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Contra Costa County

Racial Justice Oversight Body

2021 Final Project 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. In 2021, the Body duly



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elected Ellen McDonnell of the Contra Costa County Public Defender’s Office and Tamisha Walker of the Safe Return Project as co-chairs.

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 Rebecca Vichiquis of the County Office of Education
- Diversion Subcommittee, chaired by Stephanie Medley of the RYSE Center

Over the course of 2021, the Community Engagement & Funding Subcommittee has met a total of eight times, while the Data Subcommittee has met a total of ten times, and the Diversion Subcommittee has met a total of nine times.

Background

The operative word for the RJOB in 2021 was transition. From shifts within the ORJ to unforeseen changes within the Body itself, much has changed over the course of the year. Many of these cost the group time and momentum, often displacing continuity. Despite those setbacks, the work has continued as much as possible, with new members joining the Body, others leaving it, and some significant leadership changes within the Body at large as well as within the subcommittees.

Additionally, burnout may have played a significant role in the relative lack of momentum on some of the year’s identified objectives and goals. Many of the RJOB members work on several other similarly situated advisory boards or other collaborative spaces working to create positive changes within the County. This has a significant impact because much of the work requires additional working meetings beyond the regularly scheduled meetings scheduled for each subcommittee. Because so many of the members have a severely limited amount of time to dedicate to ad-hoc meetings, it can be difficult to have the participation and focus required to move some of these meetings along.

Significant progress involving data collection, analysis, and public reporting remained a central focus throughout the year considering the fact that the RJOB is reliant on individual agencies to agree to share data in order to meet the Body’s goals and objectives. While there is plenty of work left to be done, the Body is beginning to hit a stride in making requests, following up, and



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making the data it has received so far available to the public. However, with many County agencies not yet sharing data with the RJOB, and data remaining imperative to nearly every objective, data will remain a focal point of the work as it continues in 2022.

Observations and Findings

I. Activities and Accomplishments

The RJOB has continued to work toward its identified priorities within its work plan. Much of this work is divided among the subcommittees – Community Engagement and Funding, Data, and Diversion. Led by the Data subcommittee, the RJOB petitioned both the Police Chiefs’ Association and Mayors’ Conference at meetings this year. Representatives made formal requests for local police departments to share race/ethnicity data concerning local jail admissions, which will provide greater transparency while leading to insightful analysis to inform policy and practice changes. The RJOB also discussed background check and recruitment processes for law enforcement agents within the County after receiving concerned public comment. Finally, due to state legislative changes, the RJOB has asked for the creation of a Sheriff Oversight Board pursuant to government code section 25303.7 and refer back to RJOB for recommendations regarding its charge and composition. The complete list of Body actions taken this year are as follows:

- 5/6/21: On behalf of the CEF Subcommittee, to strongly recommend to the BOS that they endorse the creation of the Miles Hall Non-Police Response Unit and AB 988 (The Miles Hall Lifeline Act).
- 5/6/21: On behalf of the CEF Subcommittee, to request initial funding from the BOS for technical assistance with development of a proposal for a two-phase, hybrid cohort community capacity fund.
- 5/6/21: On behalf of the Data Subcommittee, request a commendation to Probation at the BOS for their engagement in the subcommittee and their willingness to share data and promote transparency.
- 8/5/21: RJOB urges the BOS to create a Sheriff Oversight Board pursuant to government code section 25303.7 and refer back to RJOB for recommendations regarding its charge and composition.



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- 11/4/21: Approved changes to Body membership and bylaws resulting from existing vacancies and address challenges with maintaining quorum.

Despite the numerous activities and accomplishments listed, the bulk of the RJOB’s work resides within the subcommittees. Each subcommittee’s work is detailed below:

- A. **The Community Engagement and Funding Subcommittee** has worked to define guidelines for the development of a community capacity fund, ultimately leading to a recommendation to the Board of Supervisors to enlist the services of a technical assistance provider to assist with fund development and provide substantive support, consultation, and financial support to participating community-based organizations. The CEF subcommittee has also been working toward hosting a community data forum, in partnership with the Data subcommittee, to engage and support community conversations surrounding the publicly accessible data retrieved by the Body. The CEF was unable to sustain the momentum it built last year on the objective of working toward a Youth Advisory Council, which would provide youth the opportunity to be heard and make contributions toward the recommendations regarding the criminal legal system and its policies for those under the age of 18. These efforts will re-launch in 2022.
- B. **The Data Subcommittee** has seen significant progress this year, spearheading efforts to support RJOB’s leadership in presenting to both the Police Chiefs’ Association as well as the Mayor’s Conference. In addition to developing these presentations, the Data subcommittee has submitted written requests to the DA’s office and has received a preliminary response. Additionally, this subcommittee has secured data on a quarterly basis from the Sheriff’s Office, the Probation Department, and the County’s Office of Education. Furthermore, the subcommittee has supported posting these data reports and findings on the RJOB’s webpage, making all of the data it currently receives available to the public. While this is not a dashboard, until logistics and content for a fully functioning dashboard are fully executed, this is a significant step toward immediate data transparency. The data subcommittee is also supporting the development of a community forum to share current data and get community feedback, which will be held early 2022. Finally, based on the disparities found in the data reporting at the point of arrest for youth and juveniles and after further exploration with a few local law enforcement agencies, this subcommittee has discovered that there is currently little to no training for law



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enforcement on engagement with youth and knowledge of adolescent brain development and cognitive behavior. With this understanding and potential for reducing a disparity among young people at arrest, the subcommittee is currently seeking to secure funding for an evidence-based training program for local law enforcement officers across the County.

- C. **The Diversion Subcommittee** finalized its definition of diversion and proceeded to invite presenters from various current and previous diversionary programs administered by County agencies and local law enforcement, outlining details such as eligibility criteria, utilization rates, offense types, etc. As the group continued to dig deeper into diversionary programs, it became clear that while it hopes to develop specific, programmatic recommendations for use in all county-led diversion programs, there are relatively basic needs which must first be addressed. These include the collection of race/ethnicity data for referrals and tracking data on successful completions vs. unsuccessful referrals, among others. The diversion subcommittee continues to work toward developing equitable and inclusive eligibility criteria to be used countywide. Members of the subcommittee have identified transition aged youth as a priority population due to lack of services and resources.

II. Attendance

The RJOB will have two vacancies entering the new year due to inactive participation and changes in personal schedules impeding member involvement. This impacted quorum and presented several challenges for the CEF subcommittee to hold and continue meeting proceedings throughout the year. The CEF subcommittee canceled three meetings due to quorum challenges – on February 11th, August 12th, and November 15th – and has made changes to its roster later in the year in hopes to address the issues and ensure that quorum will be met going forward. It will be important to ensure equity and inclusion going forward in filling vacancies and would be a great idea to potentially bring on some relative newcomers to serve on the RJOB to address the burnout issues mentioned above and bring new and evolving ideas and perspectives to the work as a whole. The Diversion subcommittee has had two meeting



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cancellations this year, both due to presenters who were unable to submit their materials on time for inclusion in the meeting agenda packets.

III. Proposed Work Plan/Objectives for Next Year

The RJOB will continue to work toward the objectives laid out in its initial work plan, which primarily consists of the recommendations developed by the Racial Justice Task Force. Many of these recommendations will be carried out by the subcommittees on 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 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 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 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’s work is also directly aligned with RJOB Work Plan Objective 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.’ 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.



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The Data subcommittee, in addition to its primary goal which is captured by Objective 11 above, has also made significant progress on Objective 2, which reads in part, “Office of Reentry and Justice shall publish data related to the demographic, criminal justice, law enforcement, and education patterns present within the County by race/ethnicity.” Establishing the data website which houses all the data collected and shared with the RJOB to date is in service to this objective from the Data subcommittee’s work plan.

Recommendations

In addition to any relevant recommendations included in earlier reports, we also recommend the following:

Building on a previous recommendation about the development of an orientation meeting and materials for new members (with at least two vacancies left for new members potentially joining the RJOB, and the expiration of term for all nine CBO Representatives seats, Local Law Enforcement Representative Seat, and Local School District Representative seat at the end of 2022), we recommend a significant and coordinated effort to bring on a few members who may not be experienced at this level. Currently, many members have much experience and are spread thin among several engagements at the County level. This will mean spending significant time to build the skills and confidence of the new members as the work continues, in hopes of developing new perspectives as well as new County advocates with potentially more time to engage this work and play an active role within it. Additionally we recommend reaching out by e-mail to members who miss meetings, which should include a copy of the Record of Actions or some similar document. This could help to build continuity and accountability for members who miss meetings and may help to establish better communication in the event of scheduling issues or other unforeseen conflicts and has had this impact in other jurisdictions.

While meetings remain virtual, we would also recommend more expansive use of programs such as Jamboard or other collaboration tools which allow users to work on the same document in real time. Such tools give members time to think and respond, even if some members or public meeting attendees do not feel comfortable speaking up in a meeting, or may not have a timely response as an agenda item prompt is announced. Additionally, these tools are helpful in developing more of a culture within the RJOB around working meetings, which will remain a



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necessary part of the work, in addition to reports on agenda items. A balance between both approaches is preferred in addition to ad-hoc working meetings between small groups of subcommittee members which do not constitute a quorum.

Related to the previous recommendation, we may need to consider the practice of developing and distinguishing working meetings from meetings which move along more quickly between agenda items. This practice would alert members that they will be expected to engage at a detailed level with materials, providing feedback and input. Such meetings may feature long pauses and may not appear as polished or efficient as others, but these are expected parts of the process when working on a document or providing feedback in real time and having such meetings occur at designated times may help everyone to be comfortable with this meeting style and to prepare to fully participate.

Questions remain within the RJOB about what the Body has the authority to do and at what point it has reached the limit of its authority and must submit actions for approval by the Board of Supervisors. Additionally, when and how to properly submit items which the Body has agreed upon to the Board of Supervisors seems relatively unclear among RJOB members. We would recommend that the RJOB meet with the Board of Supervisors at least semiannually, as this would create direct communication between the two groups, allowing the Board of Supervisors to hear directly not just the concerns and recommendations of the RJOB so that it can make the appropriate actions or inquiries, but also the context and thought processes behind each one for the best understanding. Such meetings would also allow the RJOB to follow up with the Board of Supervisors for updates on recommendations and other items submitted to the Board for approval, and would help to demystify the process of communicating with and working alongside the Board of Supervisors to achieve important goals and objectives which are all oriented toward more racially equitable outcomes in the Contra Costa County justice system.

Conclusion

While progress may sometimes appear to be slow, particularly considering the ambitious recommendations set forth by the RJTF for the RJOB to implement, it is important to point out the many strides the RJOB has been able to make this year. In particular, the Data subcommittee is to be commended for its efforts which have resulted in receiving race/ethnicity data from Probation, the Sheriff's office, and County Office of Education in addition to submitting and



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presenting requests to other relevant agencies within the local criminal legal system throughout the year. These developments are the result of hard work and will impact every level of the Body’s work going forward, as data is extremely important to help inform system decision-making to improve outcomes.

We will also institute a practice of prioritizing a few yearly goals among the many sweeping recommendations and moving those ahead as efficiently as possible to continue building momentum toward some of the larger and more challenging projects within the RJOB’s charge.

As the Body moves forward with renewed commitment to this work, orienting new members and maintaining feedback loops among the existing membership will be crucial to ensure maximum participation. Building a closer working relationship with the Board of Supervisors will also be an imperative development, helping to generate more action and continuity after the RJOB agrees to take certain action steps. This will help to eliminate burnout concerns as members begin to see their work come to fruition and have a direct line of communication, as opposed to feeling that much is beyond their control. In turn, that relationship will build community confidence, not only in the RJOB but in the process of engaging systems at this level to be accountable for racially equitable outcomes. Community confidence and buy-in surrounding these entities and processes is extremely important to building a safer, healthier, and more racially equitable Contra Costa County.

The BI continues to believe in the potential within the County to make pragmatic policy/practice changes as well as the larger cultural shifts necessary to achieve that vision, and we remain committed to the work such a vision will warrant.