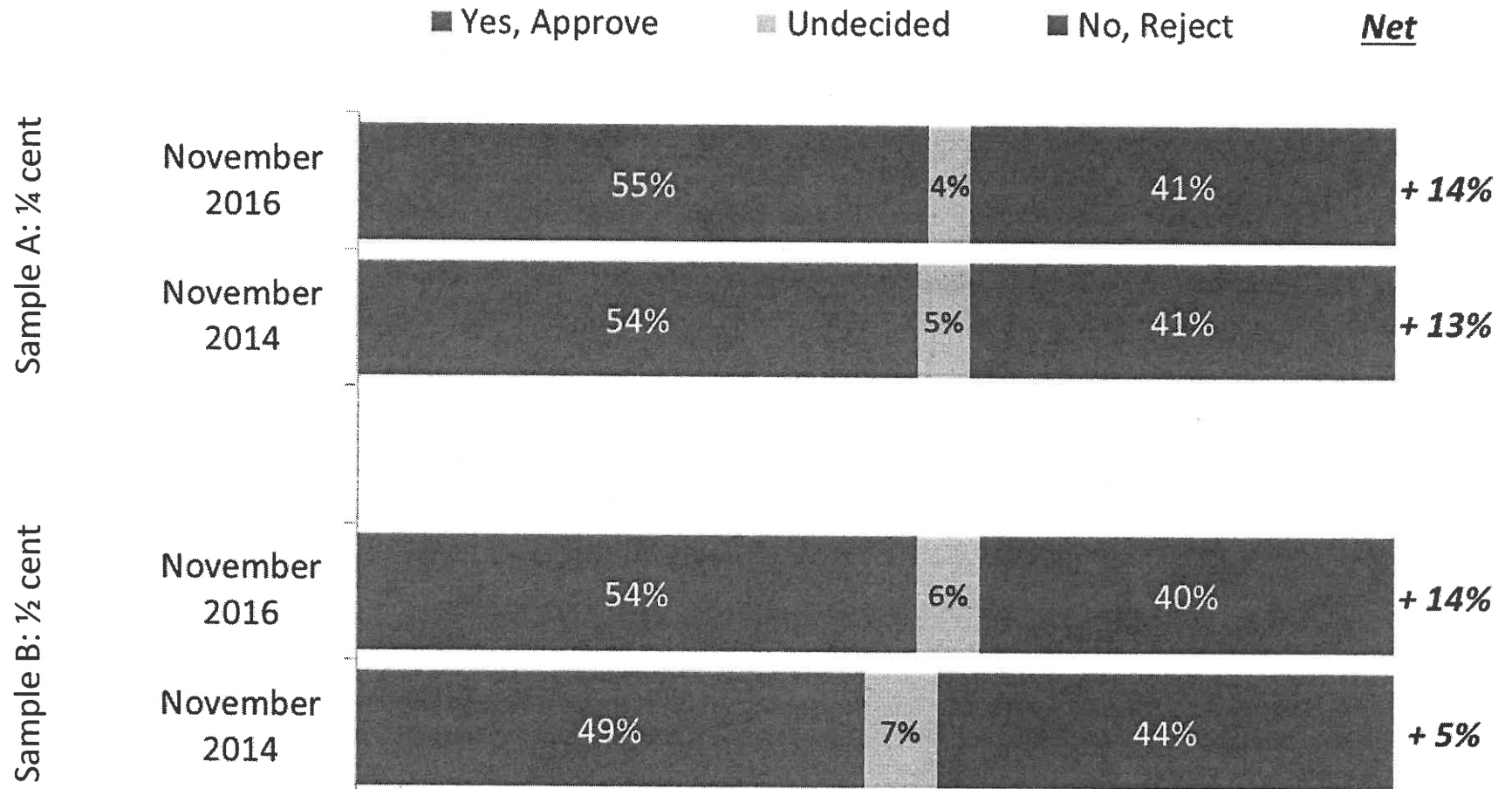


Q47. In addition to a possible countywide sales tax measure, certain cities within Contra Costa County may also have a sales tax on the ballot in November. If the county and your city both had sales tax increase measures on the November ballot, would you likely...



2016 & 2014 Election Models

A 2016 election model shows a similar result for ¼-cent; slightly better for ½-cent.



	Low propensity	Medium propensity	High propensity
Nov. 2016	46%	29%	25%
Nov. 2014	30%	37%	33%



Q6. [Sales Tax Vote – Sample A & Sample B]

EMC #14-5274 | 26



MARKET
& OPINION
RESEARCH
SERVICES

Conclusions

Conclusion

- ▶ Approval of a countywide sales tax measure on the November 2014 ballot would be very challenging.

Contact Information



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Contra Costa Transportation Authority



Contra Costa County Voter Research September 2015

Presented to CCTA Board September 16, 2015



Purpose and Methodology

Survey Objectives

1. Understand relative regional priorities
2. Measure receptivity to possible revenue measure models
 - ½ cent CCTA specific tax
 - ½ cent County specific tax (¼ cent for transportation and ¼ cent for public safety)
 - ¼ cent CCTA specific tax
 - ¼ cent County specific tax (for public safety)
3. Understand impact of potential CCTA/County measure and potential BART bond sharing a ballot
4. Understand potential impact of information on support for a revenue measure
5. Track key measures of tax sensitivity
6. Understand trust in CCTA and County



CCTA | EMC #15-5656 | 3

Methodology

- ▶ Telephone survey of likely voters in Contra Costa County
- ▶ Conducted August 26-September 3, 2015
- ▶ 800 total interviews, Margin of Error \pm 3.5 percentage points
- ▶ Respondents were split into four sample groups, with each receiving one of four potential sales tax measures
- ▶ Weighted to reflect overall countywide likely November 2016 voter population using key demographics
- ▶ Interviewing started trained, professional interviewers
- ▶ Where applicable, results compared with:
 - EMC #14-5035: January 21st – February 5th, 2014 (n=814; MoE: + 3.4 % points)
 - EMC #14-5170: March 3-10, 2014 (n=606; MoE: + 4.0 % points)

Please note that due to rounding, percentages may not add up to exactly 100%



CCTA | EMC #15-5656 | 4

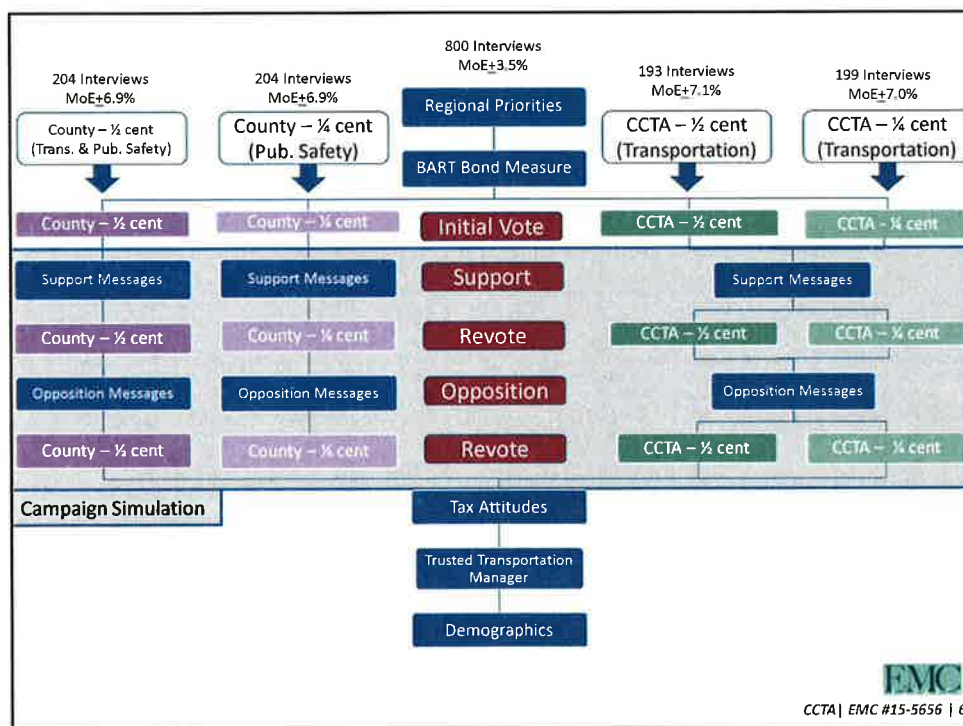
Split Sample Methodology

- Respondents were randomly assigned to one of four samples. Each sample tested a different potential Contra Costa County sales tax measure along with support and opposition messaging tailored to the assigned measure.

Sample A	Sample B	Sample C	Sample D
<i>County Specific – ½ cent Transportation/ Public Safety Tax</i>	<i>County Specific – ¼ cent Public Safety Tax</i>	<i>CCTA Specific – ½ cent Tax</i>	<i>CCTA Specific – ¼ cent Tax</i>
n=204	n=204	n=193	n=199
MoE: ± 6.9%	MoE: ± 6.9%	MoE: ± 7.1%	MoE: ± 7.0%



CCTA | EMC #15-5656 | 5



CCTA | EMC #15-5656 | 6

November 2004 Contra Costa County Ballot List

*All state and local measures on the ballot in Contra Costa County in November 2004. **Bold text denotes a revenue measure.***

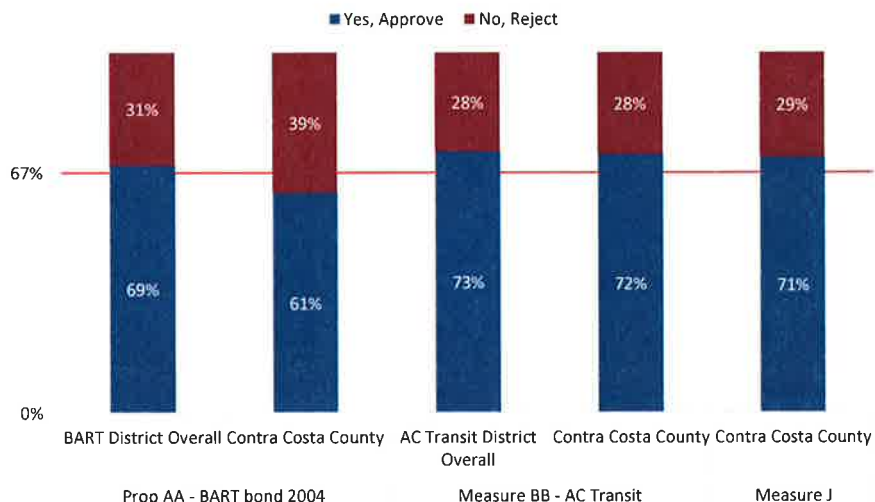
State Measures	Countywide Measures	Local Measures
1A – Keeping local sales tax revenues local	J – CCTA sales tax (71.1%)	BB – AC Transit Special Service District 1 parcel tax (partial county) (71.8% in CoCoCo)
59 – Sunshine amendment	AA – BART bond (61.0%)	CC – EBRPD Zone 1 parcel tax (partial county)
60 – Political party election rights act		D, E, G, H – School revenue measures in Livermore, Pittsburg, Byron, Oakley
60A – Sell surplus gov't property to reduce debt		K, L, P, S – UUT measures in El Cerrito, Hercules, Pinole, San Pablo
61 – Bonds for children's hospital projects (65.3% in CoCoCo)		M – General plan amendment in Hercules
62 – Modified primary elections		N, O – City bond measures in Lafayette, Martinez
63 – Income tax increase for mental health services (56.2% in CoCoCo)		Q – Transaction Use Tax in Richmond
65 – Require voter approval to reduce local gov't revenues		R – Charter amendment in Richmond
66 – Changes to 3 strikes		T, U – TOT in San Pablo, San Ramon
67 – Telephone call tax for emergency medical services (31.0% in CoCoCo)		V, X – Administrative measures in San Ramon, Walnut Creek
68 – Tribal gaming compact amendments		
69 – Require DNA samples from felons		
70 – Tribal gaming compact amendments		
71 – Bonds for stem cell research (66.4% in CoCoCo)		
72 – Healthcare coverage requirements		



CCTA | EMC #15-5656 | 7

November 2004 Contra Costa County Transportation Ballot Items

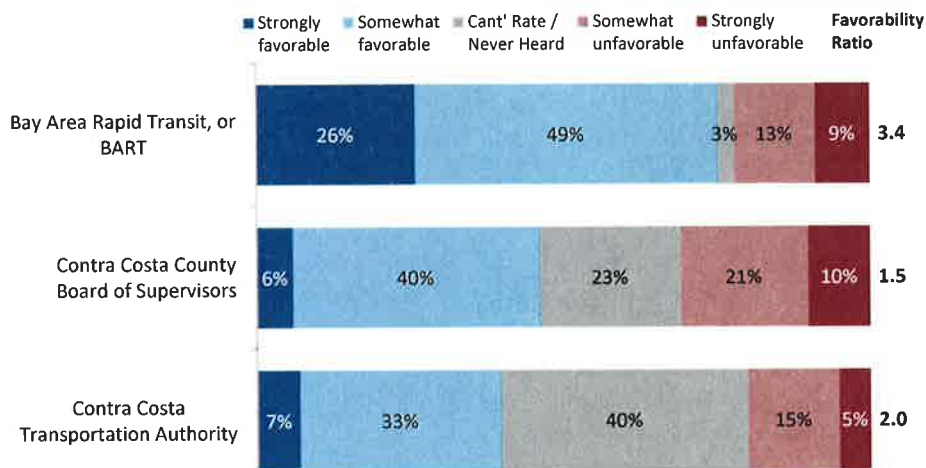
All three transportation measures on the ballot in November 2004 passed.



CCTA | EMC #15-5656 | 8

Favorable Ratings

The Board of Supervisors has a slightly higher favorable rating than the CCTA, however, nearly one-third of voters give the Board an unfavorable rating.



Q24-26. Now, I'm going to read you a list of organizations. For each one, please tell me if you have a strongly favorable, somewhat favorable, somewhat unfavorable or strongly unfavorable opinion of each one. If you have never heard of one, please just say so.

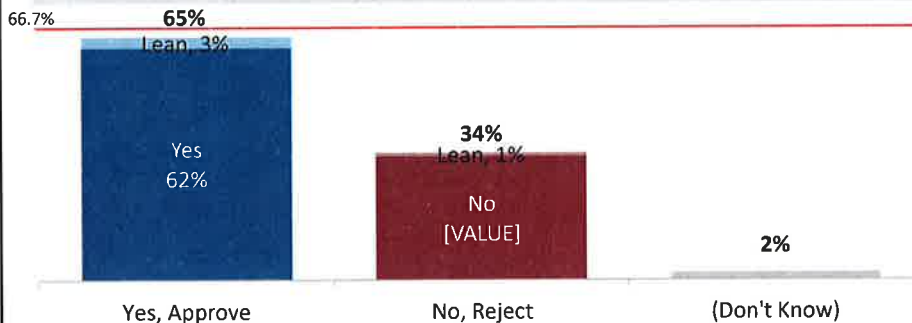


CCTA | EMC #15-5656 | 9

BART Measure Vote

A BART bond measure reaches nearly two-thirds support in Contra Costa County.

In order to replace and modernize BART's deteriorating 44-year old infrastructure to keep BART safe; prevent breakdowns and delays; improve earthquake safety; increase the number of people BART can carry; relieve traffic congestion; improve access for people with disabilities; reduce overcrowding; reduce pollution; and keep trains and stations clean; shall the Bay Area Rapid Transit District issue \$3 billion of bonds subject to citizen oversight and independent, annual audits?



Q27. If this measure were on the ballot today, would you be likely to vote yes to approve it, or no to reject it?



CCTA | EMC #15-5656 | 10

Ballot Language

SAMPLE A: ½ Cent County Sales Tax – Transportation and Public Safety

Shall voters authorize implementing the Contra Costa County Transportation and Public Safety Expenditure Plan to: Expand Bart in Contra Costa County; Fix roads and improve highways; Reduce traffic congestion; Add firefighters and police; Reopen fire stations; and Improve emergency response time? Approval increases the existing County sales tax by a half of a cent, for 25-years, with independent oversight and audits. All money spent will benefit Contra Costa County residents.

SAMPLE B: ¼ Cent County Sales Tax – Public Safety

To fight crime, respond quickly to medical emergencies and fires, and make Contra Costa County safer by: adding firefighters and police; increasing neighborhood police patrols; updating firefighter safety equipment and stations; and re-opening fire stations; shall Contra Costa County enact a quarter of a cent sales tax for 25-years, that cannot be taken by the state, with annual public audits and citizens oversight to ensure fiscal accountability?

SAMPLE C/D: ½ and ¼ Cent CCTA Sales Tax

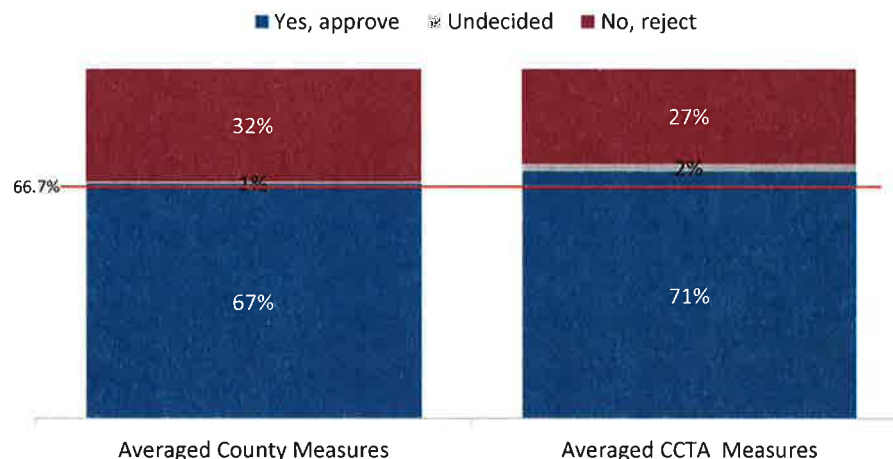
Shall voters authorize implementing the Contra Costa County 25- year Transportation Expenditure Plan to: Expand Bart in Contra Costa County; Improve transit connections to jobs and schools; Fix roads, improve highways and increase bicycle and pedestrian safety; Reduce traffic congestion and improve air quality; Enhance transit services for seniors and people with disabilities? Approval increases by a half/quarter cent and extends the existing County sales tax, with independent oversight and audits. All money spent will benefit Contra Costa County residents.



CCTA | EMC #15-5656 | 11

Initial Vote – All Samples

CCTA measures receive moderately higher support than County measures.



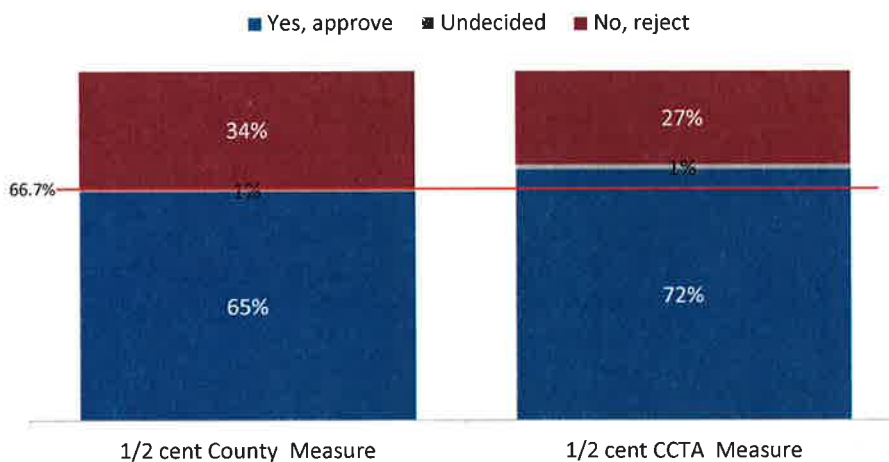
If the election were held today, would you vote yes to approve or no to reject this measure? (IF UNDECIDED): Which way do you lean — toward voting "Yes" to approve, or toward voting "No" to reject?



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Initial Vote – by ½ cent

A CCTA ½ cent measure receives higher support than a ½ cent County measure.

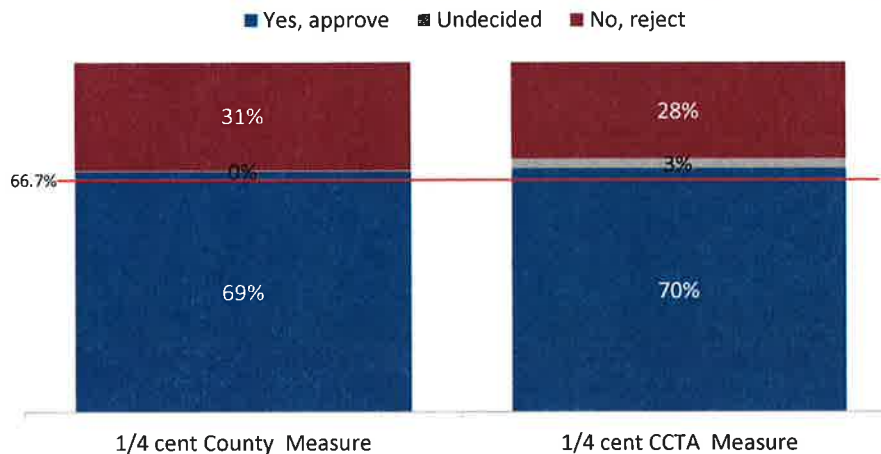


*If the election were held today, would you vote yes to approve or no to reject this measure? (IF UNDECIDED):
Which way do you lean — toward voting "Yes" to approve, or toward voting "No" to reject?*

EMC
CCTA | EMC #15-5656 | 13

Initial Vote – by ¼ cent

A ¼ cent measure receives nearly equal support when presented by the County or the CCTA.

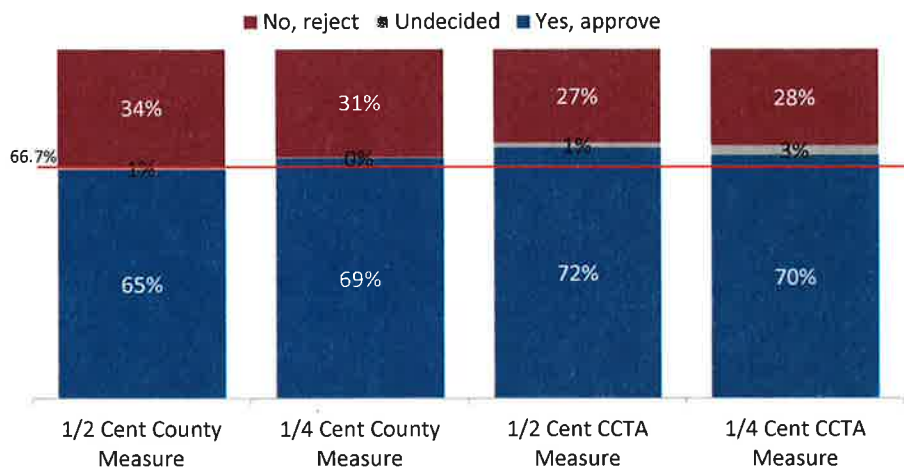


*If the election were held today, would you vote yes to approve or no to reject this measure? (IF UNDECIDED):
Which way do you lean — toward voting "Yes" to approve, or toward voting "No" to reject?*

EMC
CCTA | EMC #15-5656 | 14

Initial Vote – All County and CCTA Measures

A ½ cent transportation measure receives the most support.



*If the election were held today, would you vote yes to approve or no to reject this measure?
(IF UNDECIDED): Which way do you lean — toward voting "Yes" to approve, or toward voting "No" to reject?*

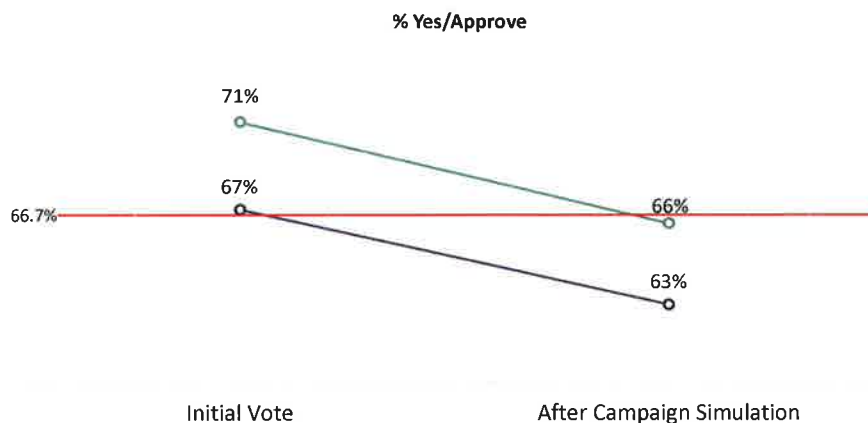


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Summary of Support for Potential Measures

Even after a simulated campaign environment, with both support and opposition messaging, the CCTA measures remain stronger than the County measures.

○ Averaged County Measures ○ Averaged CCTA Measures



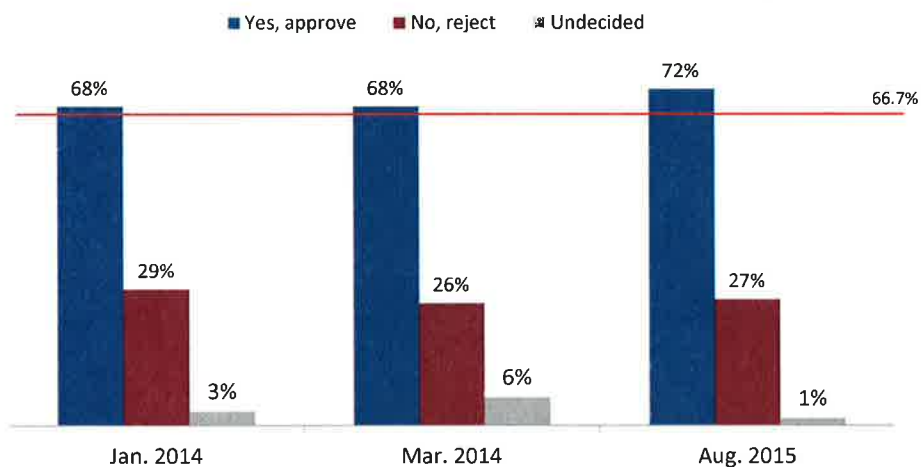
If the election were held today, would you vote yes to approve or no to reject this measure? (IF UNDECIDED): Which way do you lean — toward voting "Yes" to approve, or toward voting "No" to reject?



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Vote Over Time – ½ Cent CCTA Measure

Support for a ½ cent transportation measure has remained consistent over the past year.



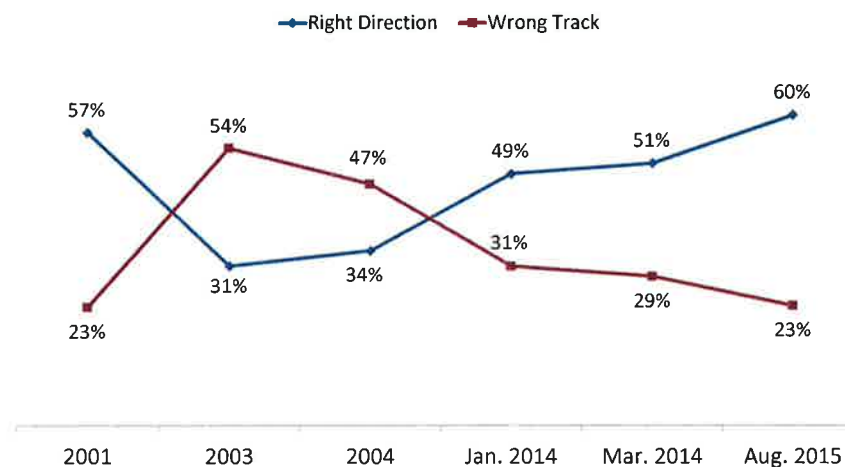
Q30. If this measure were on the ballot today, would you be likely to vote yes to approve it, or no to reject it?



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Right Direction/Wrong Track

Optimism in Contra Costa County is on the rise.



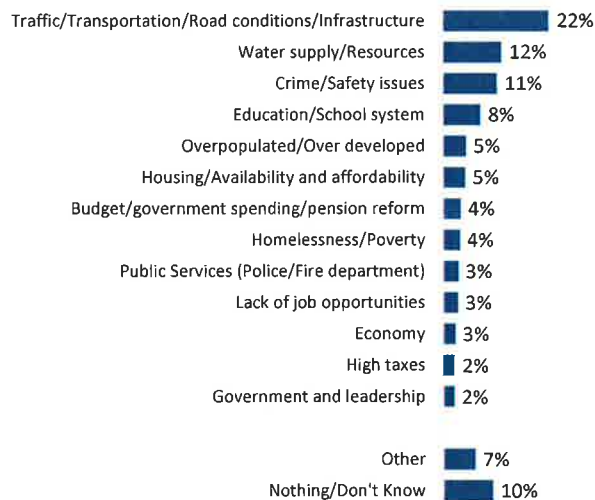
Q4. Do you think things in Contra Costa County are generally going in the right direction, or do you feel that things are pretty seriously off on the wrong track?



CCTA | EMC #15-5656 | 18

Most Important Problem Facing Contra Costa County

Transportation and traffic are a top concern among Contra Costa voters.



Q5. What do you feel is the most important problem facing Contra Costa County today?

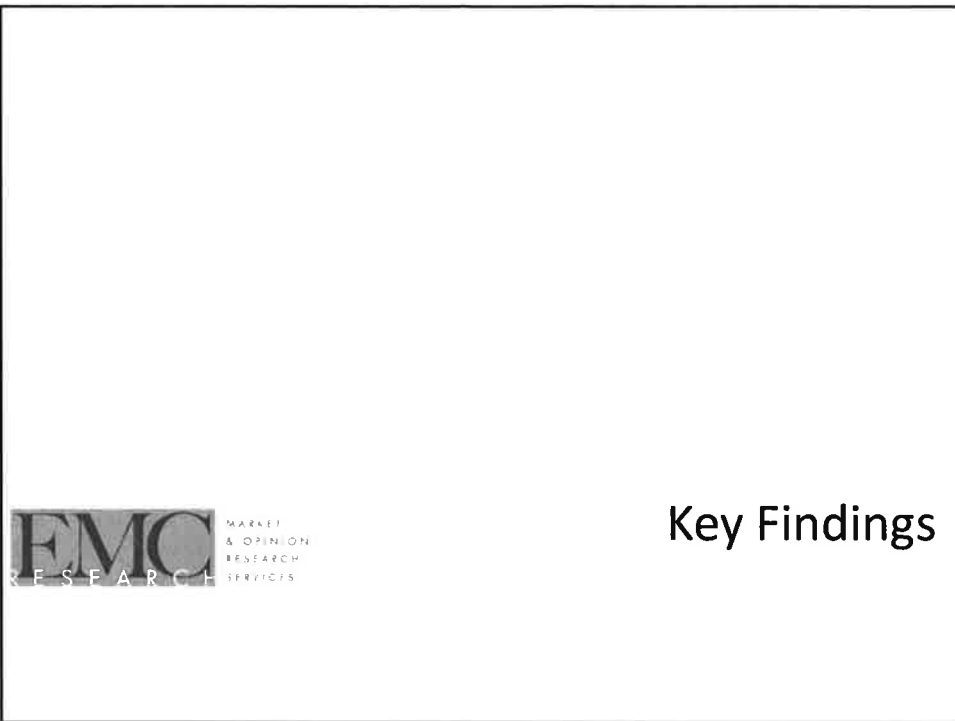
CCTA | EMC #15-5656 | 19

Conclusions

- ▶ A measure exclusively for transportation improvements presented by the CCTA receives moderately higher support among voters, compared to a measure presented by the County.
- ▶ With nearly one-third of voters rating the Board of Supervisors unfavorably, reaching two-thirds support for a county-presented sales tax measure will be challenging.

Note: Presented summary of results with the above conclusions to the Contra Costa County Board of Supervisors on September 15, 2015.

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Key Findings

- ▶ Transportation related issues are a top concern among Contra Costa voters.
- ▶ Initial support for a ½ cent transportation sales tax exceeds two thirds; a campaign simulation drops support to slightly less than two-thirds.
- ▶ A transportation sales tax measure receives moderately higher support than a County measure.
- ▶ There is greater trust of CCTA to handle transportation projects, compared to the County.



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3.1 NEW ITEM: Summary of Public Opinion Polling. Between the dates of August 26 and September 3, 2015, EMC Research (sub-consultant to Gray-Bowen-Scott) conducted a survey of 800 Contra Costa County likely November 2016 voters. Respondents were split into four sample groups with each receiving one of four sample potential sales tax measures. The sample sales tax measures tested were a 1/2 cent Contra Costa County specific tax; a 1/4 cent Contra Costa County specific tax; a 1/2 cent Authority sponsored transportation tax and a 1/4 cent Authority sponsored transportation tax. The survey also studied the effect of a potential BART bond measure sharing the November 2016 ballot. The survey has a margin of error of +/- 3.5%. Results will be presented at the Authority Board meeting. Staff Contact: Ross Chittenden

ACTION: None taken – information only

DISCUSSION: Ross Chittenden, Deputy Executive Director for Projects, said that the Authority had previously discussed the potential for competing and/or complimentary ballot initiatives that could be developed by Fall 2016, including possible measures by BART and Contra Costa County, and that EMC Research was asked to conduct some polling to test likely voters in their opinions of different possible scenarios. He noted that a summary of the results was discussed at a meeting of the County Board of Supervisors on the previous day.

Mr. Chittenden introduced Alex Evans of EMC Research, who gave a PowerPoint presentation on the Contra Costa County voter research that was done by his firm. The presentation included an overview of survey objectives, methodology, results and conclusion.

Mr. Evans stated that survey objectives were to understand regional priorities of Contra Costa's voters, and test each of four different ballot measure scenarios with the understanding that only one of them would move forward. Additionally, the survey was developed to help understand the impact of a potential CCTA/County measure and potential BART bond sharing a ballot, understand potential impact of information on support for a revenue measure, track key measures of tax sensitivity, and understand trust in CCTA and the County.

The telephone survey, conducted between August 26th and September 3rd, included a total of 800 likely Contra Costa County voters. Respondents were split into four sample groups, with each group being polled on only one of four potential sales tax measures that included support and opposition messaging tailored to the assigned measure.

Mr. Evans reviewed graphics depicting other State and local measures that were on the ballot in November 2004 (when Measure J was approved), the percentages by which each of the transportation measures on the ballot passed, and comparing favorable ratings of BART, the County Board of Supervisors, and the Contra Costa Transportation Authority (CCTA) which indicate that CCTA is in a better position than the County for a successful sales tax measure. Mr. Evans said that EMC Research tested a possible BART \$3 billion bond measure using the same language used by BART in its own polling, and that the polling indicated that 65 percent of voters in Contra Costa would be willing to support it. Mr. Evans noted that despite the fact that a possible BART bond measure requires a two-thirds supermajority, BART would view the 65% support as positive. Voters in Alameda County tend to support BART bond measures, and support in San Francisco tends to exceed the two-thirds threshold in an amount that will compensate for support in Contra Costa County that may be below the two-thirds threshold.

Mr. Evans outlined each of the four different possible sales tax measures (two CCTA measures and two County measures) which were tested to determine strengths and/or weaknesses of a County or CCTA ballot measure, and discussed the polling results. Approval of the two CCTA measures averaged slightly higher than the average of the two County measures. Mr. Evans reported that the CCTA ½ cent measure received higher support (72 percent) than the County ½ cent measure (65 percent), and the ¼ percent measure received nearly equal support when presented by CCTA or the County. Of the four measures tested, the ½ cent CCTA measure received the most support (72

percent), and the ½ cent County measure received the least (65 percent). Mr. Evans stated that after voters were provided with support and opposition messaging as part of a simulated campaign environment, average approval of both the CCTA and County measures decreased although the CCTA measures remained stronger than the County measures.

Mr. Evans reviewed a final set of graphics which included a comparison of 2014 and 2015 polling results, “right direction” versus “wrong track” sentiment, and voter opinion of the most important problem facing Contra Costa County. They illustrated that support for a ½ cent measure remains fairly consistent, optimism in Contra Costa County is on the rise, and voters view traffic, transportation, road conditions and infrastructure as a top concern.

In summary, Mr. Evans stated that CCTA was in a modestly better position to go forward with a transportation sales tax ballot measure. He cautioned that while Contra Costa County voters view transportation as their top concern and initial support for a ½ cent transportation sales measure brought forward by CCTA exceeds the 2/3 approval requirement, campaign simulation drops the approval rating to 66 percent and therefore the campaign would not be easy.

The presentation was distributed as a meeting handout.

Commissioner Arnerich noted that prior polls seemed to include commuters and people more likely to use public transportation. He asked what percentage of people contacted for the 2015 polling were willing to participate in the survey. Mr. Evans responded that he did not have the percentage on hand, however his firm did not experience any unusual difficulty (relative to other surveys conducted by EMC Research) in identifying 800 voters willing to cooperate. Mr. Evans stated that he was quite confident that the random sample was representative of November 2016 voters.



Sales Tax Options for November 2016 Ballot

Contra Costa County

Key Findings of CCTA Voter Research

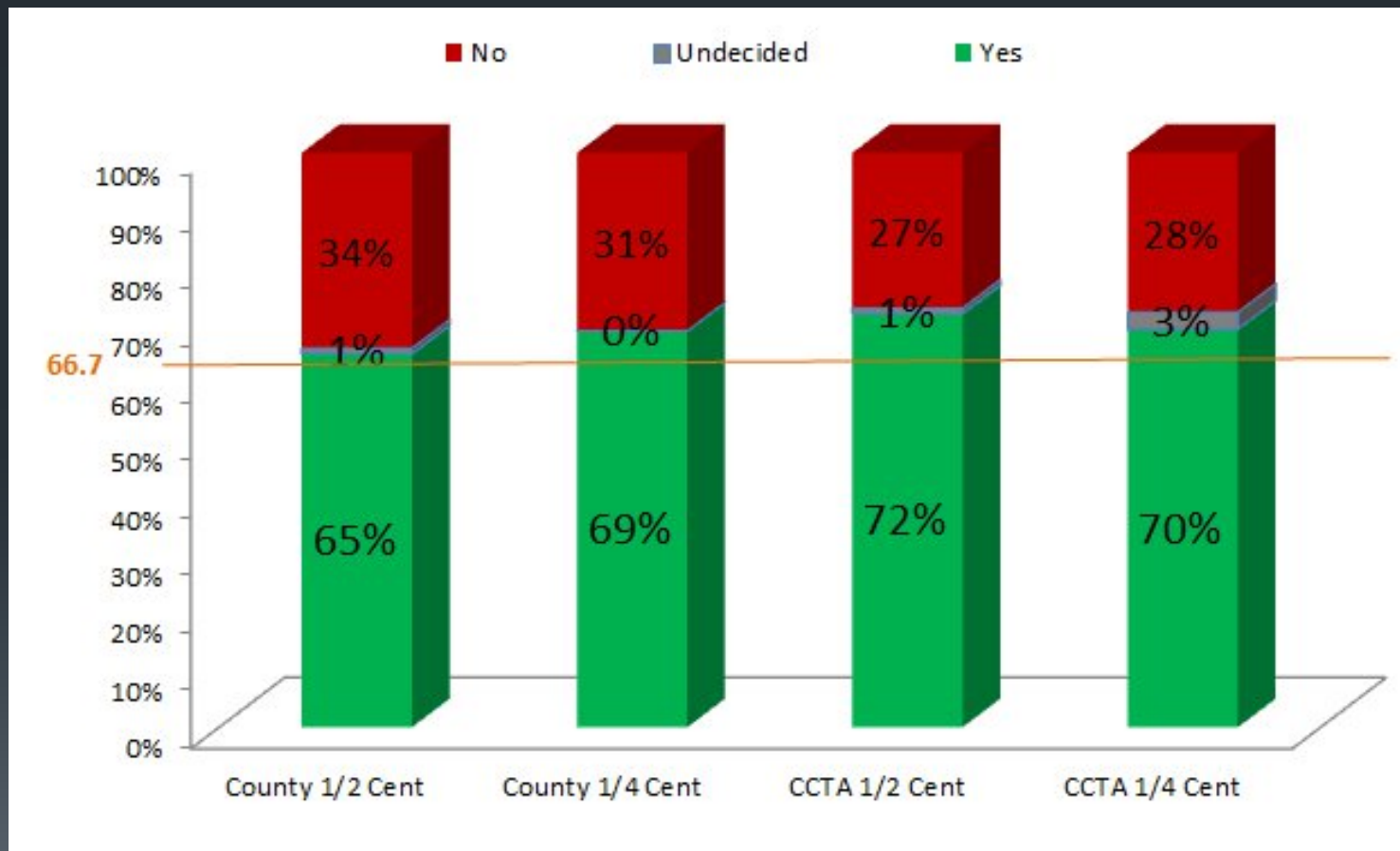
2

- Transportation related issues are a top concern among Contra Costa voters.
- Initial support for a ½ cent transportation sales tax exceeds two-thirds; a campaign simulation drops support to slightly less than two-thirds.
- A transportation sales tax measure receives moderately higher support than a County measure.
- There is greater trust of CCTA to handle transportation projects, compared to the County.

Initial Vote: All County & CCTA Measures

3

“If the election were held today, would you vote yes to approve or no to reject this measure? If UNDECIDED, which way do you lean?”



Option 1:

Countywide Sales Tax Measure

4

Current CA statutory cap of 9.5% sales & use tax rate would require special legislation for a Countywide tax that would cause any jurisdictions to exceed the cap.

Determine preference for either:

- “General” Sales Tax rate of 0.125% or a multiple thereof for general facilities or services, and requires adoption by four of the Board members and a majority of the voters voting on the measure
- “Special” Sales Tax rate of 0.125% or a multiple thereof for dedicated purposes such as firefighting, emergency services, public safety, roads, and requires adoption by four of the Board members and two-thirds of the voters voting on the measure

Current Sales Tax Rates

<u>Jurisdiction</u>	<u>Tax Rate</u>
County (this includes the unincorporated area and cities in this County except as listed below)	8.50%
City of Antioch	9.00%
City of Concord	9.00%
City of El Cerrito	10.00%
City of Hercules	9.00%
Town of Moraga	9.50%
City of Orinda	9.00%
City of Pinole	9.50%
City of Pittsburg	9.00%
City of Richmond	9.50%
City of San Pablo	9.25%

Option 2: Countywide Special Sales Tax Measure for Countywide Transportation Programs

- Current statute permits the County to impose an “above the cap” sales tax of up to ½ cent for support of countywide transportation programs as approved in CCTA’s Transportation Expenditure Plan (TEP)
- Such a measure requires adoption by four of the Board members and two-thirds of the voters voting on the measure

Option 3:

Unincorporated (UI) Area Only

Sales Tax Measure

7

- Current CA statute permits the Board levy, increase or extend a sales and use tax within the UI area for general or special purposes
- Proceeds may be used only within the UI area
- Requirement for approval is the same as with Countywide measures, i.e.:
 - General tax requires approval by four Board members and the majority of voters voting on the measure
 - Special tax requires approval by four Board members and two-thirds of voters voting on the measure

Potential Sales Tax Revenue

- ½ cent Countywide Sales & Use Tax is estimated to generate \$79.1 million
- ½ cent County UI Only Sales and Use Tax is estimated to generate \$8.5 million in the first year.

Timing

Action

Deadline

- | | |
|---|-------------------|
| ■ Election Day | November 16, 2016 |
| ■ Ballot measure submitted | July 29, 2016 |
| ■ Ballot Measure Ordinance Adoption | July 19, 2016* |
| ■ Ballot Measure Ordinance Introduction | July 12, 2016 |

**The Board is not scheduled to meet on July 26, 2016.*

DIRECTION TO COUNTY STAFF¹⁰ AND POSSIBLE OPTIONS

1. Take no further action at this time pending resolution of action currently being considered by CCTA concerning new sales tax for transportation purposes
2. Return to Board of Supervisors with Draft Sales Tax Proposal based on Board Recommendations concerning:
 - County Wide sales tax or just the Unincorporated Areas
 - Proposed sales tax rate
 - Duration of sales tax
 - Proceeds to fund general services, or alternatively,
 - Proceeds to fund which specific services.
3. Other Options or Direction to staff