



# Final Report to Board of Supervisors

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## Introduction

### Overview of Racial Justice Task Force

On April 12, 2016 the Contra Costa County Board of Supervisors (Board) unanimously voted to create the Racial Justice Task Force (RJTF), prompted in large part by the activism and advocacy of the Contra Costa County Racial Justice Coalition. Tasked with building on the County's 2008 report and recommendations, "Disproportionate Minority Contact: Reducing Disparities in Contra Costa County," the 17-member body was designed to represent a range of local stakeholders, including County criminal and juvenile justice agencies, County health and behavioral health, community-based organizations, local school districts and law enforcement agencies, and the community at large. In February 2017, Resource Development Associates (RDA) was hired to provide Task Force facilitation and data analysis services and on April 5, 2017, the RJTF convened for the first time.

The RJTF met monthly from April 2017 through June 2018 to review data on local criminal and juvenile justice systems and processes, discuss best practices and emerging practices for addressing racial disparities in those systems and processes, and develop recommendations for action to address those disparities. Two ad hoc subcommittees were also convened to foster community engagement and plan for two series of community forums. In November 2017, the RJTF hosted 5 community forums to solicit residents' input on priority areas for the Task Force to focus on and in May 2018, the RJTF hosted 3 additional forums to solicit input on preliminary recommendations. On June 6, 2018, the Task Force met for the last time to vote on recommendations to present to the Board of Supervisors.

The purpose of this memo is to present those recommendations to the Board and the larger body of local stakeholders in order to move forward their adoptions and implementation. This memo begins with a brief discussion of the considerations taken into account by the RJTF as it developed these recommendations, followed by an overview of the racial disparities in Contra Costa County, and then a presentation of recommendations. Appendices provide more information on the Task Force voting process, including a breakdown of how each RJTF member voted on each recommendation, as well as additional data on disparities in local criminal and juvenile justice systems.

### Considerations in RJTF Areas of Focus and Recommendations

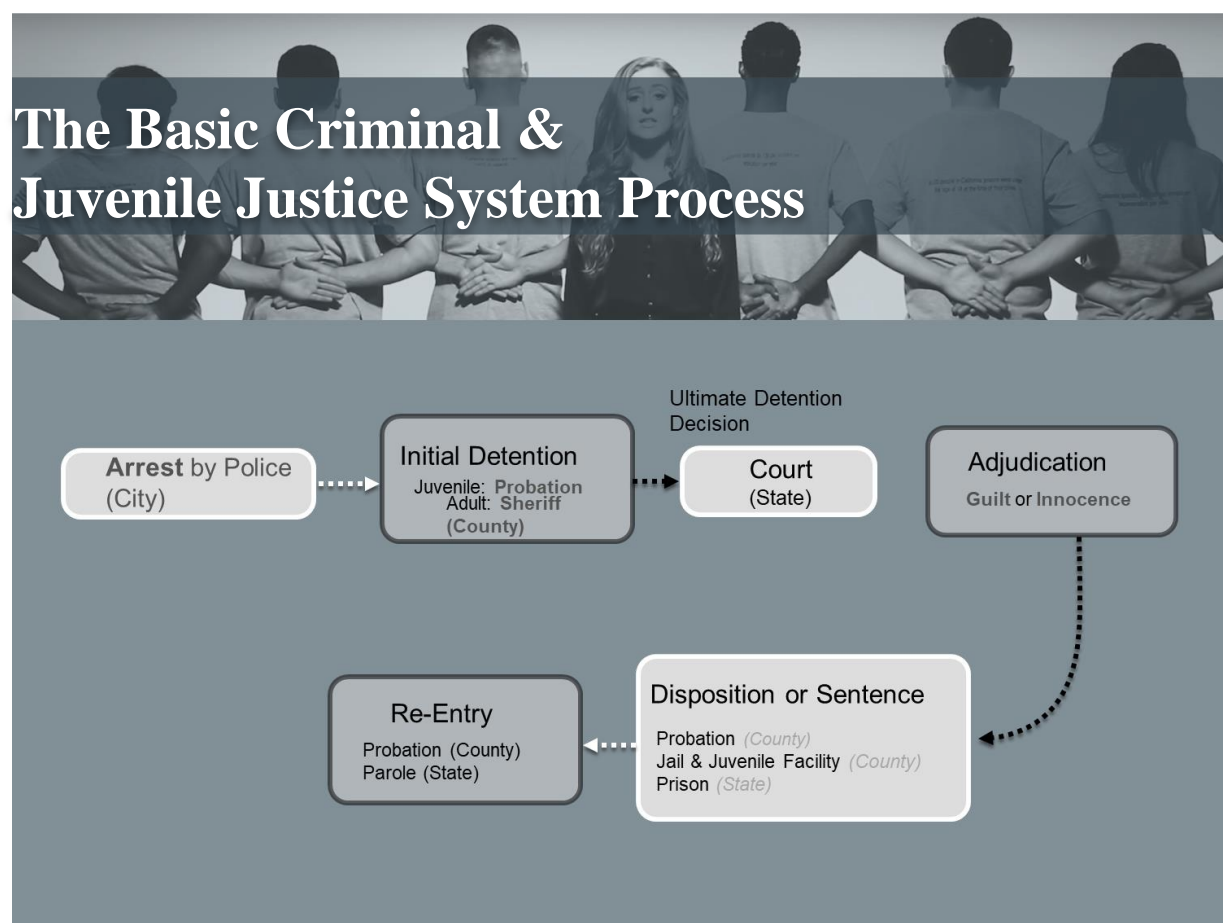
The criminal and juvenile justice systems are comprised of a wide array of agencies and organizations that have different statutory responsibilities and authority and operate in different jurisdictions (Figure 1). As the RJTF began its work, the group had to grapple with two key considerations related to the scope of the justice system and of the Task Force itself: 1) whether to focus only on agencies and processes under County jurisdiction and authority, and 2) how to prioritize breadth, and make recommendations across



the justice system, or depth, and make a smaller number of recommendations but with greater specificity and readiness for implementation.

In terms of the former, RJTF members quickly agreed that despite the body having been convened to make recommendations for County action, it was impossible to understand disparities in County justice processes without first examining adults' and youths' entry into these processes, namely arrests and other issues related to local law enforcement. Therefore, both data and recommendations below are inclusive of criminal justice system agencies that operate within Contra Costa County but do not report to the Board, including local law enforcement agencies and the Superior Court. There are also recommendations for the school districts that operate within the County.

**Figure 1. Overview of Criminal and Juvenile Justice System Process**



In addition to taking a more expansive approach in deciding which justice system agencies and processes to include under its purview, the RJTF also agreed to take a broad focus, looking at disparities across criminal and juvenile justice processes and putting forth an extensive set of recommendations to address all of them, rather than a narrower focus on any one process or area of focus. As a consequence, the recommendations made here should be viewed as a starting point as part of a longer implementation process.



In addition to the two considerations described above, as the RJTF engaged in the process of developing recommendations, one other key decision point regularly emerged for consideration: whether and how much to focus on feasibility—and affordability—in making recommendations to the Board. Ultimately, the majority of RJTF members felt strongly that the task of this body was to review data and make recommendations based on observed disparities; RJTF members did not want the scope of these recommendations to be constrained by “likely” County action, agreeing that if a recommendation was important, the Task Force should make it rather than pre-determining what the County might ultimately implement.

## **Key Findings: Overview of Racial Disparities in Contra Costa County Criminal and Juvenile Justice Systems and Processes**

Obtaining and examining data on racial disparities within the justice system was a critical step in the RJTF’s process and allowed the Task Force to identify key junctures where disparities exist in order to target interventions. A number of data limitations, tied to both data availability and data access, meant that the RJTF was not able to examine all data points of interest, driving a number of recommendations related to data collection and reporting. The lack of available data was a consistent challenge throughout this process, and key challenges included:

- Inconsistent data collection across the many local law enforcement agencies (LEAs) in Contra Costa County meant that the RJTF was not able to obtain up-to-date, racially specific data about law enforcement processes and practices; different LEA collect different data elements, have different policies and procedures around the dissemination of data collected, and have varying internal capacity for data management and analysis;
- Concerns about protecting youth’s confidentiality limited the Court’s willingness to make juvenile delinquency court data available; and
- California Judicial Council guidance to the Contra Costa County Court Executive Officer discouraged the Court from sharing individual-level criminal court data.

Because of these challenges, the RJTF had limited ability to obtain the type of individual-level data necessary to track racial disparities across different points in the criminal or juvenile justice process and relied largely on aggregate data and/or data available through public data sources. Data were collected from the State of California Department of Justice (DOJ) Criminal Justice Statistics Center (CJSC), the Contra Costa County Probation Department, the Contra Costa County Superior Court, the Contra Costa County Sheriff’s Office, and the Contra Costa County Racial Justice Coalition. Because different data are available from different sources at different points in time, these data span from 2013 through 2017.

Based on the data that was available, the following findings emerged:



## Law Enforcement Disparities

### Finding 1. Higher arrest rates for Black youth and adults across Contra Costa County drive disparities in justice system involvement and outcomes.

According to data from the State of California DOJ CJSC, in both 2013 and 2014, Blacks were more likely to be arrested than individuals from any other racial/ethnic group in every city except one in Contra Costa County. While the specific rate of the disparity varied by city the disparity tended to be higher in cities with smaller black populations (see Appendix B for more information). Across the County, Black adults were more than 3 times more likely to be arrested than adults from any other racial/ethnic group, and Black youth were more than 7 times more likely to be arrested than youth from any other racial/ethnic group.

Figure 2. Contra Costa County, 2014 Adult Arrests per 1,000

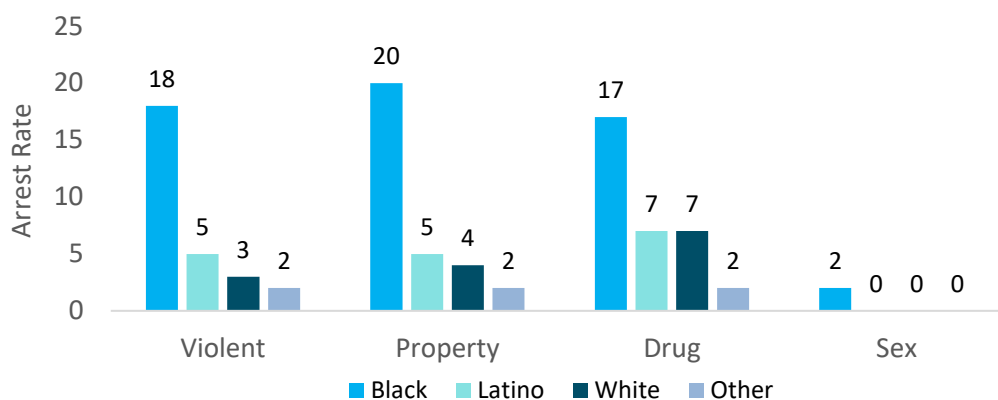
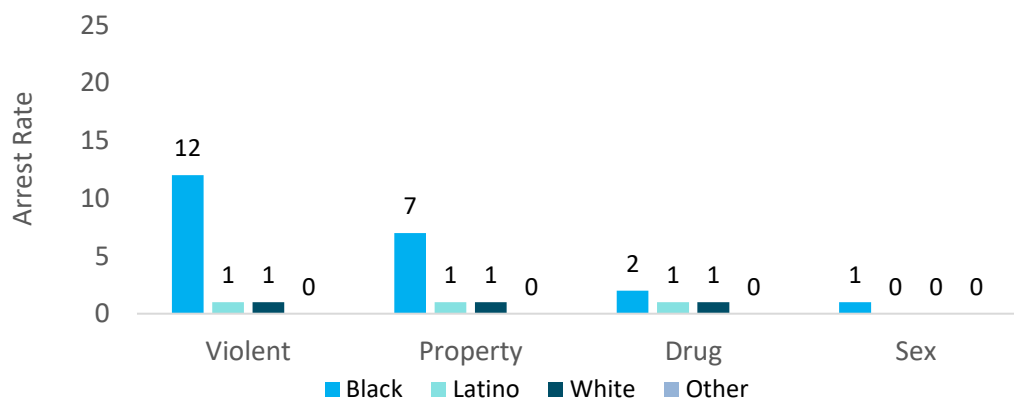


Figure 3. Contra Costa County, 2014 Juvenile Arrests per 1,000





**Finding 2. While this finding is consistent across cities in the County, differences in the offenses with the greatest disparities indicates that different local contexts drive these disparities.**

Despite the clear and consistent trend in Blacks being arrested more than any other racial/ethnic group, 2013 and 2014 DOJ data that there are notable differences in the rate of this disparity, as well as in the specific offenses for which Black residents are disproportionately arrested. For example, some cities show the greatest rate of disparity for felony offenses, while others show greater disparities for misdemeanors; similarly, some cities show greater disparities for violent offenses, while others show greater disparities for property or drug crime. What these data make clear is that different local patterns and practices drive these disparities.

This finding was also supported by qualitative data collection, which showed that the practices related to routing people away from formal criminal or juvenile justice processing—known as “diversion”—vary greatly across Contra Costa County. Different cities have different approaches to both formal and informal diversion, including different offenses for which they are willing to divert people and differences in whether and to what extent individuals who are arrested may be diverted to local organizations to address underlying issues that may lead to criminal or delinquent behavior and, subsequently, arrests.

### **Juvenile Justice Disparities**

**Finding 3. Black youth in Contra Costa County were much more likely than Latino and White youth to be referred to Probation.**

Unsurprisingly given the disproportionate rate at which Black youth are arrested, data from the Contra Costa County Probation Department indicate that Black youth are more likely to be referred to Probation for possible further delinquency system processing. According to data from the Probation Department, in 2014 and 2015, Black youth were between 9-11 times more likely to be referred to Probation than White youth and 5-6 times more likely to be referred than Latino youth. Latino youth were also approximately twice as likely to be referred to Probation as White youth. As noted above, the RJTF was not able to obtain individual-level data on youth arrests or referrals, so we could not determine whether or not Black youth were more likely to be referred for similar offenses.

**Finding 4. Black and Latino youth were more likely than White youth to be detained prior to adjudication.**

Among youth who were referred to the Probation Department, both Black and Latino youth were more likely to be detained in the County’s Juvenile Hall, based on Probation data from 2014 and 2015. Both Black and Latino youth were 50% more likely to be detained than White youth after being referred to Probation and, because Black youth are already overrepresented in youth who are arrested and referred to Probation, Black youth who live in Contra Costa County are detained in Juvenile Hall at 14-16 times the rate of White youth. Again, data limitations limited the RJTF’s ability to compare the specific circumstances under which different youth were detained.



**Finding 5. In 2014, Black youth were sent to secure confinement at a higher rate than all other races; relative to being a ward of the Court, Hispanic youth were securely confined at a higher rate.**

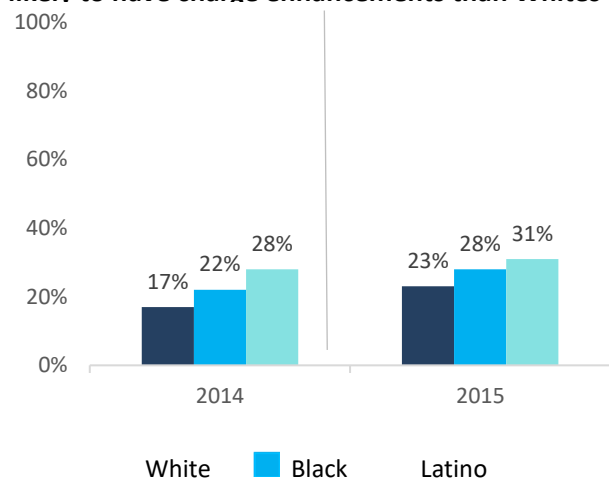
Among youth who are adjudicated delinquent, Black and Latino youth are more likely to receive a disposition that involved secure confinement, including either the Orin Allen Youth Rehabilitation Facility (“the Ranch”) or the California Department of Juvenile Justice (DJJ). According to Probation data from 2014 and 2015, Black youth were 50% to 200% more likely to be sent to secure confinement and Latino youth were 80% to 300% more likely than Whites; because of the cumulative disparities across the juvenile justice system, Black youth in Contra Costa County are confined 16-14 times often as White youth.

## Criminal Justice Disparities

**Finding 6. In 2014 and 2015, a greater proportion of cases with Latino or Black defendants had charge enhancements than cases with White defendants.**

Sentencing enhancements are additional charges within the California Penal Code that allow for additional prison time if an underlying fact or condition is met. There are two kinds of enhancements that can increase the penalties for individuals who are convicted of a criminal offense, “charge enhancements” and “person enhancements.” Charge enhancements can occur when something about the way a crime is committed make the offense eligible for a more serious sentence that it would usually be, for example if someone is convicted of possessing or distributing drugs in a “drug free zone,” around a school or other designated area. Data from the Contra Costa County Superior Court for 2015 and 2016 show that a greater proportion of Black and Latino defendants have charge enhancements, meaning that they are likely receiving more serious penalties for comparable offenses as White defendants.

**Figure 4. Black and Latino defendants are more likely to have charge enhancements than Whites**



**Finding 7. In 2014 and 2015, a greater proportion of Black defendants had person enhancements than either Latino or White defendants.**

An individual can also be eligible for a more serious sentence if he or she has a prior criminal history via “person enhancements,” such as three strikes laws and other “habitual offender” laws. Data from the Contra Costa County Superior Court for 2015 and 2016 show that a greater proportion of Black defendants have person enhancements than White defendants, meaning that they are likely receiving more serious penalties for comparable offenses as White defendants. Although the data available to the RJTF did not allow us to compare the outcomes of defendants of different race/ethnicity with the same charges, this



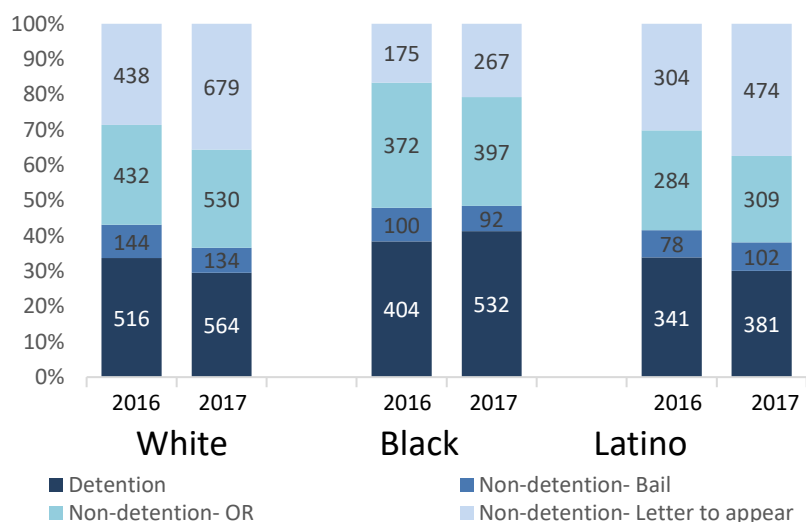
pattern is nonetheless important in light of a growing body of research showing that both kinds of enhancements are a major driver of disparities in imprisonment.<sup>i</sup> In particular, research has shown that Blacks are more likely to live in “drug free zones,” increasing the likelihood that they will be eligible for place-based enhancements; in addition, higher overall context with law enforcement and the criminal justice system has cumulative effects whereby Black defendants are more impacted by habitual offender laws.<sup>ii iii</sup>

**Finding 8. From 2015 to 2017, Black adults in Contra Costa County were more likely than Latino or White adults to be detained pre-trial.**

Data from the Contra Costa County Sheriff’s Office showed that in 2016 and 2017, Black and Latino defendants were disproportionately likely to be detained pretrial than White defendants. The reasons for this included both court decisions related to bail and release as well as defendants’ ability to pay bail and obtain release.

Given the cumulative disparities across criminal justice processes, Black residents of Contra Costa County are held in pretrial detention at almost 7 times the rate of White residents; Latino residents are held in pretrial detention at 2.5 times the rate of Whites.

**Figure 5. Black defendants are most likely to be detained pretrial**



**Finding 9. Changes to County jury selection processes have increased disparities in who services on juries in Contra Costa County.**

Starting in 2011, Contra Costa County Superior Court made changes to the jury selection process and misdemeanor trial locations. Whereas previously, jurors for misdemeanor trials had been selected regionally to serve on trials in East, West and Central county regions, so that the jury pool was representative of the region in which an alleged crime occurred, beginning in 2011, the Court centralized the trials to occur at the Martinez Courthouse and began selecting jurors from a countywide pool. In tandem, these processes appear to have resulted in juries that are more White and less representative of the overall County population.





## Recommendations

### Oversight and Accountability

While the Contra Costa County RJTF has made critical progress in developing a broad set of recommendations for addressing racial disparities in the County's criminal and juvenile justice systems, there is much work to be done to implement these recommendations and assess their efficacy. Moreover, it is critical to the RJTF that this be done transparently and with ongoing input from a diverse array of stakeholders.

#### Recommendations

- 1) The Racial Justice Task Force recommends that the Board of Supervisors appoint a Racial Justice Oversight Body (RJOB) to oversee the implementation of the recommendations made by the Task Force, as specified by the Board of Supervisors. The RJOB would meet on a quarterly basis and report to the Board on an annual basis. The RJOB shall be made up of the following members:
    1. A representative from the Superior Court, as a non-voting member
    2. The Sheriff or his designee
    3. The Chief Probation Officer or his designee
    4. The Public Defender or her designee
    5. The District Attorney or her designee
    6. A representative from a local law enforcement agency, nominated by the Contra Costa County Police Chiefs' Association
    7. A representative from the Contra Costa County Board of Education
    8. A representative from Contra Costa County Health Services
    9. Eight community-based representatives, that include at a minimum:
      - a. Two members of the Racial Justice Coalition,
      - b. Two individuals with prior personal criminal or juvenile justice system involvement,
      - c. Three representatives from community-based organizations that work with individuals in the justice system, including at least one person who works directly with youth
      - d. One representative from a faith-based organization
- Any individual may meet more than one of these qualifications.*

The RJTF further recommends that the work of this body be staffed by the County Office of Reentry and Justice, and that funds for facilitation be allocated through an RFP process.

- 1) a. The RJOB should or a subcommittee thereof should review local criminal and juvenile justice data in order to identify and report on racial disparities. This will include a review of use-of-force data, as available from the California Department of Justice's Open Justice data.





## **Diversion**

Diversion is a broad umbrella term that refers to the process of diverting individuals from formal criminal or delinquent processes following an encounter with law enforcement. Informal diversion may include the decision by a law enforcement officer not to arrest someone from criminal or delinquent behavior or, after arresting someone, choosing not to refer the person onto the District Attorney or Probation Department. Formal diversion generally involves linking individuals to services, supports, and opportunities that can help them address underlying issues that may lead to criminal or delinquent behavior. By helping people avoid formal justice system processing, diversion can be a critical vehicle for reducing racial disparities in the justice system.<sup>iv v</sup>

While diversion programs and practices redirect contact with the justice system, local jurisdictions must be aware that racial disparities can exist in this decision point and further exacerbate racial disparities if decision-making is not carefully monitored. In addition, because Blacks are so much more likely to have contact with the justice system and are often charged with more serious offenses than individuals from other racial/ethnic groups, diversion efforts that exclude people with prior justice system contact and/or are only limited to the most minor offenses often exacerbate racial disparities. Effective diversion programs are targeted, collaborative, and data driven.

### **Current Practices in Contra Costa County**

Diversion is currently implemented inconsistently across Contra Costa County. May local law enforcement agencies have their own diversion approaches and programs, but neither diversionary offenses nor diversion programs/processes are standardized across the county. At the County level, the District Attorney's Office has some limited diversion programs, such as the Bad Check Diversion Restitution program, and the Probation Department informally diverts youth whose offense are not determined appropriate for formal processing.

### **Recommendations**

- 2) With the goal of reducing racial disparities in the Contra Costa County criminal justice system, form a committee to recommend countywide criteria and protocols for formal and informal diversion. The recommendations shall be evidence-based and follow established best practices. In considering what criteria and protocols to recommend, the committee shall
  1. Develop separate recommendations for adult and juvenile populations.
  2. Strive to ensure the broadest possible pool of eligible participants.
  3. Strive to ensure that prior criminal justice involvement does not bar a person's eligibility for diversion.
  4. Ensure that the inability to pay for the costs of diversion will not prohibit participation.
  5. Recommend, as appropriate, partnerships between law enforcement agencies and community-based organizations to provide diversion services and oversight.

This committee may be a subgroup of the Racial Justice Oversight Body (RJOB) and will report to the RJOB.



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- 3) Expand the use of crisis intervention teams, mobile crisis teams, and behavioral health assessment teams so they are available across the County.
- 4) Local law enforcement agencies shall issue citations and establish non-enforcement diversion programs as an alternative to arrests.

## **Data**

Thorough data collection and use are essential to monitoring and tracking whether agencies are producing equitable outcomes across race and ethnicity, and efforts to address bias and disproportionate minority contact throughout justice systems are succeeding.

Data collection, analysis and reporting disaggregated by race, ethnicity, geography and offense will give stakeholders visibility on efficacy and implementation fidelity of interventions, where disparities persist, whether progress to reduce disparities is being made, and whether the strategies are properly implemented. Ultimately, data driven processes increase transparency and legitimacy to broader stakeholders about the initiatives to reduce disparities in the county.

### **Current Practices in Contra Costa County**

Although County criminal justice system agencies and local law enforcement agencies in Contra Costa County generally collect data about individual contact with different criminal or juvenile justice systems, there has been no systematic countywide effort to standardize what data are collected, define how race is identified and tracked across different systems, or agree on reporting processes. In addition, although the County has used AB 109 funds to invest in client data management systems for several public agencies, these agencies tend to lack the capacity to extract and analyze these data on a regular basis.

### **Recommendations**

- 5) All Contra Costa County justice partners and local law enforcement agencies shall collect individual-level data on all individual encounters with criminal and juvenile justice systems and processes. In so doing, they should consult best practices to balance data needs with confidentiality regulations.
  - a. Office of Reentry and Justice (ORJ) should publish race-specific data (diversion, arrest, and outcomes on calls for service) online to create greater transparency and accountability of the County justice partners and LEAs.
  - b. All Contra Costa County justice partners and local law enforcement agencies should improve capacity for data collection and analysis including expanding staff with data analysis capabilities.
    - i. Probation Department, in partnership with County justice partners should assess tools regularly to ensure a decrease in racial disparities.
  - c. Office of Reentry and Justice (ORJ) should support analysis of interventions implemented through the RJTF to measure efficacy and assess impact on racial disparities.



## County Support for Local Agencies

As Figure 1. Overview of Criminal and Juvenile Justice System Process on page 2 makes clear, county-level criminal and juvenile justice agencies are fundamentally connected to and impacted by the policies and practices of non-county agencies. In particular, city-level law enforcement practices necessarily determine who ends up in County-level justice system agencies. In addition, school district approaches to school discipline have a direct relationship with whether or not youth are referred to county juvenile justice systems. Thus, while the RJTF was convened by the Contra Costa County Board of Supervisors to make recommendations for County processes, the following recommendations are based on addressing the inherent interconnectedness of County and more local processes.

### Recommendations

- 6) The County shall work with local enforcement agencies to seek funds that support the integration of de-escalation and behavioral health intervention trainings into local enforcement agency regional academy and/or department orientations.
  - a. The County shall work with local enforcement agencies to seek funds to implement improved procedural justice practices and implicit bias training.
    - i. Identify funding for procedural justice training utilizing the train the trainer model.
    - ii. Work with the Chief's Association to create a forum to share information and strengthen promising practices around procedural justice and implicit bias trainings.
- 7) In addition, local enforcement agencies in CCC should:
  - i. Ensure inclusion of de-escalation and behavioral health intervention trainings into local enforcement agency regional academy and/or department orientations
  - ii. Provide procedural justice and implicit bias training to all staff
- 8) The County Office of Education shall provide resources to incentivize school districts to explore, evaluate, implement or expand existing non-punitive discipline practices, such as Positive Behavioral Interventions Support (PBIS) and Restorative Justice (RJ) practices.
  - i. Identify funding for continuous training and technical assistance to all schools in the County to support implementation of PBIS and Restorative Justice, as well as data collection to assess implementation and impact.
- 9) The County Office of Education shall work with school districts to provide behavioral health services such as counseling, peer support, and early intervention services for youth presenting signs of emotional, mental, and/or behavioral distress.

## Community Engagement and Services

Collaboration and structured partnerships with the community is essential. The justice system needs to recognize community based organizations and faith-based organizations as legitimate partners in



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reducing disparities. The community brings urgency, insight and creative solutions that can acutely reduce disparities and bring about a lasting change especially around reintegration and serving as alternatives to justice involvement.

#### **Current Practices in Contra Costa County**

Reentry programming in Contra Costa County is provided regionally using AB 109 funding, with the Reentry Success Center serving West County and HealthRIGHT360 delivering services under the Central-East Network of Services, also known as The Network. The Reentry Success Center provides services to individuals and families impacted by incarceration, helping to plan critical next steps after contact with police or courts. In addition, AB 109 funding supports a range of services and supports for any individual with a history of justice system involvement.

The County is also in the process of revising its reentry strategic plan through a community-engagement and planning process.

#### **Recommendations**

- 10) County justice partners shall establish formal partnerships with community-based organizations to provide greater capacity for
  - i. diversion,
  - ii. reentry programs,
  - iii. alternatives to detention
  - iv. pretrial services
  - v. in custody programming

All community-based organizations receiving funding from the County shall be evaluated for efficacy and effectiveness of program goals and objectives to ensure populations are appropriately served. Community input shall be an integral part of this process.

- 11) Establish a community capacity fund to build the capacity of community-based organizations – especially those staffed by formerly incarcerated individuals – to contract with the County and provide services to reentry clients.
- 12) The County and/or oversight body shall collaborate with the Community Corrections Partnership- Executive Committee (CCP-EC) to consider increasing realignment funding for community services.

#### **Practices Related to Trial and Adjudication Processes**

There are a number of practices that agencies involved in the adjudication process – courts, prosecution, and defense – can implement to reduce racial disparities in the justice system. For the Court, using a jury pool that is as representative as possible to the local population increases the likelihood that individuals are judged by a jury of their peers. District Attorney's Offices wield a great deal of power through their ability to decide whether and how to charge an individual with a criminal offense, as well as whether to request money bail or a release on recognizance. Public Defenders Offices, as the public agency



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advocating for the rights of individuals accused of crimes, are uniquely situated to support defendants, not only through vigorous defense but also by providing other services aimed at both addressing underlying issues that may be associated with justice system involvement, such as behavioral health issues, as well as by providing legal services to help people address some of the collateral consequences of criminal justice contact, such as immigration or child welfare issues.

#### **Current Practices in Contra Costa County**

Contra Costa County uses a master jury list created by combining a list of all registered voters as well as persons who have a valid driver's license or identification card issued by the Department of Motor Vehicles. Contra Costa County employs a One Day/One Trial system, where<sup>vi</sup> Under this system, individuals are typically assigned to jury selection after one day at the courthouse, and then their service is complete for at least 12 months.<sup>vii</sup> Individuals are selected from a countywide pool. The District Attorney's Office does not currently have any official policies regarding the use of sentence enhancements or bail requests.<sup>1</sup> The Public Defender's Office currently employs several social workers, funded through AB 109, who work with clients to support both legal advocacy and linkage to services to address psychosocial needs.

#### **Recommendations**

- 13) Encourage the Superior Court to return to the process of jury selection whereby jurors are called to service to their local branch court for misdemeanor trials.
- 14) The Public Defender's Office shall hire social workers who can assess clients' psychosocial needs and link them to services.
- 15) The Public Defender's Office, either directly or through partnerships with community-based organizations, should offer civil legal representation to clients. For youth, this should focus on educational advocacy.

#### **Confinement**

Indiscriminate use of confinement increases racial and ethnic disparity. Disparities in confinement can be reduced when successful and robust strategies are implemented at the front end of the justice system. Strategies to reduce racial and ethnic disparities in confinement address policies and practices that affect discipline, conditions of confinement, and facilitate smooth reintegration into the community.

#### **Current Practices in Contra Costa County**

Contra Costa County has placed emphasis on developing formalized partnerships between the Office of the Public Defender, Probation, the Sheriff's Department, and the District Attorney's Office in order to decrease the pretrial in-custody population. Through this collaboration, the County has developed the cross-departmental Pretrial Services (PTS) and Arraignment Court Early Representation (ACER) program. PTS provides judges with greater information by using a modified version of the Virginia Pretrial Risk Assessment Instrument (VPRAI). ACER ensures the presence of attorneys at defendants' initial court

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<sup>1</sup> The RJTF considered but did not ultimately support a recommendation to limit the use of sentence enhancements.



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appearances and is intended to increase the likelihood that appropriate defendants will be released on their own recognizance (OR) for the duration of the court process and allow for the expedited resolution of cases.

Contra Costa County also worked with RDA to develop a pre-release planning pilot program plan, and has recently implemented a pre-release planning pilot program in the County. Finally, the County's Custody Alternative Facility allows individuals who are low risk to public safety to be released from custody and supervised by deputies from the Sheriff's Office.

## Recommendations

- 16) Expand eligibility for pre-trial services and increase pre-trial services staffing, with a focus on reducing racial disparities and replacing the money bail system.
- 17) Expand the current pre-release pilot to serve all individuals in custody.
- 18) Establish an independent grievance process for individuals in custody in the County adult detention facilities to report concerns related to conditions of confinement based on gender, race, religion, and national origin. This process shall not operate via the Sheriff's Office or require any review by Sheriff's Office staff.
- 19) Establish an independent monitoring body to oversee conditions of confinement in County adult detention facilities based on gender, race, religion, and national origin and report back to the Board of Supervisors.

## Other

- 20) All County staff shall participate in and complete implicit bias training.

## Next Steps

The RJTF has made important progress in reducing racial disparities in Contra Costa County justice systems and there are a number of next steps that will be essential for carrying this work forward. The first recommendations provided here – the creation of a Racial Justice Oversight Body – will be an essential vehicle for taking these steps, and establishing the RJOB is an important next step. Once this Body has been established, staffed, and membership recruited, there are several steps necessary to ensure its progress and efficacy:

1. **Prioritization of recommendations:** the RJTF intentionally choose to take a broad view of its charge and developed a lengthy set of recommendations across justice systems and processes. Further action will now require greater focus on a smaller set of recommendations in order to delineate and then implement the concrete steps necessary for implementation. Toward this end, the County and/or RJOB must prioritize those recommendations of greatest interest, in particular identifying those that will be addressed in the upcoming fiscal year versus those that will be addressed in subsequent years.



2. **Establish subcommittees:** For each recommendation selected for immediate action, the RJOB should convene a subcommittee of RJOB members who bring expertise in and commitment to addressing that issue or topic area. These subcommittees should include public agency and community member representation and be small enough to do concrete implementation planning.
3. **Develop workplans:** Each subcommittee must develop a workplan that delineates core steps for implementing the recommendation(s) that it is working on, including timelines and roles and responsibilities. This will require identifying the individuals and organizations that have influence and authority over changes to policy and practice and establishing processes for engagement them in next steps.

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<sup>i</sup> Nazgol Ghandnoosh. "Black Lives Matter: Eliminating Racial Inequity In The Criminal Justice System," *The Sentencing Project*. 2015.

<sup>ii</sup> Ibid.

<sup>iii</sup> John MacDonald and Steven Raphael. "An Analysis of Racial and Ethnic Disparities in Case Dispositions and Sentencing Outcomes for Criminal Cases Presented to and Processed by the Office of the San Francisco District Attorney." (2017).

<sup>iv</sup> Ryan C. Wagoner, Carol A. Schubert, and Edward P. Mulvey, "Probation Intensity, Self-Reported Offending, and Psychopathy in Juveniles on Probation for Serious Offenses," *Journal of the American Academy of Psychiatry and the Law Online* 43, no. 2 (June 1, 2015): 191–200.

<sup>v</sup> Youth.Gov: Points of Intervention. (2017). Retrieved December 15, 2017 from <https://youth.gov/youth-topics/juvenile-justice/points-intervention>

<sup>vi</sup> <http://www.cc-courts.org/jury/general.aspx>

<sup>vii</sup> <http://www.courts.ca.gov/documents/jurysys.pdf>





## Appendix A: Detailed Summary of Votes

When the RJTF began meeting, members established a series of working agreements that were designed to ensure that all perspectives were valued and that dissenting views were given due consideration. Toward that end, the Task Force agreed to a voting process whereby members could choose one of three options in responding to recommendations: 1. support, 2. do not support, and 3. oppose. If four or more RJTF members—or one-quarter—of the voting RJTF members oppose any action or recommendation, the Task Force agreed that it would not pass. Task Force members could also abstain from any vote.

### Oversight and Accountability

#### Recommendation #1<sup>1</sup>

- 1) The Racial Justice Task Force recommends that the Board of Supervisors appoint a Racial Justice Oversight Body (RJOB) to oversee the implementation of the recommendations made by the Task Force, as specified by the Board of Supervisors. The RJOB would meet on a quarterly basis and report to the Board on an annual basis. The RJOB shall be made up of the following members:
  1. A representative from the Superior Court, as a non-voting member
  2. The Sheriff or his designee
  3. The Chief Probation Officer or his designee
  4. The Public Defender or her designee
  5. The District Attorney or her designee
  6. A representative from a local law enforcement agency, nominated by the Contra Costa County Police Chiefs' Assn.
  7. A representative from the Contra Costa County Board of Education
  8. A representative from Contra Costa County Health Services
  9. Eight community-based representatives, that include at a minimum:
    - a. Two members of the Racial Justice Coalition,
    - b. Two individuals with prior personal criminal or juvenile justice system involvement,
    - c. Three representatives from community-based organizations that work with individuals in the justice system, including at least one person who works directly with youth
    - d. One representative from a faith-based organization

*Any individual may meet more than one of these qualifications.*

The RJTF further recommends that the work of this body be staffed by the County Office of Reentry and Justice, and that funds for facilitation be allocated through an RFP process.

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<sup>1</sup> The RJTF spent several meetings discussing and refining these recommendations. Through this process, some recommendations were combined or rearranged; as a result, there are sometimes gaps in numbering.



## Contra Costa County

### Racial Justice Task Force – Final Report and Recommendations

#### Vote by Members

Vote	Members	Total
<b>Support</b>	Bisa French, Todd Billeci, Leslie Takahashi, Venus Johnson, John Lowden, Marcus Walton, William Walker, Cardenas Shackelford, Tamisha Walker, Stephanie Medley, Harlan Grossman, Dennisha Marsh, Debra Mason, Robin Lipetzky	<b>14</b>
<b>Do Not Support</b>		<b>0</b>
<b>Oppose</b>		<b>0</b>
<b>Abstain</b>		<b>0</b>

**Result:** Passed

#### Recommendation #1a

The RJOB should or a subcommittee thereof should review local criminal and juvenile justice data in order to identify and report on racial disparities. This will include a review of use-of-force data, as available from the California Department of Justice’s Open Justice data.

#### Vote by Members

Vote	Members	Total
<b>Support</b>	Bisa French, Todd Billeci, Leslie Takahashi, Venus Johnson, John Lowden, Marcus Walton, William Walker, Cardenas Shackelford, Tamisha Walker, Stephanie Medley, Harlan Grossman, Dennisha Marsh, Debra Mason, Robin Lipetzky	<b>14</b>
<b>Do Not Support</b>		<b>0</b>
<b>Oppose</b>		<b>0</b>
<b>Abstain</b>		<b>0</b>

**Result:** Passed

## Diversion

#### Revised Recommendation #2

With the goal of reducing racial disparities in the Contra Costa County criminal justice system, form a committee to recommend countywide criteria and protocols for formal and informal diversion. The recommendations shall be evidence-based and follow established best practices.

In considering what criteria and protocols to recommend, the committee shall

1. Develop separate recommendations for adult and juvenile populations.
2. Strive to ensure the broadest possible pool of eligible participants.
3. Strive to ensure that prior criminal justice involvement does not bar a person’s eligibility for diversion.
4. Ensure that the inability to pay for the costs of diversion will not be a bar to eligibility or participation.





## Contra Costa County

### Racial Justice Task Force – Final Report and Recommendations

Recommend, as appropriate, partnerships between law enforcement agencies and community based organizations to provide diversion services and oversight.

This committee may be a subgroup of the Racial Justice Oversight Body (RJOB) and will report to the RJOB.

#### Vote by Members

Vote	Members	Total
<b>Support</b>	Bisa French, Todd Billeci, Leslie Takahashi, Venus Johnson, Marcus Walton, William Walker, Tamisha Walker, Stephanie Medley, Harlan Grossman, Dennisha Marsh, Debra Mason, Robin Lipetzky	<b>12</b>
<b>Do Not Support</b>		<b>0</b>
<b>Oppose</b>		<b>0</b>
<b>Abstain</b>	John Lowden, Cardenas Shackelford	<b>2</b>

**Result:** Passed

#### Recommendation #2

County criminal and juvenile justice agencies and the Police Chief's Association shall establish criteria for informal and formal diversion, with a focus on those offenses with greatest racial disparity. Toward that end, the County shall identify the offenses for which Black and Latinos are most disproportionately arrested, charged, and convicted and use those as a starting point for diversion efforts.

#### Vote by Members\*

Vote	Members	Total
<b>Support</b>		<b>0</b>
<b>Do Not Support</b>		<b>0</b>
<b>Oppose</b>		<b>0</b>
<b>Abstain</b>		<b>0</b>

\* Members did not vote as Revised Recommendation #2 passed

**Result:** Failed

#### Recommendation #2a

Criteria for diversion shall include non-violent felony level crimes such as burglary.

#### Vote by Members\*

Vote	Members	Total
<b>Support</b>		<b>0</b>
<b>Do Not Support</b>		<b>0</b>
<b>Oppose</b>		<b>0</b>
<b>Abstain</b>		<b>0</b>

\* Members did not vote as Revised Recommendation #2 passed





## Contra Costa County

### Racial Justice Task Force – Final Report and Recommendations

**Result:** Failed

#### Recommendation #2b

Criteria for diversion shall allow individuals with prior justice system involvement to be diverted.

#### Vote by Members\*

Vote	Members	Total
<b>Support</b>		<b>0</b>
<b>Do Not Support</b>		<b>0</b>
<b>Oppose</b>		<b>0</b>
<b>Abstain</b>		<b>0</b>

\* Members did not vote as Revised Recommendation #2 passed

**Result:** Failed

#### Recommendation #3

Local enforcement agencies shall establish formal partnerships with community based organizations to provide diversion programs & services for youth and adults. Inability to pay shall not prohibit participation in diversion programs.

#### Vote by Members\*

Vote	Members	Total
<b>Support</b>		<b>0</b>
<b>Do Not Support</b>		<b>0</b>
<b>Oppose</b>		<b>0</b>
<b>Abstain</b>		<b>0</b>

\* Members did not vote as Revised Recommendation #2 passed

**Result:** Failed

#### Recommendation #3a

County justice partners shall establish formal partnerships with community based organizations to provide diversion programs & services for youth and adults. Inability to pay shall not prohibit participation in diversion programs.

#### Vote by Members\*

Vote	Members	Total
<b>Support</b>		<b>0</b>
<b>Do Not Support</b>		<b>0</b>
<b>Oppose</b>		<b>0</b>
<b>Abstain</b>		<b>0</b>

\* Members did not vote as Revised Recommendation #2 passed





## Contra Costa County

### Racial Justice Task Force – Final Report and Recommendations

**Result:** Failed

#### Recommendation #4

Expand the use of crisis intervention teams, mobile crisis teams, and system-wide behavioral health assessment teams so they are available across the County.

#### Vote by Members

Vote	Members	Total
<b>Support</b>	Bisa French, Todd Billeci, Leslie Takahashi, Venus Johnson, John Lowden, Marcus Walton, William Walker, Cardenas Shackelford, Tamisha Walker, Stephanie Medley, Harlan Grossman, Dennisha Marsh, Debra Mason, Robin Lipetzky	<b>14</b>
<b>Do Not Support</b>		<b>0</b>
<b>Oppose</b>		<b>0</b>
<b>Abstain</b>		<b>0</b>

**Result:** Passed

#### Recommendation #5

Local law enforcement agencies shall issue citations and establish non-enforcement diversion as an alternative to arrests.

#### Vote by Members

Vote	Members	Total
<b>Support</b>	Bisa French, Todd Billeci, Leslie Takahashi, Venus Johnson, John Lowden, Marcus Walton, William Walker, Cardenas Shackelford, Tamisha Walker, Stephanie Medley, Dennisha Marsh, Debra Mason, Robin Lipetzky	<b>13</b>
<b>Do Not Support</b>		<b>0</b>
<b>Oppose</b>		<b>0</b>
<b>Abstain</b>	Harlan Grossman	<b>1</b>

**Result:** Passed



## Data

### Recommendation #6

All Contra Costa County criminal justice agencies and local law enforcement agencies shall collect individual-level data on all individual encounters with criminal and juvenile justice systems and processes. In so doing, they shall consult best practices to balance data needs with confidentiality concerns.

#### Vote by Members

Vote	Members	Total
<b>Support</b>	Bisa French, Leslie Takahashi, Venus Johnson, John Lowden, Marcus Walton, William Walker, Cardenas Shackelford, Tamisha Walker, Stephanie Medley, Harlan Grossman, Dennisha Marsh, Debra Mason, Robin Lipetzky	<b>13</b>
<b>Do Not Support</b>		<b>0</b>
<b>Oppose</b>		<b>0</b>
<b>Abstain</b>	Todd Billeci	<b>1</b>

**Result:** Passed

### Recommendation #6a

Office of Reentry and Justice shall publish race-specific data on all of the above online to create greater transparency and accountability of the County criminal justice agencies and local enforcement agencies.

#### Vote by Members

Vote	Members	Total
<b>Support</b>	Bisa French, Todd Billeci, Leslie Takahashi, Venus Johnson, John Lowden, Marcus Walton, William Walker, Cardenas Shackelford, Tamisha Walker, Stephanie Medley, Harlan Grossman, Dennisha Marsh, Debra Mason, Robin Lipetzky	<b>14</b>
<b>Do Not Support</b>		<b>0</b>
<b>Oppose</b>		<b>0</b>
<b>Abstain</b>		<b>0</b>

**Discussion:** Todd Billeci shared there may be court-involved issues attaining juvenile data

**Result:** Passed



## Contra Costa County

### Racial Justice Task Force – Final Report and Recommendations

#### Recommendation #6b

All Contra Costa County criminal justice agencies and local law enforcement agencies shall improve capacity for data collection and analysis including expanding staff with data analysis capabilities.

#### Vote by Members

Vote	Members	Total
<b>Support</b>	Leslie Takahashi, Venus Johnson, Marcus Walton, William Walker, Cardenas Shackelford, Tamisha Walker, Stephanie Medley, Harlan Grossman, Dennisha Marsh, Debra Mason, Robin Lipetzky	<b>11</b>
<b>Do Not Support</b>		<b>0</b>
<b>Oppose</b>		<b>0</b>
<b>Abstain</b>	Bisa French, Todd Billeci, John Lowden,	<b>3</b>

**Discussion:** Bisa French shared concern about the fiscal impact of this recommendation. Todd Billeci shared he does not like the word “shall” in this recommendation. Venus Johnson shared she whole heartedly believes system change is driven through data and policy however, the Board does not have the authority to make this happen. She stated all agencies should be working independently towards better data collection and analysis to drive policy change. . John Lowden shared he will abstain in interest of other agencies. Harlan Grossman shared he is unsure who has the authority to do this.

**Result:** Passed

#### Recommendation #6c

Office of Reentry and Justice shall support analysis of interventions implemented through the RJTF to measure efficacy and assess impact on racial disparities.

#### Vote by Members

Vote	Members	Total
<b>Support</b>	Bisa French, Todd Billeci, Leslie Takahashi, Venus Johnson, John Lowden, Marcus Walton, William Walker, Cardenas Shackelford, Tamisha Walker, Stephanie Medley, Harlan Grossman, Dennisha Marsh, Debra Mason, Robin Lipetzky	<b>14</b>
<b>Do Not Support</b>		<b>0</b>
<b>Oppose</b>		<b>0</b>
<b>Abstain</b>		<b>0</b>

**Result:** Passed





## County Support for Local Agencies

### Recommendation #8

The County shall provide resources to ensure integration of de-escalation and behavioral health intervention trainings into local enforcement agency regional academy and/or department orientations.

#### Vote by Members

Vote	Members	Total
<b>Support</b>	Bisa French, Marcus Walton, Tamisha Walker	<b>3</b>
<b>Do Not Support</b>	Leslie Takahashi, Stephanie Medley	<b>2</b>
<b>Oppose</b>	Todd Billeci, Venus Johnson, John Lowden, William Walker, Cardenas Shackelford, Harlan Grossman, Dennisha Marsh, Robin Lipetzky	<b>8</b>
<b>Abstain</b>	Debra Mason	<b>1</b>

**Discussion:** Leslie Takahashi shared while she understands the Board may not have the jurisdiction to do this, it is important to identify the resources needed to make this recommendation happen.

**Result:** Failed

OR

### Revised Recommendation #8

The County shall work with local enforcement agencies to seek funds that support the integration of de-escalation and behavioral health intervention trainings into local enforcement agency regional academy and/or department orientations.

#### Vote by Members

Vote	Members	Total
<b>Support</b>	Bisa French, Todd Billeci, Leslie Takahashi, Venus Johnson, John Lowden, Marcus Walton, William Walker, Cardenas Shackelford, Tamisha Walker, Stephanie Medley, Harlan Grossman, Dennisha Marsh, Debra Mason, Robin Lipetzky	<b>14</b>
<b>Do Not Support</b>		<b>0</b>
<b>Oppose</b>		<b>0</b>
<b>Abstain</b>		<b>0</b>

**Result:** Passed

### Recommendation #8a

The County shall provide resources to incentivize local enforcement agencies to implement improved procedural justice practices and implicit bias training.

- i. Identify funding for procedural justice training utilizing the train the trainer model
- ii. Work with the Chief's Association to create a forum to share information and strengthen promising practices around procedural justice and implicit bias trainings.



## Contra Costa County

### Racial Justice Task Force – Final Report and Recommendations

#### Vote by Members

Vote	Members	Total
<b>Support</b>	Bisa French, Todd Billeci, Leslie Takahashi, Venus Johnson, John Lowden, Marcus Walton, William Walker, Cardenas Shackelford, Tamisha Walker, Stephanie Medley, Harlan Grossman, Dennisha Marsh, Debra Mason, Robin Lipetzky	<b>14</b>
<b>Do Not Support</b>		<b>0</b>
<b>Oppose</b>		<b>0</b>
<b>Abstain</b>		<b>0</b>

**Result:** Passed

#### Recommendation #9

In addition, local enforcement agencies in Contra Costa County shall:

- i. Ensure inclusion of de-escalation and behavioral health intervention trainings into local enforcement agency regional academy and/or department orientations
- ii. Provide procedural justice and implicit bias training to all staff

#### Vote by Members

Vote	Members	Total
<b>Support</b>	Bisa French, Todd Billeci, Leslie Takahashi, Venus Johnson, John Lowden, Marcus Walton, William Walker, Cardenas Shackelford, Tamisha Walker, Stephanie Medley, Harlan Grossman, Dennisha Marsh, Debra Mason, Robin Lipetzky	<b>14</b>
<b>Do Not Support</b>		<b>0</b>
<b>Oppose</b>		<b>0</b>
<b>Abstain</b>		<b>0</b>

**Result:** Passed

#### Recommendation #10

The County Office of Education shall provide resources to incentivize school districts to explore, evaluate, implement or expand existing non-punitive discipline practices, such as Positive Behavioral Interventions Support (PBIS) and Restorative Justice practices.

- i. Identify funding for continuous training and technical assistance to all schools in the County to support implementation of PBIS and Restorative Justice, as well as data collection to assess implementation and impact.



## Contra Costa County

### Racial Justice Task Force – Final Report and Recommendations

#### Vote by Members

Vote	Members	Total
<b>Support</b>	Bisa French, Leslie Takahashi, John Lowden, Marcus Walton, William Walker, Cardenas Shackelford, Tamisha Walker, Stephanie Medley, Harlan Grossman, Dennisha Marsh, Debra Mason, Robin Lipetzky	<b>12</b>
<b>Do Not Support</b>		<b>0</b>
<b>Oppose</b>		<b>0</b>
<b>Abstain</b>	Todd Billeci, Venus Johnson	<b>2</b>

**Result:** Passed

#### Recommendation #10a

The County Office of Education shall work with school districts to provide supportive behavioral health services such as counseling, peer support, and early intervention services for youth presenting signs of emotional, mental, and/or behavioral distress.

#### Vote by Members

Vote	Members	Total
<b>Support</b>	Bisa French, Leslie Takahashi, Venus Johnson, John Lowden, Marcus Walton, William Walker, Cardenas Shackelford, Tamisha Walker, Stephanie Medley, Harlan Grossman, Dennisha Marsh, Debra Mason, Robin Lipetzky	<b>13</b>
<b>Do Not Support</b>		<b>0</b>
<b>Oppose</b>		<b>0</b>
<b>Abstain</b>	Todd Billeci	<b>1</b>

**Result:** Passed

#### Revised Recommendation #11

In their review and approval of Local Control and Accountability Plans (LCAPs) and supplemental funding, the County Office of Education shall prioritize the following, as far as legally possible.

- Exploring and identifying programs that focus on faculty and staff trainings and their interactions with students. Such programs shall support developing strategies that address behavior issues to achieve positive outcomes such as My Teacher Partner Program (MTP).
- Requiring school districts to create partnerships with culturally specific organizations to routinely train faculty and staff on the issues facing communities of color.



## Contra Costa County

### Racial Justice Task Force – Final Report and Recommendations

#### Vote by Members

Vote	Members	Total
<b>Support</b>	Leslie Takahashi, , William Walker, Tamisha Walker, Stephanie Medley, Dennisha Marsh, Debra Mason, Robin Lipetzky	<b>7</b>
<b>Do Not Support</b>	Marcus Walton, Cardenas Shackelford, Harlan Grossman	<b>3</b>
<b>Oppose</b>		<b>0</b>
<b>Abstain</b>	Bisa French, Todd Billeci, Venus Johnson, John Lowden	<b>4</b>

**Result:** Failed

## Community Engagement and Services

### Recommendation #12

County criminal justice agencies shall establish formal partnerships with community-based organizations to provide greater capacity for

- i. diversion,
- ii. reentry programs,
- iii. alternatives to detention
- iv. pretrial services
- v. in custody programming

All community-based organizations receiving funding from the County shall be evaluated for efficacy and effectiveness of program goals and objectives to ensure populations are appropriately served. Community input shall be an integral part of this process.

#### Vote by Members

Vote	Members	Total
<b>Support</b>	Bisa French, Todd Billeci, Leslie Takahashi, Venus Johnson, John Lowden, Marcus Walton, William Walker, Cardenas Shackelford, Tamisha Walker, Stephanie Medley, Harlan Grossman, Dennisha Marsh, Debra Mason, Robin Lipetzky	<b>14</b>
<b>Do Not Support</b>		<b>0</b>
<b>Oppose</b>		<b>0</b>
<b>Abstain</b>		<b>0</b>

**Result:** Passed

### Recommendation #13

Establish a community capacity fund to build the capacity of community-based organizations – especially those staffed by formerly incarcerated individuals – to provide services to reentry clients.



## Contra Costa County

### Racial Justice Task Force – Final Report and Recommendations

#### Vote by Members

Vote	Members	Total
<b>Support</b>	Bisa French, Todd Billeci, Leslie Takahashi, Venus Johnson, John Lowden, Marcus Walton, William Walker, Cardenas Shackelford, , Stephanie Medley, Harlan Grossman, Dennisha Marsh, Debra Mason, Robin Lipetzky	<b>13</b>
<b>Do Not Support</b>		<b>0</b>
<b>Oppose</b>		<b>0</b>
<b>Abstain</b>	Tamisha Walker	<b>1</b>

**Result:** Passed

#### Recommendation #15

The County and/or oversight body shall collaborate with the Community Corrections Partnership-Executive Committee (CCP-EC) to consider increasing realignment funding for community services.

#### Vote by Members

Vote	Members	Total
<b>Support</b>	Leslie Takahashi, Venus Johnson, John Lowden, Marcus Walton, William Walker, Cardenas Shackelford, Tamisha Walker, Stephanie Medley, Harlan Grossman, Dennisha Marsh, Debra Mason, Robin Lipetzky	<b>12</b>
<b>Do Not Support</b>	Todd Billeci	<b>1</b>
<b>Oppose</b>		<b>0</b>
<b>Abstain</b>	Bisa French	<b>1</b>

**Result:** Passed

## Practices Related to Trial and Adjudication Processes

#### Recommendation #16a

Encourage the Superior Court to return to the process of jury selection whereby jurors are called to service to their local branch court for misdemeanor trials.

#### Vote by Members

Vote	Members	Total
<b>Support</b>	Bisa French, Todd Billeci, Leslie Takahashi, Venus Johnson, John Lowden, Marcus Walton, William Walker, Cardenas Shackelford, Tamisha Walker, Stephanie Medley, Harlan Grossman, Dennisha Marsh, Debra Mason, Robin Lipetzky	<b>14</b>
<b>Do Not Support</b>		<b>0</b>
<b>Oppose</b>		<b>0</b>
<b>Abstain</b>		<b>0</b>

**Result:** Passed





### **Recommendation #16b**

Encourage the Superior Court to assign felony jury trials to the branch courts having jurisdiction over the location where the alleged offense occurred.

#### **Vote by Members**

Vote	Members	Total
<b>Support</b>	Leslie Takahashi, Venus Johnson, Cardenas Shackelford, Tamisha Walker, Stephanie Medley, Robin Lipetzky	<b>5</b>
<b>Do Not Support</b>	John Lowden, Harlan Grossman, Dennisha Marsh, Debra Mason	<b>4</b>
<b>Oppose</b>		<b>0</b>
<b>Abstain</b>	Bisa French, Todd Billeci, , Marcus Walton, William Walker,	<b>5</b>

**Result:** Failed

### **Recommendation #17**

Establish circumstances where DA won't seek sentence enhancements. As a starting point, the DA's Office shall not seek enhancements for any offenses in which defendants are eligible for Prop 47 relief.

#### **Vote by Members**

Vote	Members	Total
<b>Support</b>	Leslie Takahashi, William Walker, Tamisha Walker, Stephanie Medley, Dennisha Marsh, Debra Mason, Robin Lipetzky	<b>7</b>
<b>Do Not Support</b>	John Lowden	<b>1</b>
<b>Oppose</b>		<b>0</b>
<b>Abstain</b>	Bisa French, Todd Billeci, Venus Johnson, Marcus Walton, Cardenas Shackelford, Harlan Grossman	<b>6</b>

**Discussion:** Venus Johnson shared there is a caveat to this recommendation. She shared there are currently cases going through the justice system where the courts are deciding if Prop 47 applies to certain offense that may not have been specifically listed in the ballot initiative. . Depending on the results of those cases, charging decisions will be impacted. Venus shared she does not disagree with the recommendation, but due to the way it is written and the stance of the legal system, she will abstain.

**Result:** Failed



## Contra Costa County

### Racial Justice Task Force – Final Report and Recommendations

#### Recommendation #18a

Public Defender's Office shall hire social workers who can assess clients' psychosocial needs and link them to services.

#### Vote by Members

Vote	Members	Total
<b>Support</b>	Bisa French, Leslie Takahashi, Venus Johnson, Marcus Walton, William Walker, Cardenas Shackelford, Tamisha Walker, Stephanie Medley, Harlan Grossman, Dennisha Marsh, Debra Mason, Robin Lipetzky	<b>12</b>
<b>Do Not Support</b>		<b>0</b>
<b>Oppose</b>		<b>0</b>
<b>Abstain</b>	Todd Billeci, John Lowden	<b>2</b>

**Result:** Passed

#### Recommendation #18b

The Public Defender's Office, either directly or through partnerships with community-based organizations, shall offer civil legal representation to clients. For youth, this shall focus on educational advocacy

#### Vote by Members

Vote	Members	Total
<b>Support</b>	Bisa French, Leslie Takahashi, Marcus Walton, William Walker, Cardenas Shackelford, Tamisha Walker, Stephanie Medley, Dennisha Marsh, Debra Mason, Robin Lipetzky	<b>10</b>
<b>Do Not Support</b>		<b>0</b>
<b>Oppose</b>	Harlan Grossman	<b>1</b>
<b>Abstain</b>	Todd Billeci, Venus Johnson, John Lowden	<b>3</b>

**Discussion:** Tamisha Walker shared the County does not currently provide enough funding for the Public Defender's Office so she will support it. Stephanie Medley shared similar sentiments as Tamisha and shared the recommendation as it is written does not attach any resources to it or identifies any

**Result:** Passed





## Confinement

### Recommendation #19

Expand eligibility for pre-trial services and increase pre-trial services staffing, with a focus on reducing racial disparities and replacing the money bail system.

#### Vote by Members

Vote	Members	Total
<b>Support</b>	Todd Billeci, Leslie Takahashi, Venus Johnson, John Lowden, Marcus Walton, William Walker, Cardenas Shackelford, Tamisha Walker, Stephanie Medley, Harlan Grossman, Dennisha Marsh, Debra Mason, Robin Lipetzky	<b>13</b>
<b>Do Not Support</b>		<b>0</b>
<b>Oppose</b>		<b>0</b>
<b>Abstain</b>	Bisa French	<b>1</b>

**Result:** Passed

### Recommendation #20

Expand the current pre-release pilot to serve all individuals in custody.

#### Vote by Members

Vote	Members	Total
<b>Support</b>	Bisa French, Todd Billeci, Leslie Takahashi, Venus Johnson, , Marcus Walton, William Walker, Cardenas Shackelford, Tamisha Walker, Stephanie Medley, Harlan Grossman, Dennisha Marsh, Robin Lipetzky	<b>12</b>
<b>Do Not Support</b>	John Lowden, Debra Mason	<b>2</b>
<b>Oppose</b>		<b>0</b>
<b>Abstain</b>		<b>0</b>

**Discussion:** Todd Billeci clarified this recommendation pertains to a pre-release program not pre-trial

**Result:** Passed

### Recommendation #21

Establish an independent grievance process for individual in custody on the County adult detention facilities to report concerns related to conditions of confinement based on gender, race, religion, and national origin. This process shall not operate via the Sheriff's Office or require any review by Sheriff's Office staff.



## Contra Costa County

### Racial Justice Task Force – Final Report and Recommendations

#### Vote by Members

Vote	Members	Total
<b>Support</b>	Leslie Takahashi, Venus Johnson, , Marcus Walton, William Walker, Cardenas Shackelford, Tamisha Walker, Stephanie Medley, Harlan Grossman, Dennisha Marsh, Robin Lipetzky	<b>10</b>
<b>Do Not Support</b>	Todd Billeci, Debra Mason	<b>2</b>
<b>Oppose</b>	John Lowden	<b>1</b>
<b>Abstain</b>	Bisa French	<b>1</b>

**Discussion:** Debra Mason shared she does not support the recommendation if it requires the elimination of the Sherriff's current process. She shared she believes there should be an additional step to process any complains if one is not satisfied with the Sherriff's process.

**Result:** Passed

#### Recommendation #22

Establish an independent monitoring body to oversee conditions of confinement in County adult detention facilities based on gender, race, religion, and national origin and report back to the Board of Supervisors.

#### Vote by Members

Vote	Members	Total
<b>Support</b>	Bisa French, Leslie Takahashi, Venus Johnson, , Marcus Walton, William Walker, , Tamisha Walker, Stephanie Medley, Harlan Grossman, Dennisha Marsh, Debra Mason, Robin Lipetzky	<b>11</b>
<b>Do Not Support</b>		<b>0</b>
<b>Oppose</b>	Todd Billeci, John Lowden	<b>2</b>
<b>Abstain</b>	Cardenas Shackelford	<b>1</b>

**Discussion:** Todd Billeci shared that even though he opposes this recommendation, he appreciates the engagement and involvement of the community throughout this process.

**Result:** Passed



## Added Recommendation

### Recommendation #23

All County staff shall participate and complete implicit bias training.

#### Vote by Members

Vote	Members	Total
<b>Support</b>	Bisa French, Venus Johnson, John Lowden, Marcus Walton, William Walker, Cardenas Shackelford, Tamisha Walker, Stephanie Medley, Harlan Grossman, Dennisha Marsh, Debra Mason, Robin Lipetzky	<b>12</b>
<b>Do Not Support</b>		<b>0</b>
<b>Oppose</b>		<b>0</b>
<b>Abstain</b>	Todd Billeci, Leslie Takahashi	<b>2</b>

**Discussion:** Todd shared that he will abstain because he has heard that recent studies indicate that implicit bias training may cause more harm than good.

**Result:** Passed



## Appendix B: Data reviewed by RJTF

This appendix includes a summary of all quantitative data obtained and reviewed by the RJTF. As noted in the project Findings above, data were obtained from a variety of sources, including the State of California Department of Justice (DOJ), the Contra Costa County Probation Department, the Contra Costa County Superior Court, the Contra Costa County Sheriff's Office, and the Contra Costa County Racial Justice Coalition. Because different data are available from different sources at different points in time, these data span from 2013 through 2017.

### Local Law Enforcement Data

All data provided below are from the State of California DOJ Criminal Justice Statistics Center (CJSC). Data are from 2014, unless otherwise indicated.

**Across cities in Contra Costa County, Blacks are more likely to be arrested than other racial/ethnic group.**

**Figure 1. Contra Costa County, Adult Arrests per 1,000**

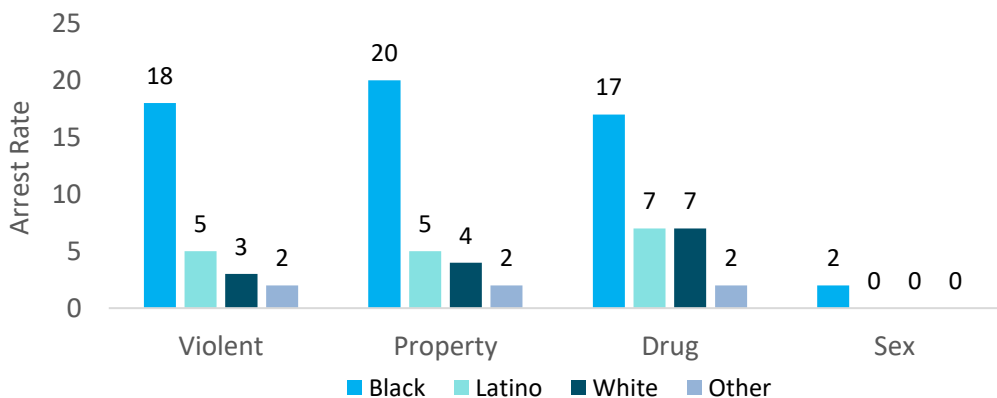


Figure . Illustrates countywide arrest trends among Black, Latino, White and Other adults. Black adults are 6 times more likely than White adults to be arrested for a violent offense, as well as 5 times more likely to be arrested for a property crime and over 2 times as likely to be arrested for a drug offense.



Figure 2. Contra Costa County, Juvenile Arrests per 1,000

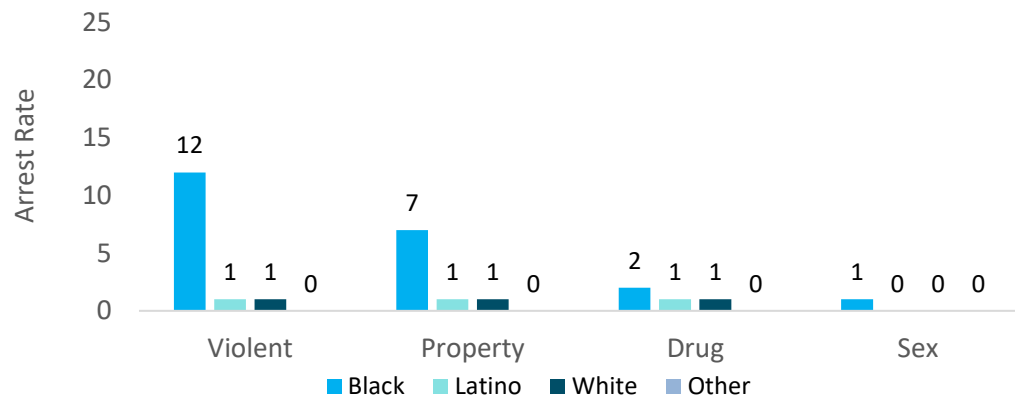


Figure 2. illustrates countywide arrest trends among Black, Latino, White and Other youth. Black youth are 12 times more likely to be arrested for a violent crime than White youth, while they are 7 times more likely to be arrested for a property offense and twice as likely to be arrested for a drug offense than White youth. A greater disparity among arrests rates by race exists within youth as compared to adults.

**Racial disparities in arrests are often greater in cities with smaller Black populations.**

*While these graphs are city specific data, they are examples of a larger trend across most cities in Contra Costa County.*

Figure 3. El Cerrito Population

Total Population: 24, 136

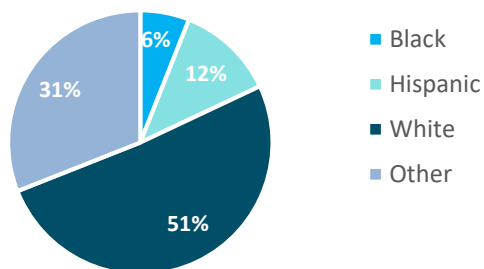


Figure 4. El Cerrito Adult Arrest Rates per 1,000

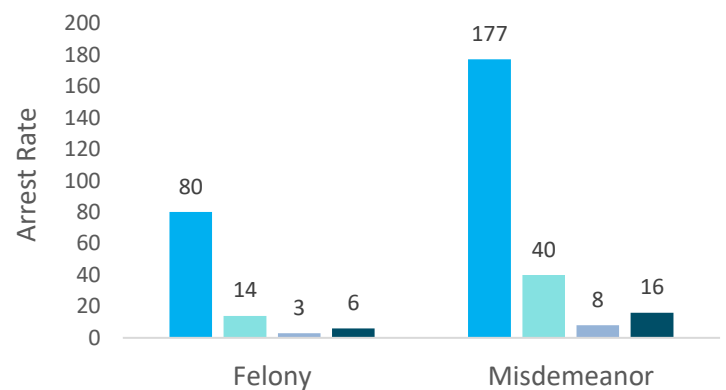


Figure 3. represents a breakdown of El Cerrito's total population, which is relatively a small population. Of El Cerrito's total population, 6% are black. Figure 4. shows that Black individuals are approximately 13 times as likely as White individuals to be arrested for a felony and approximately 11 times more likely to be arrested for a misdemeanor.



Figure 5. Richmond City Population

Total Population: 106,469

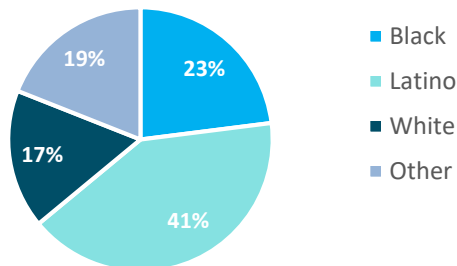


Figure 6. Richmond Adult Arrests Rate per 1,000

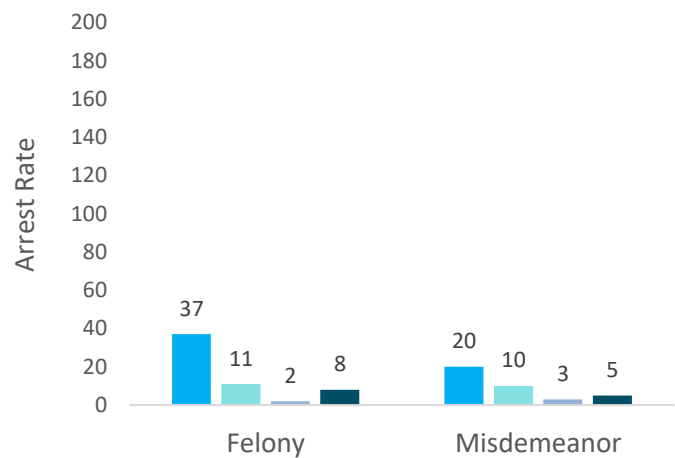
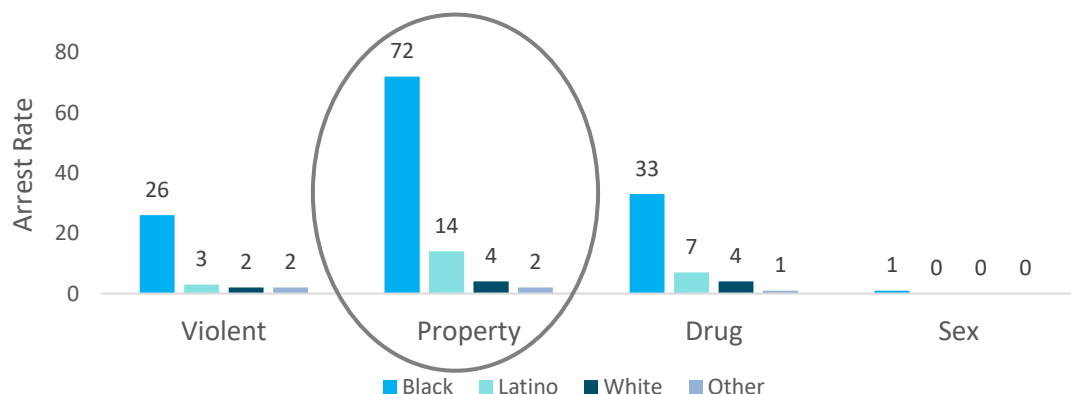


Figure 5. represents a breakdown of Richmond’s total population, which is a much larger city with a larger black population (23%) than El Cerrito. While the racial disparities are not as great as those in El Cerrito or smaller cities, disparities remain. As seen in Figure 6, Black adults are approximately 4.5 times as likely as White adults to be arrested for a felony and approximately 4 times as likely to be arrested for a misdemeanor.

**While Black adults are more likely to be arrested than White adults, there are variations across cities for what offenses disparities are greatest.**

*While these graphs are city specific data, they are examples of a larger trend across most cities in Contra Costa County.*

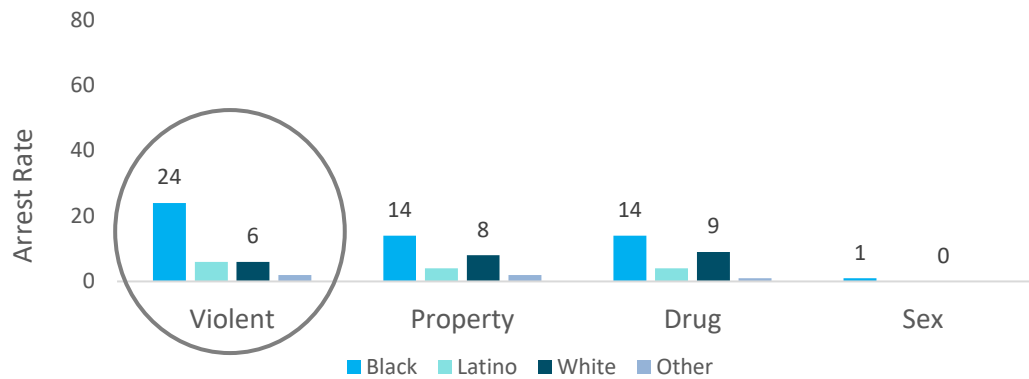
Figure 7. City of El Cerrito, Adults Arrest Rates per 1,000



As Figure 7. illustrates, disparities are greatest for property offenses in El Cerrito where Black adults are approximately 18 times as likely as White adults to be arrested for a property offense.



Figure 8. City of Antioch, Adult Arrest Rates per 1,000



As seen in Figure 8., disparities are greatest for violent offenses in Antioch where Black adults are 4 times more likely than White adults to be arrested for a violent offense compared to only 1.5 times more likely to be arrested for a property or drug offense respectively.

Across most cities in Contra Costa County, Black youth are more likely to be arrested than White or Latino youth. Disparities for Black youth are greater than disparities for Black adults.

Figure 9. Contra Costa County, Felony Arrest Rates per 1,000

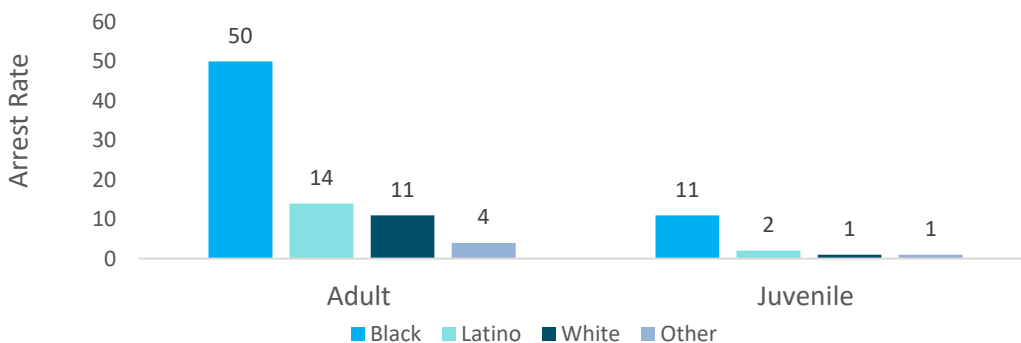


Figure 9. illustrates countywide data in which compared to White adults, Black adults are approximately 5 times more likely to be arrested for a felony while Black youth are 11 times more likely to be arrested than White youth.



Figure 10. Contra Costa County, Misdemeanor Arrest Rates per 1,000

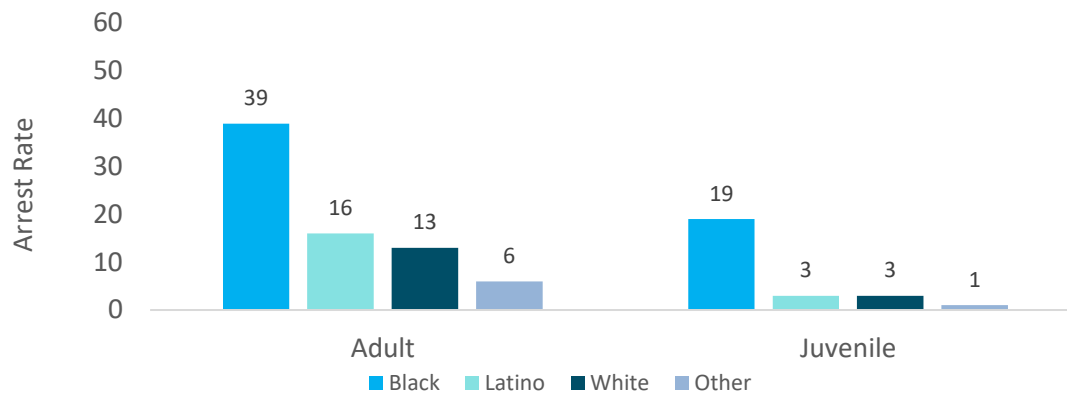
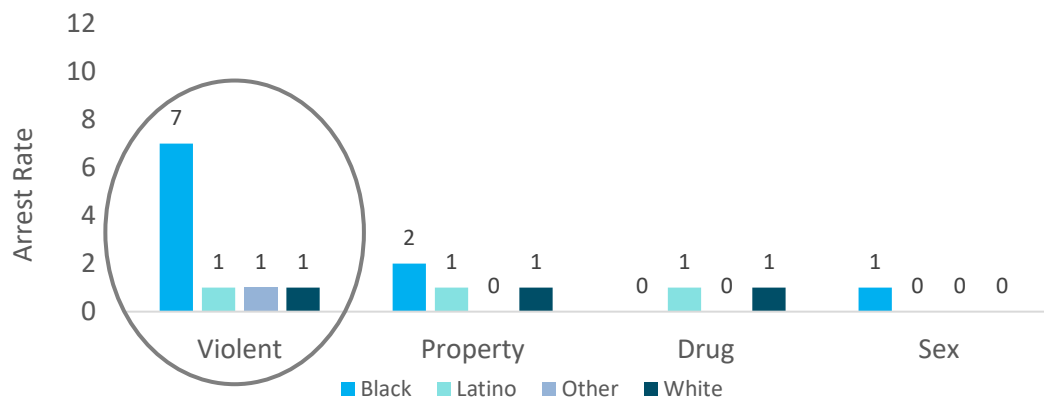


Figure 10. illustrates countywide data in which compared to White adults, Black adults are 3 times more likely to be arrested for a misdemeanor while Black youth are approximately 6 times more likely to be arrested.

While Black youth are more likely to be arrested than White youth, there are variations across cities for what offenses disparities are greatest.

Figure 11. City of Richmond, Juvenile Arrest Rates per 1,000

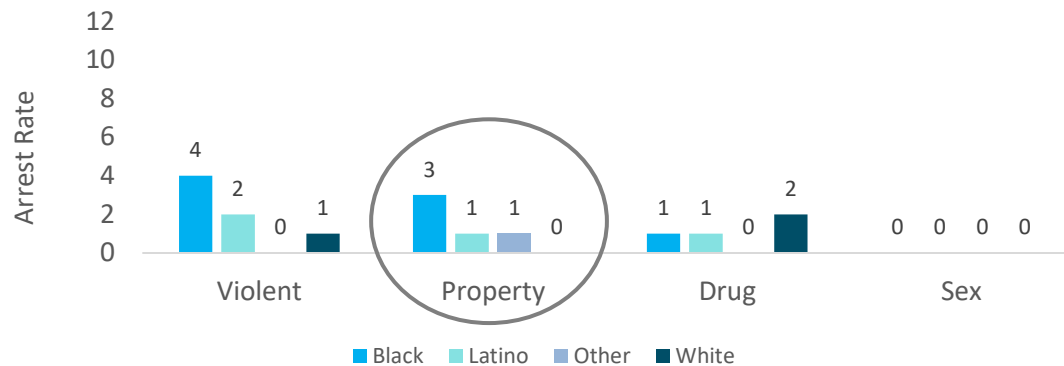


As seen in Figure 11, disparities are greatest for violent offenses in Richmond where Black youth are 7 times more likely to be arrested for a violent offense than White or Latino youth.





Figure 12. City of Pittsburg, Juvenile Arrest Rates per 1,000



As seen in Figure 12, disparities are greatest for property offenses in Pittsburg where Black youth are 3 times more likely to be arrested for a property offense than White or Latino youth.

**Although LEAs have implemented diversion practices, there is no systematic data collection on these programs, who is diverted, or their impact**

None of the following law enforcement agencies collect race-specific data on diversion practices:

- Richmond PD partners with RYSE to divert youth from official processing.
- Antioch PD partners with Reach to divert youth from official processing.
- Pittsburg and Concord PD have implemented the community court model to divert some adult and juvenile cases from formal processing.

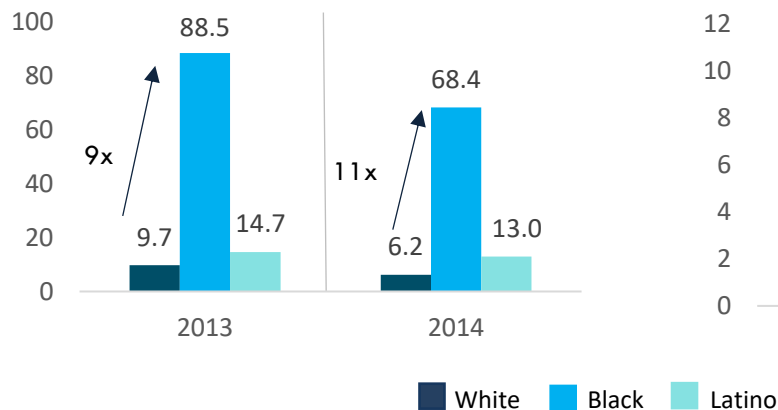


## Juvenile Justice Data

All data provided below are from the Contra Costa County Probation Department. Data are from 2013 and 2014.

**In 2014, Black youth in Contra Costa County, were much more likely than Latino and White youth to be referred to Probation.**

**Figure 13. Rated of Referral to Probation per 1,000 youth, by Race**



**Figure 14. Referrals to Probation RRI, by Race**

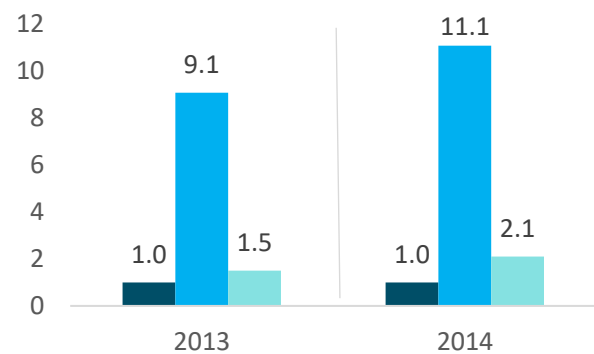
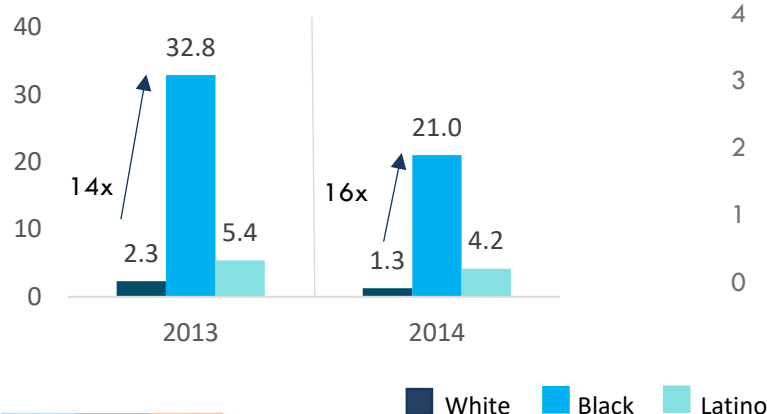


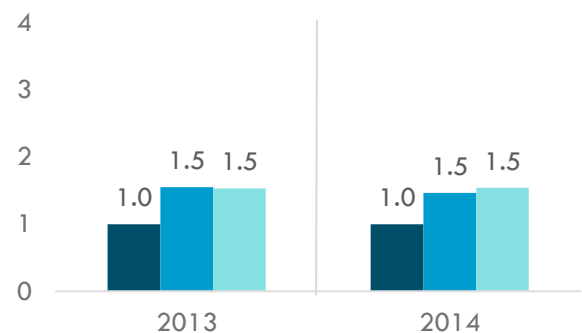
Figure 13 and Figure 14. Rated of Referral to Probation per 1,000 youth and Referrals to Probation RRI, illustrate overall, in 2013 and 2014, Black youth were 9 times more likely than White youth and 6 times more likely than Latino youth to be referred to Probation.

**In 2014, Black and Latino youth are more likely than White youth to be detained prior to adjudication.**

**Figure 15. Pre-Adjudication Detention Rates per 1,000 Youth, by Race**



**Figure 16. Pre-Adjudication Detention RRI, by Race**





As seen in Figure and Figure 16, of all youth referred to Probation, Black and Latino youth are 50% more likely than White youth to be detained prior to adjudication.

In 2014, petitions filed for Black youth were at a higher rate than all other groups, however relative to referrals the rate was the same as all other groups.

Figure 18. Pre-Adjudication Detention Rates per 1,000 Youth, by Race

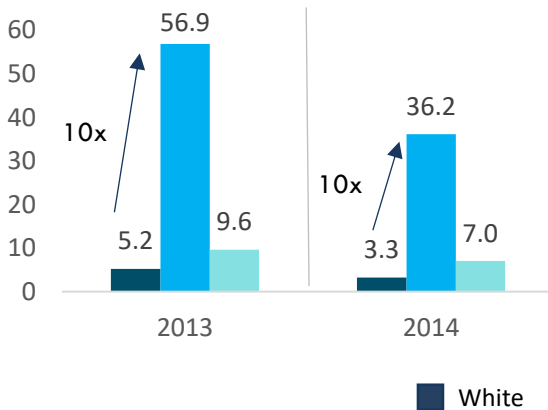
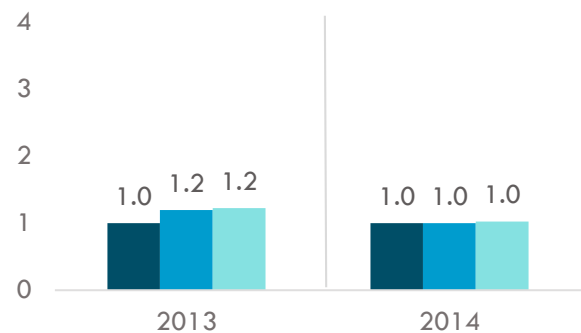


Figure 17. Pre-Adjudication Detention RRI, by Race



Figures 17 and 18 show that the Probation Department filed petitions at the same rate for all referred youth regardless of race; however, relative to their proportion of the overall county population, Black youth were 10 times more likely to have petitions filed than all other groups.

In 2014, Black youth were deemed to be a ward of the court at a higher rate than all other groups, however relative to petitions filed, the rate was approximately the same across all groups.

Figure 19. Rates of Petitions Filed per 1,000 youth by Race

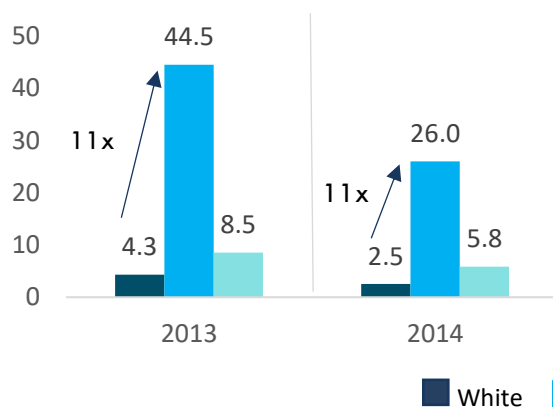
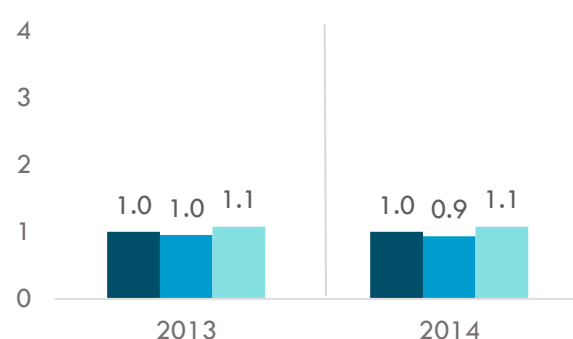


Figure 20. Petitions Filed RRI, by Race

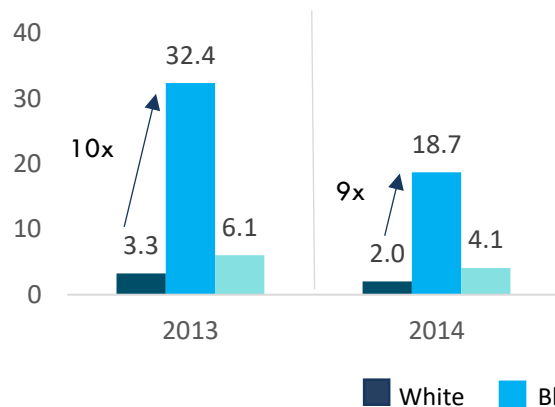




Among youth who had petitions filed, there were not disparities in who was deemed to be a ward of the court. There were still disparities compared to the overall rate within the population.

**In 2014, Black youth received placement at a higher rate than all other groups, however relative to being a ward of the court the rate was relatively the same across all groups.**

**Figure 21. Ward of the Court Rates per 1,000 by Race**



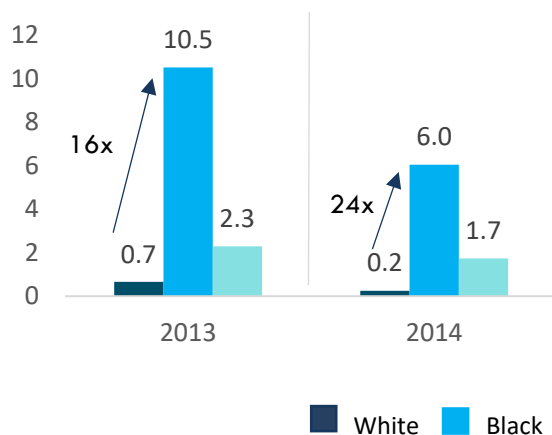
**Figure 22. Ward of the Court RRI, by Race**



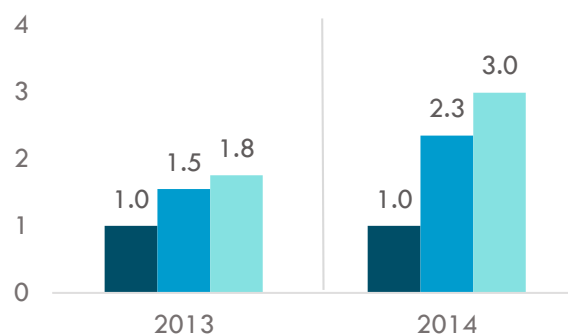
As Figures 21 and 22 illustrate, among youth who were adjudicated delinquent, there were no disparities in which youth received a disposition of placement. There were still disparities compared to the overall rate within the population.

**In 2014, Black youth were sent to secure confinement at a higher rate than all other races, however relative to being a ward of the court Latino youth were securely confined at a higher rate.**

**Figure 23. Placement Rates per 1,000 Youth, by Race**



**Figure 24. Placement RRI, by Race**





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Among all youth who were made a ward of the court, Latino youth were 3 times more likely to be placed in secure confinement compared to White youth and Black youth were 2 times more likely to be placed in secure confinement compared to White youth.

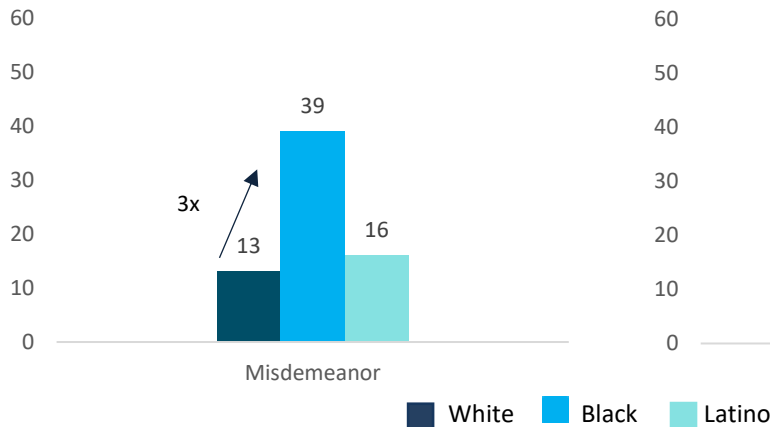


## Criminal Justice Data

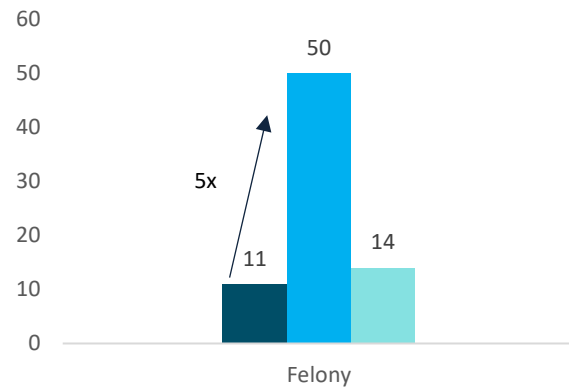
Data provided below are from the California DOJ CSJC, Contra Costa County Superior Court, and Contra Costa Sheriff's Office. Data are from 2014-2017. Specific data sources and dates are provided below.

**In 2014, compared to Whites, Black adults were more likely to be arrested for a misdemeanor and felony.**

**Figure 25. Misdemeanor Arrest Rates, by Race\***



**Figure 26. Felony Arrest Rates, by Race\***

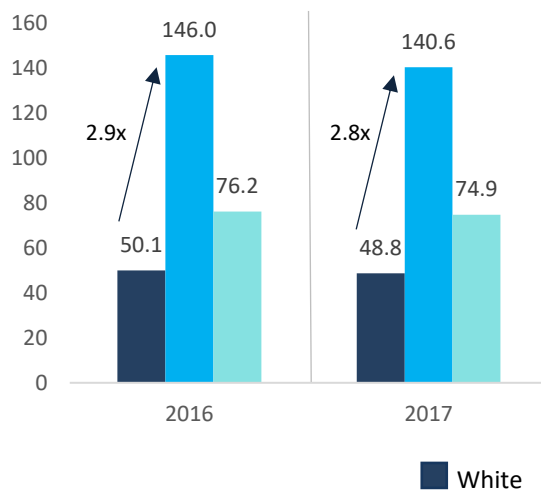


*\*Data from across all cities in Contra Costa County from California DOJ CSJC*

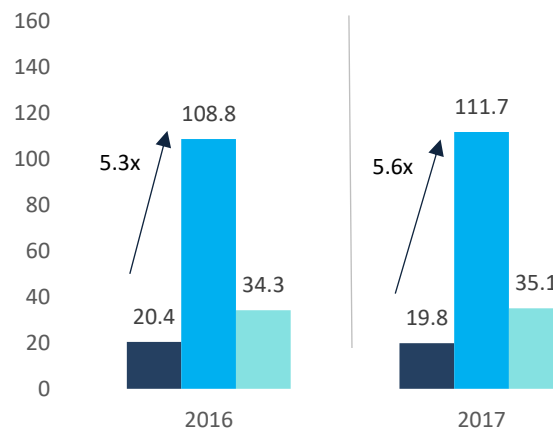
As Figure 25 illustrates, Black adults were three times more likely to be arrested for a misdemeanor compare to Whites. Similarly, Figure 26 shows Black adults were four times more likely to be arrested for a felony than White adults.

**Black adults were more likely than White adults to have any case filed against them.**

**Figure 27. Misdemeanor Case Filing Rates, by Race\***



**Figure 28. Felony Case Filing Rates, by Race\***



*\*Data from Contra Costa County Criminal Court*



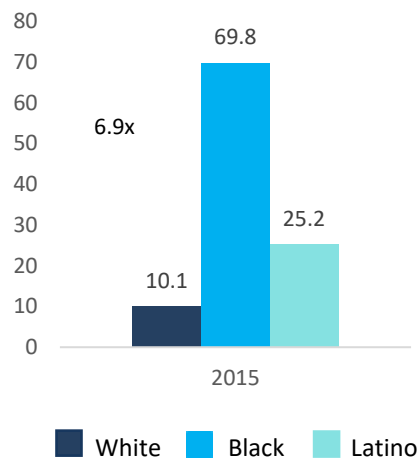
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Figure 27 shows how in both 2016 and 2017, Black adults were approximately three times more likely to have a misdemeanor case filing than their White counterparts. Similarly, as shown in Figure 28, Black adults were more than five times more likely to have a felony case filing than White adults.

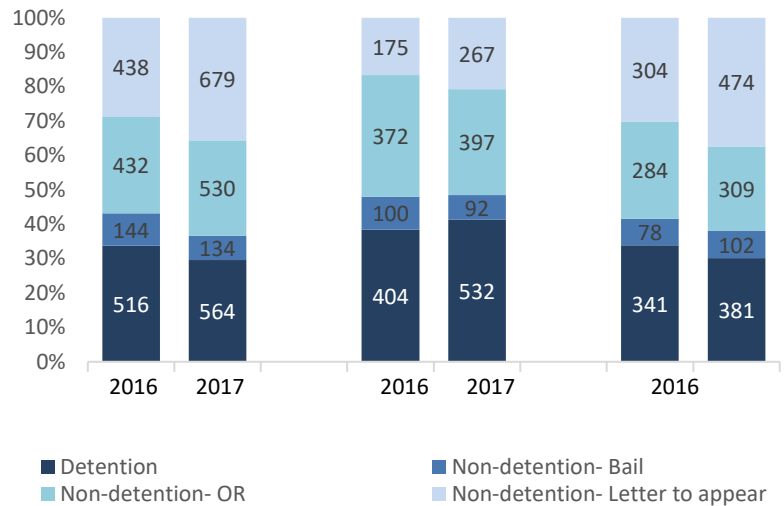
**Black adults in Contra Costa County were more likely than Latino or White adults to be detained pre-trial.**

**Figure 29. Pre-Trial Detention Rates, by Race\***



\*Data is a snapshot of detained population on 7/9/2015  
Contra Costa County Sheriff's Office

**Figure 30. Pre-Trial Detention versus Non-Detention, by Race\***



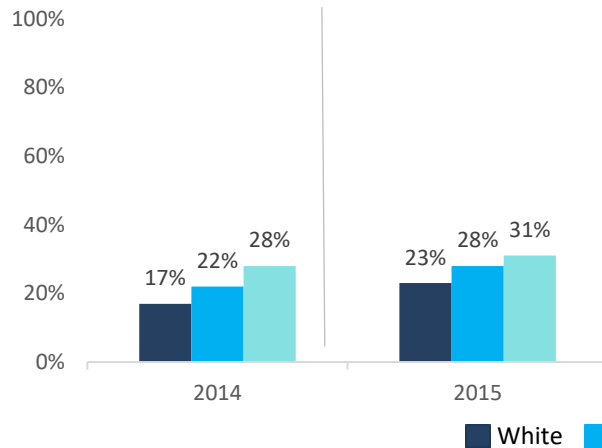
\*Data from Contra Costa County Criminal Court

As Figure 29 illustrates, in 2015, Black adults were approximately 7 times more likely to be detained pre-trial than White adults. Figure 30 shows in both 2016 and 2017, Black adults were more likely to be detained as compared to White adults who have higher rates of non-detention OR and letter to appear. Black adults are also significantly less likely to be given a letter to appear than both White and Latino adults.

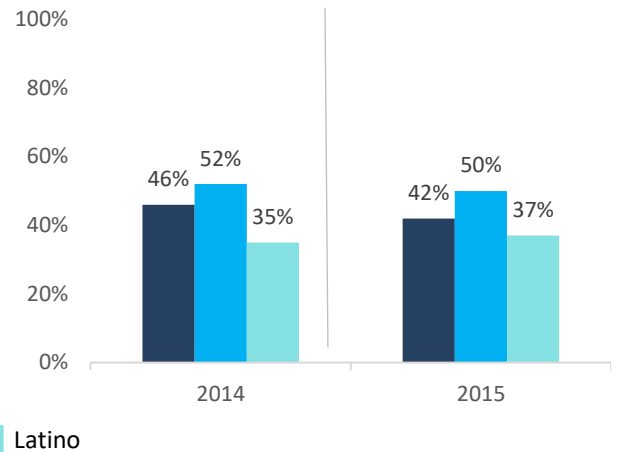


A greater proportion of cases with Latino or Black defendants had charge or person enhancements than cases with White defendants.

**Figure 31. Proportion of Cases with Charge Enhancements, by Race\***



**Figure 32. Proportion of Cases with Person Enhancements, by Race\***

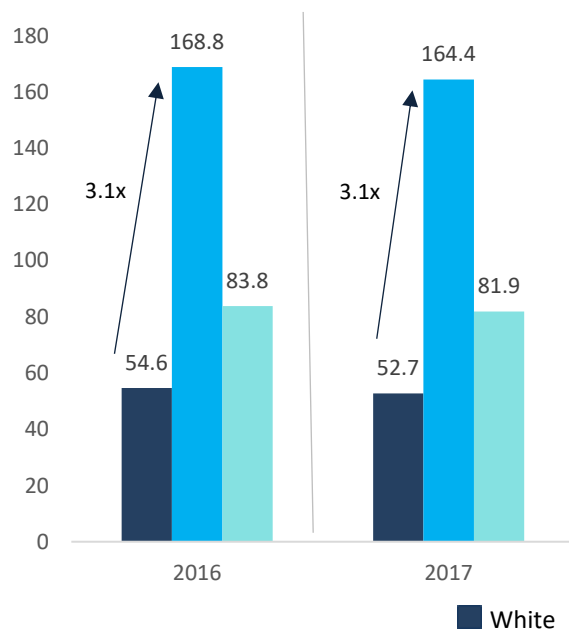


\*Data from the Public Defender's Office

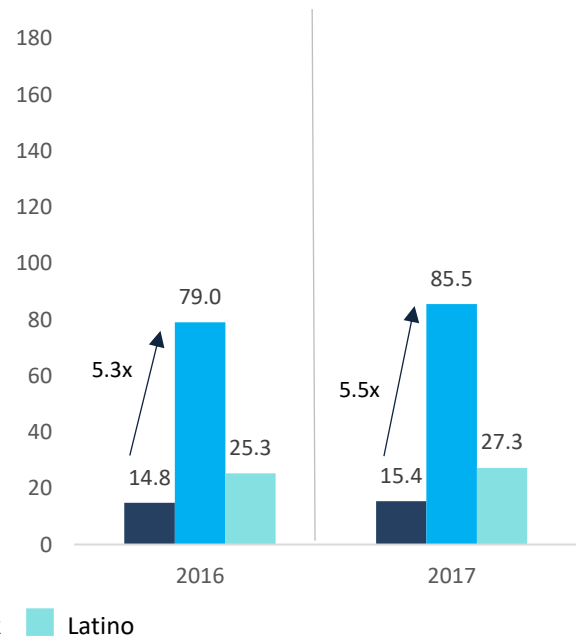
Figure 31 shows in both 2014 and 2015, Latino adults had the highest proportion of cases with charge enhancements. Figure 32 shows both in 2014 and 2015, Black adults had the highest proportion of cases with person enhancements, followed by White adults.

Black adults were more likely than white adults to have a misdemeanor or felony case filed against them.

**Figure 33. Misdemeanor Conviction Rates, by Race\***



**Figure 34. Felony Conviction Rates, by Race\***



\*Data from Contra Costa County Criminal Court





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Figure 33 shows Black adults were three times more likely to have a misdemeanor conviction than White adults. Figure 34 shows Black adults were more than five times as likely to get a felony conviction than White adults in 2016 and 2017.



## Appendix C. Community Forums

The Racial Justice Task Force hosted two rounds of community forums throughout Contra Costa County. The goal of each community forum was to engage community members with the project and gather community input and feedback on the projects' areas of focus and set of draft recommendations.

The first round of community forums took place in November and consisted of five community forums in the cities of Concord, Danville, Pittsburg, Richmond, and Antioch. The focus of the first round of community forums was to share the purpose of the Racial Justice Task Force and share work to date. Community members also had the opportunity to provide input towards the project's areas of focus.

**Table 1. Attendees per Location**

Location	Number of Public Attendees
Concord	32
Danville	35
Pittsburg	34
Richmond	28
Antioch	25

The Racial Justice Coalition, District Attorney, Board of Supervisors, School Board, Teachers, Public Defender, faith-based organizations, and Local Law Enforcement were some of the stakeholders in attendance.

**Figure 35. November Community Forums Key Themes**

Impact of Historical Trauma	Implicit & Explicit Bias	School to Prison Pipeline	Mistrust of Law Enforcement	County Processes
<ul style="list-style-type: none"> <li>•Lack of cultural competence/ awareness in schools and justice system agencies</li> <li>•Restorative justice</li> <li>•Need for increased mental health services</li> </ul>	<ul style="list-style-type: none"> <li>•Need for cultural responsive implicit bias training for all justice stakeholders</li> </ul>	<ul style="list-style-type: none"> <li>•Role of schools pushing youth of color into the justice system</li> <li>•Youth development</li> </ul>	<ul style="list-style-type: none"> <li>•Sherriff's Office's relationship to ICE</li> </ul>	<ul style="list-style-type: none"> <li>•Expand and standardize diversion programs, policies, and procedures.</li> <li>•Standardize data collection across the county</li> <li>•Reform bail cash system</li> </ul>



Following the first round of community forums, the Racial Justice Task Force analyzed community input and integrated feedback into areas of focus. After a series of discussions of best practices, current practices, and analysis of racial disparities in the county, the Racial Justice Task Force drafted a set of preliminary recommendations for the Board of Supervisors. The purpose of the second round of community forums was to share the set of preliminary set of recommendations and solicit feedback for any revisions, additions, or removals of drafted recommendations.

**Table 2. Attendees per Location**

Location	Number of Public Attendees
Walnut Creek	59
Antioch	24
Richmond	28

The Racial Justice Coalition, District Attorney, Board of Supervisors, School Board, Teachers, Public Defender, Behavioral Health, community-based organizations, faith-based organizations, Local Law Enforcement, and residents were some of the stakeholders in attendance.

**Figure 36. May Community Forums Key Themes**

Highest Priorities	Key Concerns	Gaps
<ul style="list-style-type: none"> <li>•Expand diversion and criteria</li> <li>•Establish sliding scale fees/ fee waivers for pre-trial and diversion programs</li> <li>•Develop data collection and accountability measures</li> <li>•Establish oversight committee for implementation process that includes community members</li> <li>•Ensure recommendation planning process includes community input</li> </ul>	<ul style="list-style-type: none"> <li>•Avaialble funding and budget prioritization for recommendations</li> <li>•Misuse of publically avaialble data</li> <li>•Buy-in from implementin partners such as education</li> <li>•Language accessibility for programs/ services</li> </ul>	<ul style="list-style-type: none"> <li>•Use of force policies and police engaged violence</li> <li>•Police disclosure and monitoring of police misconduct</li> <li>•Body cameras for law enforcement</li> <li>•Recruitment and retention of school staff that are reflective of communities they serve</li> <li>•Community centered services that prevent any contact with the justice system</li> <li>•Staffing and racial disparities in various policing agencies</li> </ul>