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Contra Costa County

2019-20 Racial Justice Oversight Body

Summary Progress Report

Introduction

The W. Haywood Burns Institute (BI) was established to provide local jurisdictions with practical, proven approaches for reducing racial and ethnic disparities (R.E.D.). For over 15 years, the BI has successfully worked with jurisdictions in more than 40 states to reduce R.E.D. by leading traditional and non-traditional stakeholders through a data-driven, community-informed, and consensus-based process. It is the BI's experience that local jurisdictions can implement successful and sustainable strategies that reduce R.E.D. by examining key decision-making points within the justice system.

The purpose of this report is to provide feedback on the progress and potential of the Racial Justice Oversight Body to promote equity and reduce R.E.D. in Contra Costa County. This report is not intended to be a comprehensive assessment of Contra Costa County's racial equity work nor a full assessment of whether and to what extent R.E.D. exists within the county. Rather, this report is intended to share observations and recommendations with Contra Costa County to guide the RJOB's work with an equity lens.

Structure

The Racial Justice Oversight Body (hereinafter 'RJOB' or 'Body') is comprised of 18 overall members, including nine community representatives that include representatives of local community-based organizations (CBOs) and nine representatives from specified local County agencies. It is quite rare for the Burns Institute to see such an even representation of system and community stakeholders, an approach we consistently advocate for, but which is usually not fully executed (the court is one of the nine County agency members and hold the seat as a non-voting member). In keeping with this composition, we encouraged the Body to elect two co-chairs, one a community stakeholder and one a systems stakeholder. The body duly elected John Lowden of the Contra Costa County Sheriff's Office and Stephanie Medley of the RYSE Center as co-chairs. The RJOB has had seven quarterly meetings to date: June 6, 2019; August 29,



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2019; November 7, 2019; February 6, 2020; May 14, 2020; August 6, 2020; and November 5, 2020.

Additionally, the RJOB has three subcommittees which meet monthly to allow for more intensive and subject-matter specific action in their respective areas. Those subcommittees are as follows:

- Community Engagement & Funding (CEF) Subcommittee, chaired by Jeff Landau of the Contra Costa County Racial Justice Coalition
- Data Subcommittee, chaired by Debra Mason of the Mount Diablo Unified School District
- Diversion Subcommittee, chaired by Chief Bisa French of the Richmond Police Department

At the time of writing, the Community Engagement & Funding Subcommittee has met a total of eleven times since being approved by the Body, while the Data Subcommittee has met a total of eight times. The difference in number of meetings was primarily because the Data Subcommittee will take the lead on making data requests, and had expected those requests to be dependent on what data the other subcommittees may need. Thus, the Data Subcommittee elected to give the other subcommittees time to determine what their respective data queries may entail before resuming their meetings. Additionally, the Diversion Subcommittee was approved by the Body at a later quarterly meeting than the other two and was not able to meet before COVID-19 suspended all RJOB activities. At the time of writing, the Diversion Subcommittee has met a total of seven times.

Background

Virtually every aspect of life – within communities, counties, states, and nations all over the world – has been significantly impacted by COVID-19, the outbreak of which hit a crisis point in the United States in early March of 2020. The RJOB was no different, and saw cancellations for a quarter of the year’s scheduled meetings. This significantly affected the Diversion subcommittee, which was not finalized and approved by the RJOB until February 2020. This subcommittee’s first meeting was originally scheduled for March. However, due to the COVID-19 outbreak, the Diversion subcommittee’s first meeting was delayed for several months when activities resumed for the Body and its subcommittees in May 2020. When meetings resumed, all meetings were held virtually due to social distancing guidelines. This seemed to have the net positive effect of allowing more members of the public to call in from home. However, it is important to note that issues such as access to adequate computers/other electronic devices as



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well as the Internet may still have an impact on some members of the public and whether or not they can attend meetings virtually.

In addition to overcoming the unforeseen challenges presented by the global threat of COVID-19, the RJOB has also faced the much more local issue of securing data. It is important to note that for many of the agencies involved in the RJOB's work, there is no centralized data system within which data is collected and from which data can be queried and reported. This is an issue the RJOB alone cannot fix. While the RJOB can make recommendations to the Board of Supervisors that data management systems be prioritized within relevant agencies, any further action on this matter falls beyond the reach of the RJOB itself. However, the work of the RJOB is heavily reliant on data, which should always inform decision making about where to prioritize efforts, what specific processes/policies/practices may need to be altered, and how best to go about developing proposed policy and practice changes. Thus, receiving data which can then be analyzed will be a large and integral part of the RJOB's work and will inform or impact nearly every recommended action, making it a crucial priority of the work going forward generally and a focal point of next year's goals and objectives.

Observations and Findings

I. Activities

The RJOB has worked diligently to understand the various issues surrounding racial equity in the Contra Costa County justice system. Much of this work is divided among the subcommittees – Community Engagement and Funding, Data, and Diversion. In response to the COVID-19 crisis, the RJOB approved language addressing emergency releases from custody – specifically asking that the Board of Supervisors approve the immediate release of anyone with 6 months or less on their sentence as well as those who are elderly or may have preexisting health conditions. This language was drafted in accordance with a joint statement by elected prosecutors, including Contra Costa County's own Diana Becton, and was released by Fair and Just Prosecution. From the RJOB perspective, the resolution was a result of public comment by a large number of attendees from the public during the May 2020 RJOB Quarterly Meeting. Additionally, the RJOB will be coordinating a request to the Police Chiefs' Association for law enforcement data from each individual agency represented within it. This data, if obtained, will serve as a key point of data collection for assessment of disparities where they may begin within the justice



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system and will then drive the assessment of some past recommendations and the crafting of future recommendations of the Body. Finally, the RJOB will continue to hear reports, make edits, revise, and approve all activities of its subcommittees.

A. The Community Engagement and Funding subcommittee has begun to work with the Juvenile Justice Coordinating Council (JJCC) on two important upcoming projects. The first project is to develop a community capacity fund which will build capacity for community-based organizations to provide reentry services to all people who are formerly incarcerated within the County. To this end, the CEF has already reviewed funding models in other counties to determine the best way to develop a community capacity fund which addresses local needs. The CEF has preliminarily identified a cohort approach as a promising model, allowing for long-term support along with the funding in an effort to develop the CBOs to the point that they can sustain themselves and their service offerings independently. The second project is to develop a youth-led listening session in order to incorporate the voices of youth into the RJOB and JJCC's work. This upcoming youth listening session's planning began after a community listening session was held in July which was mostly attended by adults who gave public comment for the first hour of the CEF Subcommittee meeting. Because the RJOB is tasked with recommendations to improve racial equity in both the youth and adult justice systems, the CEF determined that it is important to hear directly from youth. During the first planning meeting for this upcoming listening session (which included both RJOB and JJCC members as well as community leaders who work directly with youth), it became clear that a more sustained space for youth to provide feedback would be needed. The upcoming youth listening session will serve to get youth involved in the development of a Youth Advisory Council which could operate as an ideal resource to regularly provide feedback and direct communication to both bodies whenever youth matters are discussed, ensuring that youth voices and needs are heard and incorporated into the County's relevant decision making processes, and that any concerns from local youth about any proposed County actions are more likely to be adequately addressed before moving forward. To this end, a small group of youth facilitators as well as members from both the CEF and JJCC has already met once and plan to include youth participation in future meetings to incorporate youth voice and perspective into the planning and design of the listening session and potential advisory group. These intentions will hopefully encourage abundant youth participation and leadership throughout this development process. The goal is for this listening session to take place during the first or second quarter of 2021 and for the advisory group to hopefully begin convening as needed shortly thereafter. In addition to these activities, the CEF subcommittee has engaged in a



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series of activities to educate, inform, and increase transparency to members of the public about the RJOB and its meetings as well as its role in relationship to other advisory bodies and County government.

B. While the Data subcommittee has secured data from Probation on an ongoing monthly basis, the acquisition of data from other County agencies has been more elusive. The DA's office has declined to provide data due to staffing constraints. However, a verbal commitment from the Sheriff's Office to share monthly data from its Jail Management System has been provided assuming approval from municipal law enforcement agencies wherein bookings into the County jail may originate. With the support of the BI, the RJOB will make a presentation to the County's Police Chiefs' Association in early 2021 surrounding the purpose and importance of obtaining and sharing law enforcement data with the RJOB. The Data subcommittee will continue to work with all relevant County agencies in attempts to secure and analyze data that will inform a decision points matrix. The decision points matrix will examine racial and ethnic disparities at every decision point within the criminal justice system and show where disparities are introduced in the process of justice system involvement, where they increase or decrease, and thus pointing to the decision points for prioritization in making policy or practice changes. This will be a long-term undertaking and will depend upon relevant agencies having the capacity and willingness to accurately collect, report, and share data. In addition, the Data subcommittee has begun talks on creating a means to formally acknowledge and recognize local agencies which are willing to provide race/ethnicity data as a means to incentivize other County agencies to join in this process and support the efforts to develop data-informed solutions to issues of racial inequity within the local justice systems, whatever those issues may be.

C. The Diversion subcommittee continues to identify all existing diversion programs in the County. Yet again, the role of data cannot be overemphasized here as it is necessary to know who participates in these programs, how many eligible people are not diverted and why, and whether or not there are racial and ethnic disparities within the use of diversion. These data needs largely implicate current diversion programs, many of which do not collect or report any data at present and which may need support or tools in order to begin doing so. Data needs also implicate the District Attorney's office, due to its crucial role in offering diversion or other alternatives when appropriate, which has cited staff and capacity constraints in the provision of data at this time, or in the near future.



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Next steps include the identification of gaps within the current program offerings. These gaps could appear in a number of ways, including regional gaps within the County (important because this could create transportation and/or other access issues), gaps in terms of program types (e.g. programmatic needs to address certain behaviors, offense types, etc.) or gaps in the administration of a program and its ability to effectively address the needs of the participants (which would require quantifying qualitative data collected directly from people who have participated in currently offered programs). Thus, the Diversion subcommittee will likely need to coordinate with both the Data and Community Engagement and Funding subcommittees in order to accomplish these goals. The Diversion subcommittee has also been working diligently to establish and agree upon a definition of diversion and guidelines for how to properly utilize and administer diversion programs within the County.

II. Accomplishments

This year, the RJOB established its third subcommittee (Diversion) and responded to public comment provided by community members by passing a resolution which it will submit to the BOS in support of emergency COVID-19 releases from the local jail.

A. The CEF subcommittee has responded directly to work plan goals and objectives focused on increased decision-making accessibility, transparency, and power to those most impacted. To this end, the CEF began recording video of all meetings in July, which are posted to the County website. (The CEF had identified other means of achieving accessibility goals such as changing or staggering meeting dates, times, and locations but those efforts have been rendered inapplicable due to COVID-19). Additionally, the CEF meetings include pre and post education sessions to explain to members of the public who attend why the RJOB was created, what the purpose of the subcommittee is, and how each agenda item is related to those goals. The CEF has also developed and provided a committee chart with decision making processes and committee members' authority and responsibilities so that members of the public are aware of what advisory bodies exist within the County, and what decision-making power they have. Finally, the CEF held a community listening session during its July 9th meeting in which it took public comment for the first hour before attending to subcommittee business within the second hour. It is important to acknowledge that the CEF subcommittee has taken on quite a leadership role within the RJOB, including drafting the language which was adopted by the RJOB in support of



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emergency COVID-19 releases and being the first subcommittee to begin recording each virtual meeting for increased accessibility and transparency, which eventually led to other subcommittees and the RJOB at large doing the same.

B. The Data subcommittee has secured data from Probation and remains engaged with the Sheriff's Office to obtain bookings data from the jail management system, in accordance with its workplan and objectives. The subcommittee also agreed to develop the decision points matrix in order to provide a robust data analysis as data from individual agencies are collected. The subcommittee is moving forward as best it can while confronting a variety of issues, from privacy concerns to the lack of databases or case management systems in a number of the agencies involved.

C. The Diversion subcommittee has compiled a comprehensive list of current diversion programs and other alternatives to detention and incarceration within the County and has developed an operational definition of diversion as well as a series of guidelines which it will propose for countywide adoption among relevant agencies as to how diversion should be utilized and how to determine which alternatives are appropriate.

III. Attendance

The RJOB will have five seat changes at the end of this year because the terms of many of the community representatives will end on December 31, 2020. These seats have all been filled by new members, many of whom have begun attending RJOB and subcommittee meetings at the time of this writing. Many of those who will be vacating their seats have expressed interest in continuing to attend meetings as members of the public. As it currently stands, the RJOB has significant diversity, although efforts should be made to increase the representation of the Latinx and Asian communities, among others. Participation is high among the members, not just in terms of their willingness to speak up within meetings, but also in their willingness to attend preparation and agenda planning meetings as well as to submit documents to be included in meeting agendas. Additionally, because the RJOB was convened as a quarterly-meeting body, as the subcommittees were developed it became clear that each subcommittee meeting on a monthly basis would provide the greatest opportunity for success. These monthly meetings had been somewhat unanticipated and some of the early meetings were canceled due to inability to meet quorum. Since that time, the Office of Reentry and Justice has worked with the RJOB to



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rectify the issues of meeting quorum on a monthly basis. This adjustment was made before the pandemic, and at every meeting held since the change took place, quorum was met. No meetings have been canceled due to lack of quorum since the first quarter of this year, a notable accomplishment given that every meeting since then has been conducted virtually. The November 2020 Diversion and December 2020 CEF meeting have been the only meetings canceled since RJOB activities resumed in May 2020.

IV. Training

The RJOB has elected to seek other vendors for potential racial equity trainings (e.g. implicit bias, procedural justice, etc.). In multiple meetings over the course of this year, it has become clear that no one on the RJOB is opposed to completing training sessions on these issues. However, what is important is which individuals or organizations are contracted to provide the training, and what material will be covered within the curriculum. Based on conversations within RJOB meetings on the subject, it seems that a particular focus on anti-blackness within the curriculum would be strongly preferred and was found to be lacking in the training options initially presented to the Body. Thus, the RJOB, after directly engaging with the vendor about diversity among staff as well as the curriculum presented, declined to receive the training at this time and instead has agreed to look for opportunities to engage other vendors for potential training sessions in the future.

From a national perspective, the BI has seen that implicit bias can play a role in the organizations or individuals selected to provide racial equity training. Specifically, people of color-led organizations may often go overlooked during vendor selection processes for any number of reasons. This means that people who are more likely to experience structural racism may be underrepresented in securing contracts to provide training based on something which impacts their life experiences. Furthermore, there may be unspoken concern that the training will be more or less hostile or confrontational based on who is leading it, and this thinking sometimes factors into the selection process. Having not been involved in any way in the County's selection process for potential training providers, it is not BI's position that any of the scenarios described above are at issue here, nor is there any reason to suggest that this is the case. However, the issue is merely raised to point out that these scenarios can and have arisen in other jurisdictions throughout the country and thus should be taken seriously. Therefore, the BI applauds the efforts



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of the RJOB to directly address these concerns, as well as the County’s willingness to be patient and flexible as the appropriate vendor is sought.

V. Proposed Work Plan/Objectives for Next Year

The RJOB’s initial work plan was created and approved for two years, so the Body will continue to work toward the objectives laid out in its initial work plan. The RJOB has a work plan which consists mainly of the recommendations which were developed by the Racial Justice Task Force. Many of these recommendations will be carried out by the subcommittees on the behalf of the RJOB. Therefore, each subcommittee also has a work plan which features more specific goals and objectives developed to flesh out how that subcommittee should go about working to accomplish each item. For the RJOB, specific objectives which will remain areas of focus for the coming year include the following:

- **Objective 4 – Establishing partnerships with CBOs to increase capacity for diversion, reentry, and other alternatives**
- **Objective 7 – Establishing a community capacity fund to improve capacity of CBOs to provide reentry services**
- **Objective 11 – Ensuring collection/reporting of accurate data in all criminal justice and law enforcement agencies countywide.**

While more of the work plan’s objectives may be accomplished than just those listed here, based on current progress within the work plan as well as the content of current and upcoming meeting agendas, it seems that these identified work plan objectives are the foremost among many, and significant progress toward these objectives will be crucial to building progress for the other objectives laid out in the work plan as it currently stands.

In addition to the RJOB’s work plan objectives, the CEF Subcommittee will continue to work toward its stated goal of ‘Increasing meeting and decision making accessibility and transparency’ by helping to support and develop a Youth Advisory Council to review, inform, and approve RJOB decisions – thus increasing youth voice which has been relatively scarce to date. The CEF subcommittee is also directly implicated in RJOB Work Plan Objectives 4 and 7 as listed above. The Diversion Subcommittee will continue to work toward two main objectives as identified in its work plan. First is ‘Objective 2: Develop separate recommendations for adult and youth populations’ which the subcommittee will reach by continuing to request information from



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relevant agencies and organizations about eligibility criteria, program utilization, and other relevant practices. With this information and input from those most impacted, the Diversion subcommittee will develop a list of recommendations for both populations. The second is ‘Objective 3: Strive to ensure the broadest possible pool of eligible participants in diversion’ and this will be completed by examining best practices nationally in terms of diversion eligibility and comparing them to the current eligibility criteria within the County to propose recommended changes. The Data subcommittee is not mentioned in this section because its major work plan objective is listed earlier in this section as Objective 11.

Recommendations

The BI recognizes that many of the recommendations made earlier this year in the Progress Report are currently in progress. In addition to any relevant recommendations included in that earlier report, we also recommend the following:

As data needs continue to take center stage, the storage, analysis, and publication of reports will become more and more important. These are time consuming additional considerations which will require additional resources among staff, technical assistance providers and strategic partners to be completed effectively. Similarly, the youth development goal identified by the CEF subcommittee will be extremely important, and will require additional commitments of time and resources to ensure staff, technical assistance providers, and strategic partners have capacity to collaborate on and complete this work effectively. The BI would recommend developing a plan to identify and secure any additional resources needed as soon as possible.

In several meetings over the course of this year, various members of the RJOB have spoken about their level of access to data and many have expressed willingness to share data with the RJOB. The BI would highly recommend that all agencies/agency representatives which are not currently sharing data be directly engaged about any data that can currently be shared, what if any processes are necessary to receive data, or any support that can be provided so that data from those agencies can be made available as soon as possible.

Additionally, as some members of the RJOB are nearing the end of their respective terms and will be replaced by new members, the BI would highly recommend some type of orientation



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meeting in which new members are apprised of relevant information to help them understand the context and background of the RJOB's existence, the work plans for the RJOB and its subcommittees, and the current progress. This report could be used to aid in this task if deemed appropriate and helpful.

It is also recommended that any and all community listening sessions be held separate from meetings. It is important for community members to be heard, and very difficult to keep from rushing or cutting off community members to try to conduct regular business otherwise.

For continuity and accountability within the RJOB and its subcommittees, the BI would recommend inviting one member of a subcommittee who is responsible for a crucial agenda item, document, or action item to the next planning meeting as a means of reminding that member of the member's commitment and receiving feedback on whether or not the commitment will be completed by the following meeting. In the event this practice could violate the Brown Act, committee chairs should follow up for progress on outstanding action items by no later than two weeks after each subcommittee meeting.

Because two crucial projects are currently underway with the JJCC, it will be important to get as much feedback, communication, and collaboration as possible between these two bodies. While this may mean additional meetings between RJOB members and JJCC members on occasion, the groups overlap such that a standing agenda item to report out on the most recent JJCC meeting (only in relevant subcommittee meetings, which so far only seems to implicate the CEF) might be enough to provide relevant updates and give insight as to how best to move forward without too many additional steps. This would simply require coordination and knowledge of RJOB members who also attend JJCC meetings, verifying with those members that they have attended the most recent JJCC meeting, and that they can attend the next RJOB or subcommittee meeting to speak to that standing agenda item.

Also, as the Youth Advisory Council continues to take shape, it may be worth revisiting having each subcommittee specialize in Youth and Adult populations as the subcommittees continue to work toward meeting work plan goals and objectives. Between the RJOB and the JJCC, it is best to ensure that the youth have a reason to meet and do not go long stretches of time without being engaged. Furthermore, this is a great way to maintain accountability toward both populations as the work moves forward.



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Finally, it is recommended that any subcommittee which will begin making recommendations begin developing drafts as soon as possible. Some of these recommendations may begin generally until more information is obtained, but general recommendations based on identified issues are still very important. For instance, a general recommendation one could make now is that more diversion programs be housed within community based organizations instead of justice agencies and that all diversion programs collect data on the race, ethnicity, gender, geography, and offense of each program participant. These are still valuable insights which should be captured and documented, and as more specific insights arise those insights can take the form of additional or revised recommendations.

Conclusion

Despite various setbacks, including a lack of incoming data and significant delays and setbacks due to COVID-19, the RJOB has made inroads on multiple goals while remaining flexible enough to respond to events and occurrences unforeseen by the RJTF when the recommendations were initially drafted and subsequently adopted by the Board of Supervisors. It is hoped that momentum will continue to build, not only within the RJOB itself, but among various agencies throughout the County with which the RJOB will interact. As the RJOB continues to request data and recognizes those who share it, works to develop a Youth Advisory Council, and endeavors to expand the appropriate use of diversion and other alternatives to incarceration Countywide, the Body must continue to center community in order to make significant shifts within the County and strive to achieve true partnership between justice systems and community stakeholders. The BI remains committed to supporting this work in every way possible and believes in the potential for improved racial equity within justice systems for youth and adults in Contra Costa County.