



CONTRA COSTA COUNTY OFFICE OF THE SHERIFF  
DAVID O. LIVINGSTON  
SHERIFF - CORONER

July 23, 2018

VIA EMAIL

Honorable Chair and Members of the Board  
Contra Costa County Board of Supervisors  
651 Pine Street  
Martinez, CA 94553

Dear Chair Mitchoff and Members of the Board:

**Re: Racial Justice Task Force Final Report Draft**

My office is in receipt of the draft final report to the Board of Supervisors from the county's Racial Justice Task Force, (RJTF). I understand the Board will be receiving this report at your next meeting. As you know, Assistant Sheriff John Lowden served on that task force representing the Office of the Sheriff. Although the work of the task force is important, and the goal of reducing racial disparity in the criminal justice system is of vital importance, I note several areas of concern with the research methodology, the conclusions drawn therefrom, and several of the recommendations.

I appreciate the opportunity to raise these issues with you, particularly as they address law enforcement and adult custody activities.

**Data Collection.**

Data used throughout the report is dated and inconsistent. It appears much of the data was collected from 2013 – 2015 Department of Justice statistics when more current data was available. Additionally, the report acknowledged that the RJTF was not able to examine all data points, and that data collection was a “challenge throughout this process” yet they still made significant “findings” even in the absence of this data. Too frequently assumptions about data are reported as facts.

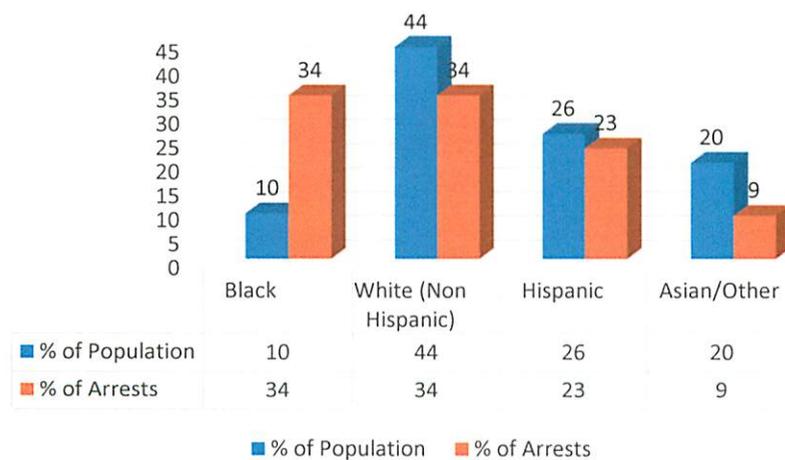
For example, data on the *initial reason* for the police contact is critical in assessing if procedural bias exists yet there was no data provided. Data identifying if an officer was *dispatched* to an event which leads to an arrest or action taken following an “*on-view*” suspicious act must be known to draw any conclusions.

**Likewise, *paramount* to any conclusion about whether persons of different races are treated differently in the criminal justice system is data about prior criminal conduct, probation or parole status, or prior diversion for juveniles. This data is completely absent from the report. For example, if a white male and a black male were arrested for the same offense, but the white male had prior convictions, was on probation or parole, or had other past criminal justice contacts, it is highly likely the adjudication of his offense would result in different (and likely more severe) criminal justice consequences and/or physical confinement. Pre-trial confinement will also be impacted by prior criminal conduct. Yet, the report includes no data on this critical point.**

This issue of prior criminal conduct is key to any unbiased assessment of racial disparities yet only receives passing comment in Finding Number 7.

We are also concerned with the finding relating to “Offender Information.” (Finding 2) Specifically, no criminal justice offender data was utilized. If the report had included offender or suspect racial data for various crimes, that information would help to explain if racial disparities occur in those *committing the crimes at the outset*. For example, in Contra Costa County Sheriff’s jurisdiction, the following data is from Department of Justice (DOJ) “Part 1” crime arrests in 2017, (serious felony crimes including murder, rape, robbery, grand theft, arson, etc.):

Part 1 Crimes Arrests County-wide Including Contract Cities & Total Population - 2017



**Recommendations**

Finally, two recommendations in particular necessitate a response from this office. They are as follows:

Recommendation #21 – OPPOSE

In addition to being beyond the scope of the RJTF authority, the Office of the Sheriff-Coroner is overseen by a constitutional independently-elected official and answers directly to the citizens of Contra Costa County. The Sheriff's Office already utilizes inmate complaint procedures and is subject to oversight and audit by the California Attorney General, the Civil Grand Jury, and the California Board of State & Community Corrections, (BSCC). Additional grievance processes are unnecessary and unwarranted.

Recommendation #22 – OPPOSE

As noted above, this recommendation is beyond the scope of the RJTF and the Sheriff-Coroner is an elected official subject to state oversight and audit. No additional "monitoring bodies" are necessary or warranted.

Sincerely,



**DAVID O. LIVINGSTON**  
Sheriff – Coroner

DOL:sl

cc: David Twa, County Administrator  
Tim Ewell, Chief Assistant County Administrator  
Lara DeLaney, Director, Office of Reentry and Justice