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Contra Costa County

Racial Justice Oversight Body

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 Chala Bonner of the Safe Return Project
- Diversion Subcommittee, chaired by Stephanie Medley of the RYSE Center

Over the course of 2022, the Community Engagement & Funding Subcommittee has met a total of twelve times, while the Data Subcommittee and the Diversion Subcommittee both met for a total of six times.

### **Background**

Over the course of this year, the RJOB has had to confront its own capacity and limitations. While the Body has continued to work hard to accomplish its objectives, it is clear that there is a need for more communication, collaboration, and alignment between RJOB, the Board of Supervisors, Public Protection Committee, and various other county agencies and institutions in order to truly fulfill the many community-issued directives which make up its charge. Consider the fact that the Body went without making new recommendations to the Board of Supervisors this year and spent the majority of the year following up on the recommendations it made in 2021, many of which seemed to pass without the Body’s knowledge or direct feedback until the beginning of this year and thus were destined to repeat as the major tenets of the Body’s agenda.

Additionally, the RJOB has had some new members appointed to its membership over the course of this year, with more new appointees beginning the work early next year. Bringing new members up to speed on the RJOB, its charge and progress while continuing to move the various projects forward has presented its own challenges, some of which will continue into next year as we seek to orient and integrate new members as quickly and sustainably as possible.



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## **Observations and Findings**

### I. Activities and Accomplishments

As mentioned above, RJOB did not make new recommendations this year, and instead sought to follow up on recommendations from last year, with emphasis on the following:

- 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.
- 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.

With both of these recommendations being presented to the BOS at the beginning of the year during a presentation of last year's final report, RJOB essentially got feedback asking for more fleshing out of the Community Capacity Fund proposal before funding for a technical assistance provider could be properly considered. Additionally, RJOB managed to bring the prospect of a Sheriff Oversight Board to the BOS's attention and agenda, leading to much community discussion. Ultimately, the BOS decision fell short of providing community members with the authorization to potentially review law enforcement conduct which was central to the recommendation, and community members have expressed the desire to continue advocating for a Sheriff Oversight Board. In addition to these undertakings, efforts continue at the subcommittee level to develop projects and stated goals until they are ready to be submitted to the Board for approval.

- A. The Community Engagement and Funding subcommittee held a special meeting on February 16th, in collaboration with the Data subcommittee, to share basic race/ethnicity data centered around justice system outcomes with community members. This meeting was decently attended, although it was somewhat hastily put together in order to keep a pre-determined deadline. There has been much discussion, particularly in the weeks that followed, on how to refine the approach so as to make sure as many as possible can attend. The CEF subcommittee also spearheaded the call to reinstate the original RJTF Recommendation to create a Sheriff Oversight Board and received much public comment



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after the BOS took action on the item. Finally, the CEF is currently in the process of developing a more robust proposal for the Community Capacity Fund, and will continue to work with RYSE and the BI to equitably launch the Youth Advisory Council once youth input for how best to structure and coach up the council has been received and participating youths have been recruited.

- B. The Data subcommittee held its last meeting of the year on July 28th. While RJOB continues to receive quarterly data reports from Probation Department, the county's Office of Education, and the Sheriff's office, the latter data was presented in raw form due to a lack of data analysis capacity at that time within the agency. The RJOB and Office of Reentry and Justice have presented to the Public Protection Committee (May 23, 2022) and Internal Operations Committee (July 11, 2022) these concerns and to address specifically the need for more adequate fiscal and administrative support to satisfy RJOB's ongoing data requests and analytic needs as outreach would continue to expand beyond county departments to municipal law enforcement agencies. Moreover, continuing to follow up on the many data requests which were made over the last year remains at a stalemate due to that lack of capacity to analyze the data in such a way that would yield meaningful insights which could inform implementation of recommendations or be useful to share with community members. There is hope that the launching of the Office of Racial Equity and Social Justice (ORESJ) will address some of these gaps, particularly if there are data analysts embedded within the office, and because the office itself is situated within the County and should be considered a safe space for system agency data to be shared. Before temporarily suspending its meetings, the Data subcommittee, with much assistance from the Office of Reentry and Justice, had also been making great progress on securing federal funding by way of Congressman DeSaulnier's to procure a training series for local law enforcement geared specifically toward interacting appropriately and successfully with teenaged youth, and we hope to see this effort result in course offerings within the County sometime next year.
- C. The Diversion subcommittee saw smaller workgroups collaborating to attempt to create a list of offenses which would be ineligible for Diversion referrals. The rationale for this project is that it would be easier to develop a shorter list of offenses which may not currently be considered for Diversion, after which all other offenses would be considered.



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This undertaking is in direct compliance with the following excerpt from the RJTF 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.”

This list is also facing setbacks due to a lack of data capacity. The question has been rightfully raised as to what the racial impact of such a list will be, and it seems that the list itself will not be moved ahead for BOS sponsorship or adaptation by the DA’s office - which has been a partner on this project and has expressed a willingness to implement such a list if/when sufficiently agreed upon and finalized - until there is data to show which populations, by race and ethnicity, will be most impacted by the proposed changes to Diversion eligibility. It is also noteworthy that the current draft is meant for adults and that this process will need to be repeated specifically for youth once the necessary data can be secured and the current project can be completed.

Additionally, the Diversion subcommittee has been part of a planning process to launch a pilot program in West Contra Costa Unified School District, receiving direct feedback from youth about school climate and needs in order to help make schools more responsive directly to the needs of youth and to attempt to circumvent the school to prison pipeline. This is in direct service of the following excerpt from the RJTF Recommendations.

“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.



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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.”

The intent is to repeat this process, refining it based on lessons learned, for other school districts in other regions of the County to ensure equitable feedback and valuable insights. Such insights would help to inform which resources and incentives should be leveraged to the ends quoted above that will produce the greatest, most equitable, and most sustainable results.

## II. Attendance

With the help of the Office of Reentry and Justice, RJOB has made major strides in avoiding quorum issues this year. That said, RJOB has welcomed multiple new members over the course of this calendar year and will welcome more when appointments have been confirmed. Thus, new steps will be taken to ensure proper subcommittee attendance once each new member has had the chance to select the subcommittee on which that member would like to serve, including orientation meetings and consultant one-on-one calls with members. As mentioned above, both the Data and Diversion subcommittees met six times each this past year. However, this was rarely if ever due to lack of quorum. The meeting cancellations were most likely due to scheduling irregularities for subcommittee chairs, crucial missing information/meeting attachments/presenters, or due to the lack of County capacity for data analysis which has left the Data subcommittee without meaningful updates of recent.

## Recommendations

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

First, we recommend reducing the number of subcommittee meetings and allowing for smaller workgroups to carry more of the workload. In a setting such as RJOB, or any other collaborative space bringing community together with justice system agencies to address racial and ethnic equity, it is typically the case that the bulk of the action does not take place during meetings. Meetings are a place for discussion, sharing information, asking questions, or perhaps refining or



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finalizing projects or proposals before submission. However, the development of proposals, strategies, or policy and practice changes, all of which call for meaningful and lengthy collaboration, usually takes place outside of the larger meeting spaces among smaller groups who may have the experience or expertise to contribute. For this purpose, there have been several discussions to date about the appropriateness of the current meeting cadence and whether or not it should be changed for more productivity. There is much hesitancy on the part of members to make such a change to the meeting schedule, and ultimately it is their decision. Barring a change in the discussions on this matter so far, we will need to develop alternatives to keep the work moving ahead and keeping all members engaged and contributing helpful thoughts and ideas as much as possible in every meeting they attend.

Next, as mentioned above, for any of these recommendations to be fully implemented will always require significant communication and collaboration between RJOB, BOS, and implicated County agencies. We recommend developing a more intentional way forward to create that level of transparency, power sharing, and collaboration going forward. Steps have already been taken toward such an end with the PPC expressing willingness to attend meetings when invited. RJOB will finalize a form letter at the next Quarterly Meeting to ensure that such invitations are communicated in writing and memorialized on record, with the hopes of making a more formal and easily retrievable communication process which will result in direct dialogue between RJOB and the PPC whenever a recommendation is moved forward. It is extremely important that decisions do not get made based on recommendations made by RJOB without hearing directly from RJOB and the community members who continue to advocate within its meetings. It is important for all of the parties mentioned to have the opportunity to directly address those with the ultimate decision making authority and to have their comments, ideas, and feedback truly considered and reflected as much as possible in the decisions that follow.

### **Conclusion**

RJOB has the opportunity now to rethink its structure, to be reenergized by new members, and to strengthen relationships and familiarity with all of the many other players within Contra Costa County imperative to successfully attaining any of the lofty goals and recommendations set forth for implementation. Additionally, veteran members have the opportunity to step up and share more of the specific tasks necessary to achieve each of these goals in real time, allowing the Body as a whole to gain momentum. Beyond the above, the onboarding of the ORESJ will result



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in several opportunities for County agencies to share information relevant to the RJOB's many projects and endeavors.

However, it is only by the willingness to employ new or emergent strategies that ensuring sustainable and racially equitable outcomes throughout the justice continuum will be possible. Relationship building will be crucial and may require additional time or forums in which to interact for those relationships to be forged in such a way that can yield promising results. All involved must remain flexible and willing to challenge the status quo in terms of even how and when to meet, who attends and who does not, as well as how to interact with one another. Concerted efforts toward this end must materialize soon.

Additionally, crucial or contentious conversations may emerge as community members, system leaders, and other members of the Greater Contra Costa community begin unpacking patterns of thought, values, and beliefs that must be acknowledged and authentically addressed before system change can take place. This will take great courage and the capacity to embrace rather than avoid the uncomfortable. We will look forward to making time to build these crucial conversations and the development of shared values into the work while continuing to work toward the stated goals within RJOB.

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.