



THE W. HAYWOOD BURNS INSTITUTE FOR JUSTICE FAIRNESS AND EQUITY

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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 Contra Costa County 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 Contra Costa County Racial Justice Oversight Body (hereinafter 'RJOB' or 'Body') is comprised of 18 members, including nine community representatives from local community based organizations (CBOs) and nine representatives from specified local justice system agencies. It is quite rare for the Burns Institute to see such an even representation of system and community stakeholders, an approach for which we consistently advocate but which is usually not fully executed.

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 Assistant Sheriff John Lowden of the Contra Costa County Sheriff's Office and Stephanie Medley of the RYSE Center as co-chairs. The RJOB has held five quarterly meetings to date: June 6, 2019; August 29, 2019; November 7, 2019; February 6, 2020, and May 14, 2020.

Additionally, the RJOB has established 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 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



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- *Diversion Subcommittee*, chaired by Interim Chief Bisa French of the Richmond Police Department

To date, the Community Engagement & Funding Subcommittee has met a total of six times since being approved by the Body, while the Data Subcommittee has met a total of four times. The difference in number of meetings is primarily because the Data Subcommittee will take the lead on making data requests, which will be heavily 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 Committee, which was the final subcommittee to be established, has met three times over the past two months. This committee was approved by the Body at a later quarterly meeting than the other two committees, which is why it has not yet had the opportunity to meet many times.

Observations and Findings

The RJOB was convened to implement the list of recommendations developed by the Racial Justice Task Force (RJTF) and approved by the Board of Supervisors. The term for some of the Body's current members expire on December 31, 2020. However, it is important to note that the work of reducing and/or eventually eliminating racial and ethnic disparities tends to move along slowly over the course of many years, and that even some of the recommendations themselves will take a significant length of time and should be seen as long term projects which will extend beyond this timeframe.

Furthermore, while the recommendations give the Body purpose, additional issues or action items which are not included in the list of recommendations should be considered if relevant to continue the work of equity. Indeed, some of the recommendations themselves may require additional steps not considered when the recommendations were finalized. An example of this is that the Community Engagement & Funding subcommittee added some objectives to its work plan to reflect its desire to engage members of the community in outreach events such as town hall meetings and other structured dialogues and listening sessions between system stakeholders, the RJOB, and members of the public. They were supported in doing so, and it is noteworthy to mention that real-time events, circumstances, or realizations may emerge in such a way that the Body must act and that these additional projects should continue to be welcomed.

Overall, it is readily apparent that this is a highly competent and engaged roster of members who seem to be truly committed to this work and very thoughtful in their approach. Again, the equal representation of community and system stakeholders is a grounding and promising strength in that regard. Also, several stakeholders have their own lived experiences with the local justice systems which allows them a unique perspective to bring – and these perspectives are imperative to the overall success of promoting racial equity. Many of the stakeholders are experienced



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enough in such settings that they do not hold back from putting forth contested or contradictory points, and that willingness to engage in direct, respectful confrontation is also extremely important in terms of reaching actual solutions and creating buy-in for all involved with this effort. The thoughtfulness in putting this group together and each individual's potential and execution to rise to the occasion are crucial and cannot be overstated.

Additionally, the justice agencies represented within the RJOB, including the District Attorney's Office, the Public Defender's Office, Richmond Police Department, Contra Costa County Sheriff's Office, among several others and often with the elected official serving on the Body and attending meetings consistently are of great importance to this overall effort. Executive level participation from justice agencies endows the Body with the authority, at least within the respective agencies, to implement the policy and practice changes which may come forth from it.

Furthermore, it is commendable that there has been regular attendance by members of the public who have not been assigned to the Body, many of whom have shown willingness to speak and a desire to be heard on various issues or matters which may arise over the course of a meeting. The Body has done an exemplary job in welcoming and considering these contributions when they arise, and this type of direct community engagement is an essential component of justice reform work, which should be invited and encouraged as much as possible. After all, the RJOB is doing its work on behalf of the County for the purpose of making a positive impact, so citizens of the County should have ample opportunity to provide feedback and hold its members accountable.

Finally, the body was originally convened to meet on a quarterly basis, and the RJOB will continue to do this. However, for the many ambitious and important goals the RJTF set forth for the RJOB to implement, quarterly meetings are not enough. We typically recommend workgroups to monitor data on a monthly basis to ensure any policy or practice changes enacted to address racial and ethnic disparities are working properly, and that any negative changes in jail or detention population trends can be triaged in real time. To the tremendous credit of the RJOB, its subcommittees which were also originally designed to meet on a quarterly basis have all committed to meeting monthly— and did so without being prompted by BI or the Office of Reentry and Justice but because of their own acknowledgment of and dedication to the work they have been convened to do and the time commitment such an endeavor will take.

However, this change did create a series of scheduling irregularities for BI as technical assistance providers as well as some among the group, leaving two subcommittee meetings (among the several which were successfully held) unable to make quorum. The meetings should absolutely continue on a monthly basis, but this would have been a smoother development as an original planning concept rather than an ad-hoc development, although that development is deserving of much applause. It is important to note that the Office of Reentry and Justice has been able to guide the RJOB to solutions to correct these irregularities.



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Recommendations

Many of the RJTF's recommendations thoughtfully require action to be taken among system-involved youth and adults separately. This distinction's importance cannot be understated as the policies, practices, governance, and administration of justice in youth systems are very different from those within adult systems. The importance of this distinction results in many jurisdictions across the country electing to have separate committees or working groups for youth and adult efforts. While BI does not make that recommendation here, BI does recommend paying attention, over the life of this Body, to how the structure could facilitate or impede progress for both populations.

Consider whether there are agencies or department heads within agencies which should be invited to certain meetings based on relevance to the population they serve and whether or not there is enough representation for each population in the Body as currently constructed. Additionally, consider the extent to which the Body is properly situated to field input from youth. Prior to the shelter-in-place order due to the pandemic, meetings have been happening in a county building on a weekday during school hours. It is not likely that many youth know about this Body, its work, purpose, or goals, meeting details such as time and whereabouts or that they have been directly engaged about potentially contributing in some meaningful way. BI recommends that the RJOB host a series of standing meetings to incorporate youth voice and to determine what youth need to promote racial equity in the County. This feedback should be used to build or expand existing programs for youth and to guide recommendations for policy and practice change in youth systems. This is essential because due to the nature, time, and place of the RJOB, youth voice must be incorporated ad-hoc. These conversations should be held at various times and places throughout the county with some regularity and should be scheduled based on direct feedback from youth about best dates and times for such meetings to be held. These meetings may also require some level of training for RJOB members on how to talk to, build rapport with, and extract pertinent information from youths who otherwise may not be comfortable or interested in speaking with adults candidly about such things.

Similarly, finding ways to engage more adults from the community and garner feedback which guides recommendations for policy and practice change is highly recommended. While as noted above, many people do regularly attend the meetings although they are not appointed to the Body, a great number of these individuals seem to work in some capacity for the county such that they may be compensated by county agencies for their time. This is not at all negative, it simply highlights the fact that many of the community members who do not work for the county but might need to be heard on certain matters discussed before the Body are likely unable to do so because of work and/or scheduling conflicts, transportation, or other concerns. It is important to continue to work to make sure the public is aware of this body's existence, its stated purpose and goals, and the work to date – and this may require efforts in addition to posting the agenda in



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public spaces and on the County's website. It is also important to keep the meeting dates, times, and locations as flexible as possible to attempt to accommodate more community participation. Just as with youth, the RJOB has an opportunity to host a series of public discussions with the community. The Community Engagement and Funding Subcommittee of the RJOB has specifically identified educating and informing the community about how the justice system works and each individual's rights as well as hearing from the community on ways that the justice system could improve and incorporating the feedback into the RJOB's recommendations and overall work as objectives moving forward. Those meetings should be held throughout the County, at various times and places and with some community input about which times and places might be the most easily accessible, and also might require some level of training on how to best extract information from such dialogues.

Next, there is a countywide effort underway to create and enact a countywide Racial Equity Action Plan (REAP), and many of the objectives are similar or fit well together. For instance, it seems that the Community Engagement & Funding Subcommittee will work alongside those involved with implementing the REAP to hold some of the community conversations discussed above. This is a very important opportunity for the RJOB to share potential funding as well as manpower with those entrusted with the REAP to help ensure a large reach for efforts to improve racial equity and inclusion throughout Contra Costa County. Thus, diligent efforts should be undertaken to coordinate and plan for how to maximize this opportunity while meeting the goals and objectives of both groups and taking advantage of the many individuals and offices involved as well as any resources either group might bring to the table. Intentional planning and coordination should also ensure that neither group unnecessarily duplicates or cannibalizes the other's work and that they do not end up competing for resources within the county nor from external sources, such as state or other grants.

Additionally, while the RJOB itself and the recommendations it is tasked with implementing are great starts toward reaching racial equity, these efforts will inevitably fall short of their goals and great potential if they are not funded. While funding issues are a necessary part of life at the county administrative level and budgets are always difficult to develop, the BI would strongly recommend and encourage that the RJOB be assigned an operating budget each year. From there, the body can supplement that budget with grants which arise and that they apply for, provided the body has support with grant writing and with searching for appropriate and relevant grants based on upcoming projects. The funding should be reserved for the development or expansion of community based organizations and/or community-led projects which are relevant to the RJOB's stated purpose, goals, and objectives. BI also recommends training for all RJOB members on county budgeting processes, including how to properly request funds from the Board of Supervisors.



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Additional Considerations

Racially proportionate representation – It is important to consider the racial makeup of the Body and whether or not it is representative of County demographics. If all ethnicities are not represented, or some are disproportionately underrepresented within the Body in relation to the overall County population, additional steps may be required to address this issue. No racial or ethnic group should go without direct representation on the Body where possible, and long-term outreach and recruitment efforts may need to be undertaken to reach this goal over time.

Other municipal agencies - One of the earliest questions that arose during BI's engagement with the RJOB was that of how to invite or require smaller municipal agencies to participate. While those smaller municipal agencies are within the county, they are not governed by the county in such a way that participation would be mandated. However, in order to truly ensure that there is impact on racial and ethnic disparities throughout the county at large, municipal agencies which are not required to be a part of this work will need to be engaged. This may require a considerable level of outreach about the work we are doing, why it is important, how it has been effective, and why it should not be considered threatening.

Clarity on role within county government – In order for the RJOB to be successful, all members need to feel comfortable understanding their role within the county government structure, what they may or may not request the Board of Supervisors to do, and how those processes are to be properly completed. This would likely require some level of training for members on how to successfully engage county processes to achieve their desired outcomes. It is commendable for the RJOB to be positioned to leverage the influence and authority of the Board of Supervisors to have a positive impact on racial and ethnic equity in the County's justice systems, but it is also very important that the RJOB be aware of how best to do so.

Attendance – RJOB currently has some members who represent local CBOs who, for scheduling purposes, have been unable to attend a number of the meetings, as well as others who started out consistently attending with vocal participation who have not been attending the most recent meetings. It is important to develop outreach efforts for these participants, including potential schedule and location changes and/or individual follow-up e-mails and phone calls to attempt to ensure that all voices are heard and that all members are in attendance, engaged, and participating.

Recommendations and messaging – the RJOB will make recommendations which are to be vetted and eventually backed by the Board of Supervisors. Inevitably, in order to successfully do this and have the recommendations implemented throughout the county as well as within the agencies implicated, the RJOB will need to communicate with these agencies directly, hopefully engaging executives as well as frontline staff to understand any and all data, findings, and research the recommendations are based upon and giving them the opportunity to ask questions



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for understanding. Messaging why the recommendations exist and what their respective purposes are will be instrumental in ensuring implementation once the recommendations have been made and should be planned for accordingly.

Conclusion

This is a highly engaged and well-informed group who all seem to understand the Body's goals and objectives and to demonstrate noteworthy commitment to them. This is reflected in the high-level discussions and ideas which come out of the group on a regular basis. As we pivot from planning and designing the solutions recommended by the RJTF to implementing them, these discussions and ideas will make the group's work all the more promising. That said, by addressing many of the issues raised above, this group's potential for impact can be more fully realized.

We look forward to working with the RJOB to achieve these goals and to the learning that will come from engaging the various stakeholders involved to promote racial equity in both youth and adult justice systems in the County. By engaging community directly, maintaining the attendance and participation of all stakeholders (especially those who are formerly systems involved), developing a dedicated budget, and coordinating with other local justice agencies to create accountability and feedback loops between those agencies and the RJOB, this body will be positioned to make positive changes in Contra Costa County.

These changes never occur as rapidly as we would like, but through a sustained effort of maintaining focus, diligence, a consistent message, and the power of data as a tool to drive decision making will develop the momentum over time to create more equitable justice policies and practices in the County. The work to address structural racism in justice systems is always evolving and presenting new challenges, and those who engage in that work must continue to evolve with it, taking on new challenges as they arise and always monitoring data and human feedback as you strive to meet the underlying needs which often lead to unacceptable acts or behaviors as opposed to merely punishing the acts themselves. We applaud the RJOB's efforts so far and look forward to continuing to support this work going forward.

Addendum

This document was originally drafted and submitted on March 16th, 2020 in anticipation of the originally scheduled March meeting of the Public Protection Committee. As such, various notable changes have occurred during the interim period. These changes are presented below:

- After suspending activities due to COVID-19 guidelines and safety concerns, the RJOB reconvened on May 14th, 2020. The meeting, held virtually, featured an overwhelming show of community presence and support – and much of the Public Comment section of the meeting was taken up with discussion of concerns that people who are incarcerated



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may become infected with COVID-19 and potentially spread it amongst the community when released. The majority of public attendees advocated for emergency release strategies to decrease this risk, and the RJOB agreed to potentially discuss, vote on, and adopt a formal resolution based on the concerns discussed.

- RJOB Member Ledamien Flowers announced his resignation from the Body to ORJ staff on May 12th. The PPC will determine a process by which a new CBO member may be nominated and, if approved, subsequently appointed to the Body by the Board of Supervisors.
- Since this document was originally drafted, the Diversion Subcommittee has met three times with the latest meeting held on June 18th.
- The Data Subcommittee has met and potentially identified a target population for more intense focus to be discussed at the next RJOB Quarterly Meeting on August 6th.
- The Community Engagement and Funding Subcommittee met on June 11th and decided to host a virtual town hall/community forum at its next monthly meeting on July 9th to hear concerns and suggestions from the community in light of the civil unrest.

Finally, in light of the disgraceful actions which led to the death of George Floyd (among others), massive protests and demonstrations have taken place throughout the County as well as the rest of the nation. The civil unrest has created a virtually nationwide push for radical change to justice systems, their accountability to the citizens within the jurisdictions wherein they operate, and the role they play in racial injustice. The Racial Justice Oversight Body is uniquely positioned to be a key part of the County's response to this intense call for change, but only if joined and supported by the County to take bold and unprecedented action in response to an unprecedented degree of area and national engagement. It will require courage, creativity, and a willingness to work with the community to do the deep work of rooting out structural racism. It is important for the County to strongly consider new ideas and approaches to government which may appear controversial and uncertain, and to work alongside advocates for change to powerfully demonstrate its values in developing a system that more holistically responds to the needs of its citizens. The Burns Institute is committed to supporting this work in a variety of ways and is hopeful that this watershed moment is the beginning of true structural change.