

# Contra Costa to study racial disparities in criminal justice system

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MARTINEZ -- One year after Contra Costa County's two highest-ranking lawyers sparred over alleged racism in the criminal justice system, the county is beginning to look into why some minority groups are overrepresented in jails and underrepresented on juries.

The proposed 15-member Racial Justice Task Force is slated to convene next year with membership coming from law enforcement, the courts, school districts and community groups.

If funding is approved by county supervisors or secured through a grant, the task force also would receive a paid facilitator and contract with a research institution to help analyze data. The effort, which some law enforcement officials have been reluctant to embrace, puts Contra Costa alongside liberal hotbeds such as San Francisco and Oakland in delving deeper into issues that have come to the fore through the Black Lives Matter movement.

"I think any time this issue gets raised, some people get defensive and think the finger is being pointed at them," Supervisor John Gioia said. "The intent here is first to acknowledge that an issue exists and identify solutions."

So far, limited available data shows that while blacks comprise nearly one in 10 county residents, they account for more than one-quarter of all criminal cases and 30 percent of current probationers. Hispanics were prosecuted at a slightly lower level than their share of the population but were vastly underrepresented on juries.

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Such disparities are common across the country, where African-Americans are arrested at rates slightly more than double their share of the population, FBI figures show.

In San Francisco, blacks comprise 6 percent of the population and 40 percent of people convicted of a crime, according to a report by the W. Haywood Burns Institute, a nonprofit trying to address the issue.

Outgoing Richmond police Chief Chris Magnus said Contra Costa hasn't collected enough data to draw meaningful conclusions about bias in the criminal justice system.

"I think it's a red flag when you see that kind of disparity," he said. "But what that means and the best way to address it is where more thoughtful analysis of the data comes in."

New data will be forthcoming under a recently passed state law that requires police departments to file reports documenting the race and gender for all police stops.

The push for Contra Costa to dig deep into such a thorny issue started just over a year ago during a Black Lives Matter movement protest outside a Martinez courthouse, and the ensuing public spat between public defender Robin Lipetzky and District Attorney Mark Peterson.

Upset over Lipetzky telling the protesters her attorneys saw "the immediate effects of the disparate treatment of our clients" both in how juries decided cases and how prosecutors filed charges, Peterson fired back with a four-page news release. In it, he declared that race was not a factor in filing charges and noted that 94 percent of black homicide victims are killed by blacks.

"The harsh reality, and what truly needs to be addressed, is that people of color are more likely to be the victims of violent crimes than others," wrote Peterson, who did not respond to interview requests.

Although Peterson has since directed his office to work with the task force, his statement served to galvanize opponents, who formed the Contra Costa Racial Justice Coalition and worked with Lipetzky's office to press for changes.

"He has no idea what it feels like to live in our communities to say what he said," said Tamisha Walker, an Antioch resident who works for a nonprofit that helps inmates transition back to society. "We're overwhelmingly policed, not just in our streets but in our schools."

The coalition successfully worked to defeat a proposed jail expansion program in Richmond earlier this year while pushing the Board of Supervisors' Public Protection Committee for a review of potential bias in the criminal justice system.

In addition to prosecution, coalition members are concerned by figures showing that whites account for 46 percent of Contra Costa's population but 62 percent of jurors. They want the court to stop exclusively trying felony cases in Martinez, which is hard for many county residents to visit by public transit.

Contra Costa's Presiding Judge Steve Austin said the policy will be hard to change because felony cases require more jurors and staff, and centralizing them in one courthouse is more

efficient. "It's sad that that's the case, but given the budget cuts we're like holding the place together with duct tape pretty much," he said.

The upcoming task force is Contra Costa's second attempt in the past decade to address racial disparities. The county convened a group in 2008 to study the disproportionate number of minority children in its juvenile justice system.

Contra Costa's Chief Probation Officer Philip Kader, who was not with the county while that study took place, said it helped raise awareness in his department but didn't change the stats.

He's concerned that the Racial Justice Task Force could get bogged down in what he called the "paralysis of process." And, he said, its success will hinge on expanding its focus to look at economic and social factors that contribute to crime.

"The bottom line is if you are just going to focus on the justice system, it's going to be an incomplete evaluation of what is going on in our society," he said. "If you want to isolate a problem, go ahead, but it will give you incomplete results."

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