Agenda

RACIAL JUSTICE TASK FORCE
January 3, 2018
1:00 p.m. to 3:30 p.m.
Room 101/102
40 Douglas Drive, Martinez

Agenda Items:

1. 1:00-1:05 Introductions

2. 1:05-1:10 Meeting Objectives

3. 1:10-1:15 Approval of the Meeting Minutes (Action Item)

4. 1:15-1:20 Public Comment on any item under the jurisdiction of the Task Force and not on this agenda. (Speakers may be limited to three minutes.)

5. 1:20-1:50 Review of Juvenile Justice Data (Presentation and Discussion)
   (Attachment A - Juvenile Justice Intervention Fact Sheets)

6. 1:50-3:20 Juvenile Justice Recommendations (Presentation and Discussion)

7. 3:20-3:30 Next Steps

8. 3:30 Adjourn

The Office of Reentry & Justice will provide reasonable accommodations for persons with disabilities planning to attend Racial Justice Task Force meetings. Contact the person listed below at least 72 hours before the meeting.

Any disclosable public records related to an item on a regular meeting agenda and distributed by the County to a majority of members of the Racial Justice Task Force less than 96 hours prior to that meeting are available for public inspection at 651 Pine Street, 10th floor, during normal business hours.

Public comment may be submitted via electronic mail on agenda items at least one full workday prior to the published meeting time.

For Additional Information Contact: Lara DeLaney, Director of Office of Reentry & Justice
Phone (925) 335-1097 Fax (925) 335-1098 Lara.DeLaney@cao.ccccounty.us
Glossary of Acronyms, Abbreviations, and other Terms (in alphabetical order):
Contra Costa County has a policy of making limited use of acronyms, abbreviations, and industry-specific language in its Board of Supervisors meetings and written materials. Following is a list of commonly used language that may appear in oral presentations and written materials associated with Board meetings:

<table>
<thead>
<tr>
<th>Acronym</th>
<th>Full Form</th>
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<tbody>
<tr>
<td>AB</td>
<td>Assembly Bill</td>
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<td>ABAG</td>
<td>Association of Bay Area Governments</td>
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<td>ACA</td>
<td>Assembly Constitutional Amendment</td>
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<td>ADA</td>
<td>Americans with Disabilities Act of 1990</td>
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<td>AFSCME</td>
<td>American Federation of State County and Municipal Employees</td>
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<td>AICP</td>
<td>American Institute of Certified Planners</td>
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<td>AIDS</td>
<td>Acquired Immunodeficiency Syndrome</td>
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<td>ALUC</td>
<td>Airport Land Use Commission</td>
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<td>AOD</td>
<td>Alcohol and Other Drugs</td>
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<td>ARRA</td>
<td>American Recovery and Reinvestment Act</td>
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<td>BAAQMD</td>
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<td>BART</td>
<td>Bay Area Rapid Transit District</td>
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<td>Bay Conservation &amp; Development Commission</td>
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<td>Better Government Ordinance</td>
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<td>BOS</td>
<td>Board of Supervisors</td>
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<td>CALTRANS</td>
<td>California Department of Transportation</td>
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<td>CalWIN</td>
<td>California Works Information Network</td>
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<td>CalWORKS</td>
<td>California Work Opportunity and Responsibility to Kids</td>
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<td>CAER</td>
<td>Community Awareness Emergency Response</td>
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<td>CAO</td>
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<td>Contra Costa Health Plan</td>
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<td>Contra Costa Transportation Authority</td>
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<td>Community Development Block Grant</td>
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<td>California Environmental Quality Act</td>
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<td>Cost of living adjustment</td>
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<td>Contra Costa Consolidated Fire District</td>
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<td>California Transportation Commission</td>
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<td>EIS</td>
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<td>Emergency Medical Services</td>
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<td>Federal Emergency Management Agency</td>
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<td>First Five Children and Families Commission (Proposition 10)</td>
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<td>Geologic Hazard Abatement District</td>
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<td>GIS</td>
<td>Geographic Information System</td>
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<td>(State Dept of) Housing &amp; Community Development</td>
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<td>HHS</td>
<td>Department of Health and Human Services</td>
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<td>HIPAA</td>
<td>Health Insurance Portability and Accountability Act</td>
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<td>Human Immunodeficiency Syndrome</td>
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<td>High Occupancy Vehicle</td>
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<td>HR</td>
<td>Human Resources</td>
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<td>HUD</td>
<td>United States Department of Housing and Urban Development</td>
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<td>Industrial Safety Ordinance</td>
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<td>JPA</td>
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<td>Public Employees Union Local 1</td>
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<td>M.D.</td>
<td>Medical Doctor</td>
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<td>M.F.T.</td>
<td>Marriage and Family Therapist</td>
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<td>MIS</td>
<td>Management Information System</td>
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<td>MOE</td>
<td>Maintenance of Effort</td>
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<td>MOU</td>
<td>Memorandum of Understanding</td>
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<td>MTC</td>
<td>Metropolitan Transportation Commission</td>
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<td>National Association of Counties</td>
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<td>OB-GYN</td>
<td>Obstetrics and Gynecology</td>
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<td>O.D.</td>
<td>Doctor of Optometry</td>
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<td>OES-EOC</td>
<td>Office of Emergency Services-Emergency Operations Center</td>
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<td>OSHA</td>
<td>Occupational Safety and Health Administration</td>
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<td>Psy.D.</td>
<td>Doctor of Psychology</td>
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<td>RDA</td>
<td>Redevelopment Agency</td>
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<td>RFI</td>
<td>Request For Information</td>
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<td>Request For Proposal</td>
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<td>Request For Qualifications</td>
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<td>Registered Nurse</td>
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<td>SB</td>
<td>Senate Bill</td>
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<td>TRANSPAC</td>
<td>Transportation Partnership &amp; Cooperation (Central)</td>
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<td>TRANSPLAN</td>
<td>Transportation Planning Committee (East County)</td>
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<td>TRE or TTE</td>
<td>Trustee</td>
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<td>TWIC</td>
<td>Transportation, Water and Infrastructure Committee</td>
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<td>UCC</td>
<td>Urban Counties Caucus</td>
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<td>VA</td>
<td>Department of Veterans Affairs</td>
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<td>versus (against)</td>
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<td>WAN</td>
<td>Wide Area Network</td>
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<td>WBE</td>
<td>Women Business Enterprise</td>
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<td>WCCTAC</td>
<td>West Contra Costa Transportation Advisory Committee</td>
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Schedule of Upcoming Meetings
Racial Justice Task Force Kickoff Meeting Minutes

Racial Justice Task Force Members
11.1.17

<table>
<thead>
<tr>
<th>Member</th>
<th>In Attendance</th>
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<tbody>
<tr>
<td>1. Todd Billeci, Chief Probation Officer</td>
<td>Present</td>
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<tr>
<td>2. Debra Mason, Mount Diablo Unified School District (MDUSD)</td>
<td>Present</td>
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<tr>
<td>3. Robin Lipetzky, Public Defender</td>
<td>Present</td>
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<tr>
<td>4. Dennisha Marsh, First Five CCC, City of Pittsburg Community Advisory Council</td>
<td>Present</td>
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<tr>
<td>5. Tom Kensok, Assistant District Attorney</td>
<td>Present</td>
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<tr>
<td>6. Magda Lopez, Director of Court Programs and Services</td>
<td>Present</td>
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<td>7. Harlan Grossman, Government Alliance of Race &amp; Equity (GARE)</td>
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<td>8. John Lowden, Contra Costa County Sherriff’s Office</td>
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<tr>
<td>9. Dr. Christine Gerchow, Psychologist at Juvenile Hall Martinez</td>
<td>Not Present</td>
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<tr>
<td>10. Stephanie Medley, RYSE &amp; AB109 CAB</td>
<td>Present</td>
</tr>
<tr>
<td>11. Marcus Walton, Director of Communications West Contra Costa Unified School District</td>
<td>Present</td>
</tr>
<tr>
<td>12. Bisa French, Assistant Chief at Richmond Police Department</td>
<td>Present</td>
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<tr>
<td>13. Dr. Cardenas Shackelford, Coordinator Student Intervention and Support, Antioch Unified School District</td>
<td>Present</td>
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<td>14. Tamisha Walker, Founder &amp; Director Safe Return Project</td>
<td>Present</td>
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<tr>
<td>15. Pastor Donnell Jones, Richmond Ceasefire</td>
<td>Not Present</td>
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<tr>
<td>16. Reverend Leslie Takahashi, Mt. Diablo Universalist Church</td>
<td>Not Present</td>
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<td>17. Dr. William Walker, Health Services Director</td>
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</tbody>
</table>

Resource Development Associates
- Mikaela Rabinowitz
- Ardavan Davaran
- Jasmine Laroche
- Kelechi Ubozoh

Public Attendees
- Lee Lawerence
- Peter Dragovich
- Martha Dragovich
- Judith Tannenbaum
- Dough Leich
- Martha
- Peggy Crowl
Meeting Notes

I. Introduction

II. Approval of Meeting Minutes

- Meeting minutes approved the minutes with two abstentions

III. Public Comment (items not on the agenda):

- Public members shared their concerns regarding the engagement of public member feedback throughout the task force meetings, the importance of implementing recommendations throughout the duration of the project and beyond, as well as acquiring current anonymized individual data.

IV. Community Forum Discussion

- Task Force Members and public shared their outreaching efforts and their plans to attend the scheduled forums.
- 16 task force members are attending the forums

V. Juvenile Justice Presentation and Discussion

Relative Rate Index/Data Collection Discussion

- RDA presented data displaying racial disparities by a Relative Rate Index and Rates.
- Task Force Members expressed their concern around the task force not having access to current data.
- The Office of Reentry and RDA explained that they are working together to communicate the need for the courts to release anonymized data for this project.

CCC Interventions Discussion

- RDA presented current Contra Costa County interventions.
- Task Force Members shared that the following interventions are taking place within the county:
Contra Costa County
Racial Justice Task Force—Meeting #8 Notes

- Youth Justice Initiative provides funds to Antioch Middle School to reduce suspensions and reduce disparate treatment. The initiative also funds a wellness center for youth that disrupt a classroom as an alternative to suspensions.
- The Public Defender’s office has funded a part-time advocate to work with CBOs and RYSE to intervene with youth that are involved in probation. The youth receive an attorney that works with them to help them get referred to services like job training, counseling (this is an in-custody program).

2013-14 RED Data Discussion
- RDA presented racial and ethnic disparities (RED) data throughout the juvenile justice system.
- Task Force Members grappled with understanding Relative Rate Index data and data by rates at different points of the system.

VI. Next Steps
- RDA will provide an update on the data and the outcomes of those conversations.
Racial Justice Task Force Kickoff Meeting Minutes
Racial Justice Task Force Members
12. 6.17

<table>
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<td>16. Reverend Leslie Takahashi, Mt. Diablo Universalist Church</td>
<td>Present</td>
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<td>17. Dr. William Walker, Health Services Director</td>
<td>Not Present</td>
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*Indicates clarification of task force member’s attendance. Todd Billeci was not present but Lesha Roth from the Probation Department was in attendance as a substitute for Todd. Additionally, Stephanie Medley was not physically present, but she did call into the meeting for a brief period of time.

Resource Development Associates

- David Muhammad
- Jasmine Laroche
- Kelechi Ubozoh

Public Attendees

- Donte Blue
- Jamie Jenett
- Oscar Flores
- Judith Tannenbaum
- Doug Leich
- Martha and Peter Dragovich
- Roxanne Carillo Garza

December 6, 2017 | 1
Meeting Notes

I. Introductions
   • RDA introduced David Muhammad as the new team member.

II. Meeting Objectives and Data Updates
   • RDA informed the task force that David would lead the facilitation of implementing recommendations moving forward.
   • Kelechi informed the task force and the public that she will be transitioning off the project as facilitator.
   • Based on legal changes, individual level data may be available from probation in January.
   • **RDA has received aggregated data that will be presented in January.**
   • Court cannot release individual level data from the courts due to legal ramifications
   • Lara Delaney spoke with the Deputy of Corrections of Rehabilitation, he will try to assist RDA with data.
   • Case level data is available from the public defender’s office.

III. Approval of Meeting Minutes
   • Meeting minutes were not approved given that there was no quorum.

IV. Public Comment (items not on the agenda):
   • The Racial Justice Coalition has advocated for the reform of fees that burden communities of color. Reimbursement for families that have been fined must be something that county focuses on. RJC calls on the task force to take a vote today on county reimbursement to families of improper charges.
   • No other public comments.

V. Community Forum Report Back Discussion
   • Task force members shared their reflections on topics discussed at the community forums.
   • Harlan Grossman and Leslie Takahashi reported key topics that stood out from all five the forums that they attended. Summary of topics are listed below:
     • In Danville, there was a recommendation about increasing public education around services available to the public and strengthening diversion programs that incorporate families. There was also a recommendation to incorporate youth voices and to have youth representatives on the task force.
     • In Concord, there was a recommendation to create more opportunities for police and community interaction and there was also a comment about the lack of clubs or activities for youth. There was a need to keep youth engaged and keep them out of the CJ system. There was also a recommendation to promote
civic engagement of the youth to involve them in government and empower the youth.

- In Pittsburg, there was a recommendation to reduce or remove fee requirements for diversion programs and expand the ceasefire program into the city. There was also a comment about hiring Black and Latino officers that are from Pittsburg.

- In Antioch, they made recommendations around providing supports to families and educate parents on how the justice system works. There was also a recommendation around increasing the diversity of teachers in the school system.

- In Richmond, there was discussion around the climate working, the importance of trauma informed care, and providing parenting classes and how to help parents keep their kids engaged.

- Community members also shared the importance of continuing this discussion beyond the end of this project, creating more opportunities for community input, and using the expertise within the community when creating police trainings.

**Public Comment:**

- Public members shared the importance of continuing to incorporate community input and engagement throughout the process, provide trauma informed training to police, consider implementing a mentoring SRO system across the county, and make available all notes from the community forums.

### VI. Juvenile Justice Interventions

- RDA shared a variety of interventions for the juvenile justice system that the task force could consider implementing.

- Task force members shared the following initiatives that are currently being implemented within the county:
  - Pilot program of LEAD in Antioch
  - The County Probation Department is currently seeking a detention-screening tool and a graduated response matrix.

### VII. 2018 Task Force Priorities

- **Task force members overall agreed to stay on track with the current interventions and topics discussed.**

- Task force members did articulate the importance of continuing the discussion around the impacts of the school system upon the justice system, pushing harder for data collection, and considering innovations around reduction of fees and fines.

- Public members requested that an exhaustive list of interventions from RDA’s presentation be shared and also consider the impact of the war on drug policy upon communities of color.

- **Moving forward, monthly meetings will be 2.5 hours long.**
Introductions
### Project Activities and Timeline

#### 2017

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<th>Project Launch and Convening</th>
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#### 2018

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<th>Review System Process Flows and Data</th>
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<td>Focus on County Adult Justice System</td>
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<td>Finalize Recommendations</td>
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<td>Community Forums</td>
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<td>Present Recommendations to Board</td>
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Meeting Minutes
In 2014, Black youth in CCC were much more likely than Hispanic and White youth to be referred to Probation.

Rates of Referral to Probation, by Race*

Referrals to Probation RRI, by Race*

*JCPSS, Contra Costa County Probation Department and Juvenile Court

Legend:
- **White**
- **Black**
- **Hispanic**
Of the agencies studied, Antioch PD makes more referrals to Probation & and has the greatest disparity in youth referred by race.
In 2014, Black and Hispanic youth were more likely than White youth to be detained prior to adjudication.

Pre-Adjudication Detention Rates, by Race*

Pre-Adjudication Detention RRI, by Race*

*JCPSS, Contra Costa County Probation Department and Juvenile Court
In 2014, petitions filed for Black youth were at a higher rate than all other groups; however, relative to referrals, the rate was the same as all other groups.

*Rates of Petitions Filed by Race*

*Petitions Filed RRI, by Race*

*JCPSS, Contra Costa County Probation Department and Juvenile Court*
In 2014, Black youth received placement at a higher rate than all other groups; however, relative to being a ward of the Court, the rate was relatively the same across all groups.

Placement Rates per 1,000 Youth by Race*

Placement RRI, by Race*

*JCPSS, Contra Costa County Probation Department and Juvenile Court
In 2014, Black youth were sent to secure confinement at a higher rate than all other races; relative to being a ward of the Court, Hispanic youth were securely confined at a higher rate.

Secure Confinement Rates, by Race*

Secure Confinement RRI, by Race*

*JCPSS, Contra Costa County Probation Department and Juvenile Court

White  Black  Hispanic
Preliminary Recommendations

- Non-Punitive School Discipline
- Diversion
- Structured Decision Making
- Alternatives to Confinement
- Holistic Legal Representation
Non-Punitive School Discipline
Potential Recommendations for Non-Punitive School Discipline Practices:

1) All schools in CCC implement non-punitive discipline practices, such as PBIS and Restorative Justice.

2) CC County Office of Education should provide 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.
Diversion
Potential Recommendations for Diversion:

1) Probation, the DA’s Office, and ORJ should establish formal partnerships with CBOs to provide diversion programs & services for youth.

2) Probation, the DA’s Office, the Public Defender’s Office, and ORJ should establish criteria for diversion programs, with a focus on those offenses with greatest racial disparity.

3) Probation, the DA’s Office, and ORJ should work with the County Police Chief’s Association to clarify and formalize appropriate offenses for diversion.

4) Probation, the DA’s Office, ORJ, and the County Police Chief’s Association should establish data collection parameters and processes.

5) ORJ should support analysis of diversion programs to measure efficacy and assess impact on racial disparities.
Structured Decision-Making
Potential Recommendations for SDM Practices:

1) Probation should develop or identify and validate the following evidence-based SDM tools for implementation:
   - Detention Risk Assessment Instrument (DRAI)
   - Dispositional Recommendations Matrix
   - Graduated Response Grid

2) Probation should regularly assess tools to measure impact on racial disparities.
Alternatives to Confinement
Potential Recommendations for Alternatives To Confinement:

1) Probation, the DA’s Office, and the Court should create an **alternatives to confinement eligibility** with a focus on reducing racial disparities.

2) Probation, the DA’s Office, and the Courts should establish formal partnerships with community based organizations to provide alternatives to confinement like Reporting Centers.

3) ORJ, Probation and the Court should support data collection and analysis of alternatives to confinement interventions to measure efficacy and assess impact on racial disparities.
Holistic Defense
Potential Recommendations for Holistic Defense:

1) The Public Defender’s Office should hire social workers who can assess youths’ psychosocial needs and link them to services.

2) The Public Defender’s Office, either directly or through partnerships with community based organizations, should represent clients in immigration proceedings.

3) The Public Defender’s Office, either directly or through partnerships with community based organizations, should offer civil legal representation to youth, with a focus on educational advocacy.

All of these services should be provided pre- and post-disposition.
Next Steps

- Criminal Justice System
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School Based Interventions

In order to disrupt the “school to prison pipeline,” it is imperative for schools to eliminate punitive disciplinary practices that push youth out of schools and into the juvenile justice system. Research shows that implementing Positive Behavioral Intervention Supports (PBIS) and/or restorative justice practices to replace punitive responses to disciplinary issues helps improve school safety and promote positive behavior among youth.

Positive Behavioral Intervention and Supports

PBIS is a framework for adopting and organizing evidence-based behavioral interventions into an integrated approach that promotes positive behavior outcomes for all students. PBIS focuses on preventing disruptive behavior, not punishing it, while also removing punitive responses to disciplinary issues.

Key principles of PBIS

- Every child can learn proper behavior.
- Stepping in early can prevent more serious behavior problems.
- Each child is different, and schools need to provide many kinds of behavior support.
- How schools teach behavior should be based on research and science.
- Following a child’s behavioral progress is important.
- Schools must gather and use data to make decisions about behavior problems.

PBIS Implementation

Schools implementing PBIS should partner or be trained by PBIS experts (e.g., Office of Special Education (OSEP) Technical Assistance Center) and identify a leadership team to oversee the implementation of a behavioral plan management plan that includes: 1) strategies to teach, review, monitor, and reinforce behavioral expectations; 2) a continuum of strategies for rewarding appropriate behaviors; and, 3) a continuum of strategies for responding to inappropriate behaviors. The leadership team, in collaboration with a partnering agency, should also create and sustain: universal supports for all students (Tier 1 supports), a modified curriculum for students not responding to universal supports (Tier 2 supports), and a specialized and intensive curriculum for students who are nonresponse to the modified core curriculum (Tier 3 supports).

Behavioral management plans and curriculums should adapt evidence-based practices and systems to the context of the local culture such that characteristics and cultural learning histories of stakeholders, implementers, and consumers are embedded in a comprehensive and authentic manner. Finally, the leadership team should also regularly assess sustained implementation of the behavioral management plan and curriculums as well as the performance and progress of all students.
Example of School Implementation

Jonesboro Middle School (JMS) in Clayton County, Georgia implemented School-wide Positive Behavior Support in 2003 after receiving a stipend to send a team of staff members to three-day training on a schoolwide PBIS effort that Georgia calls Effective Behavioral and Instructional Supports (EBIS). The team included the assistant principal in charge of data and discipline, representative core teachers from each grade level, representative special education teachers, representative staff members, and a parent representative. Based on what they learned at the training, the JMS team implemented the following characteristics of EBIS at Jonesboro:

- **Data-based Decision Making** – JMS utilized an on-line data collection and analysis tool efficiently to identify trends in problem behavior and support data based decision-making.

- **A Simple Set of Behavioral Expectations** – JMS developed three simple behavioral expectations: 1) be respectful of self, others, and property, 2) be responsible and prepared at all times, and 3) be ready to follow directions and procedures. After school staff agreed on the basic principles they worked in groups to define what each expectation looked like across all areas in the school. For instance, being “respectful” on school grounds was defined as “picking up trash or litter and putting it in the proper receptacle.” In order to ensure students new the rules in different school areas, the leadership team printed area specific rules and printed them on large and bright paper for all students to be able to read.

- **Teaching Behavioral Expectations** – All staff were expected to respond to undesirable behaviors the same way, and came to agreements on how they would address things like attendance, tardiness, student attire, and other behavioral issues.

- **Acknowledging Appropriate Behavior** – JMS also decided to reward students, and teachers, for positive behavior. They developed a “gotcha” system where students were given “gotchas” when they followed appropriate behaviors outside of the classroom. “Gotchas” could be traded in to the principal for small prizes such as lunch time ice cream parties. Students could also give teachers “gotchas” by telling the assistant principal what the teacher did to deserve one. All nominees’ names were put into a drawing, and at the end of the day one nominee received a goose, which stood for “get out of school early,” and the assistant principal would teach the last half an hour of the day while the teacher could leave early.

After one year of implementation office discipline referrals were cut in half, and an assessment noted that teacher for teacher, the lower number of office discipline referrals, the higher their students’ achievement test scores were.

**Restorative Justice**

Restorative justice suggests a fundamental shift in the way society thinks about and practices justice, with numerous applications for addressing conflict within schools as an alternative to punitive disciplinary practices. Restorative justice practices focus on repairing harm caused by an incident by
inviting everyone affected to a dialogue focusing on how to repair the harm, paying equal attention to community safety, victims’ needs, and offender accountability and growth. vi

**Through implementing restorative practices, members of the school community will:** vii

- Have an opportunity to be heard;
- Understand the greater impact of one’s actions;
- Learn to take responsibility;
- Repair the harm one’s actions may have caused;
- Recognize one’s role in maintaining a safe school environment;
- Build upon and expand on personal relationships in the school community; and,
- Recognize one’s role as a positive contributing member of the school community.

**Restorative Justice School-Based Implementation** viii ix

Schools seeking to implement restorative justice should partner with implementation experts (e.g., Restorative Justice for Oakland Youth) and train all teachers and staff in restorative justice practices, including restorative justice circles used for building trusting relationships and addressing disciplinary issues. Schools should hire restorative justice school coordinators (from partner organization to begin) who provide implementation support to teachers and staff and serve as disciplinary case managers.

Restorative justice school coordinators and trained teachers help build open and trusting school communities by implementing relationship building circles to address behavioral issues. When incidents occur, rather than using punitive discipline measures, disciplinary case managers reach out to everyone involved in an incident, including family members and school staff if appropriate, to lead a conflict resolution circle. During conflict resolution circles, the restorative justice circle leader facilitates a conversation wherein victims of an incident have the opportunity to describe the impact of the incident on them. The person who ‘caused’ the harm has the opportunity to respond and discuss why he/she did what he/she did. Together the group comes up with an agreed upon ‘consequence’ to restore the harm done. These circles provide an opportunity to repair the harm caused by an incident by holding individuals accountable for their actions without formal juvenile justice involvement.

**Example of Restorative Justice School Implementation**

Cole Middle School in West Oakland partnered with Restorative Justice for Oakland Youth (RJOY) to develop a school based restorative justice program in 2006. To establish a restorative justice culture in the school all teachers and staff took part in trainings where they learned how to facilitate community building and disciplinary circles. In 2008 a second restorative justice leader joined the program, and eight students were trained in an elective to learn to lead circles as well.

At Cole Middle School teachers facilitated community building circles during advisory period where all students were asked to respond to the same prompt, and to only speak when holding a talking piece. These circles were held to build community or to deal with specific events, such as a local shooting, affecting the school. In addition, a full time RJOY employee worked as the primary facilitator of
disciplinary circles used to address disciplinary infractions. For circles prompted by a disciplinary incident, “participants presented their perspectives and attempted to reach a common understanding about what had happened, why it had occurred, and what would repair the harm. To repair harm participants would promise, for example, to change their attitude or behavior. Often, participants promised to apologize either in person or in writing. Students also agreed to avoid the behaviors that sparked the conflict or to help a teacher with chores or other activities. If agreements were not kept, additional circles were held or the problem was addressed through traditional disciplinary policies.”

**PBIS and Restorative Justice in Contra Costa County**

Some school districts in Contra Costa County have implemented PBIS and/or Restorative Justice Practices within their schools. Table 1 highlights each of these districts.

<table>
<thead>
<tr>
<th>School District</th>
<th>School Based Intervention</th>
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<tbody>
<tr>
<td>West Contra Costa Unified</td>
<td>PBIS and Restorative Justice</td>
</tr>
<tr>
<td>Mt. Diablo Unified</td>
<td>PBIS</td>
</tr>
<tr>
<td>Pittsburg Unified</td>
<td>Restorative Justice</td>
</tr>
<tr>
<td>Antioch Unified</td>
<td>Restorative Justice(^1)</td>
</tr>
<tr>
<td>John Sweat Unified</td>
<td>Restorative Justice(^2)</td>
</tr>
</tbody>
</table>

Sixteen participating school districts of Contra Costa County also refer youth to the Counseling and Education Program (CEP), which provides special education services and integrated counseling for elementary, middle and secondary school students who have been identified with significant emotional and behavioral needs.

The intent of the CEP is to help students address their educational and emotional issues, change their behavior, and transition to a less restrictive educational setting when appropriate. Floyd I. Marchus School uses a Positive Behavior Intervention and Support (PBIS) system that includes a dynamic, small, structured and supportive school community that helps each student meet academic, social-emotional and behavioral goals.\(^x\)

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\(^1\) Some schools in Antioch Unified have implemented restorative justice practice

\(^2\) Some schools are in the early stages of implementing restorative justice practices
Pre-Adjudication Juvenile Diversion

Research on juvenile justice service delivery over the last 15 years has reflected a shifting paradigm acknowledging that youth should be diverted from formal processing to the greatest extent possible. Youth who have not committed serious offenses, and who are at low risk for reoffending, should be diverted from formal processing without additional requirements attached, while higher risk youth who commit more serious offenses should be referred to formal diversion programs whenever possible.

**Typical decision points for pre-adjudication diversion include:**

- **Initial police contact** - when a police officer first observes youth violating the law
- **Intake conference** - when youth are referred for an intake conference with a juvenile PO
- **Petitioning** - when (or immediately before) the court is petitioned to begin the adjudication process
- **Pretrial probation contact** - when a court staff member or probation officer engages in pretrial interviewing of a youth and family in the course of formal processing.

Formal Pre-Adjudication Diversion

Formal pre-adjudication diversion occurs when in lieu of filing a petition with the court, youth are given the opportunity to avoid formal processing by completing formal terms of agreement, including participation in a juvenile diversion program. The conditions of any diversion program vary, and should be clearly and completely reflected in a formal written agreement between the youth, family, and the diversion program. Youth should be assessed with a validated risk and needs assessment tool, and the agreement should be individually tailored to a youth’s specific risk factors and needs in order to maximize his/her ability to successfully complete the program requirements. Diversionary agreements should be short and avoid being unnecessarily onerous, and failure to successfully complete diversion should never result in sanctions harsher than what the youth would have experienced if they hadn’t been diverted.

Lower level cases and/or first or second time youth delinquency arrests should result in a letter of counseling and dismissal. California Probation Departments provide such diversion often now. Probation Departments and even police departments should expand the number of cases which receive such diversion. In these cases, a letter is sent to the youth and their family, explaining that this is a case that could have been charged but there will be no filing but any further delinquency would likely result in charges being filed. The letter should also include recommendations of local youth development programs and services.

Diversion for a youth who has multiple misdemeanors or lower level felonies should include the assignment of a case manager or life coach to work with each youth and connect them to services to address one or more of the following underlying issues based on the risk, needs, and strengths identified through assessment:

- Screening and assessment
- Mental health treatment
- Crisis intervention
- Family counseling
- Parenting skill development
- Supports for rebuilding family relationships
- Quality recreation and organized sports
Contra Costa County
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- Education and tutorial services
- Victim awareness classes and activities
- Service learning programs
- Substance use education and counseling
- Job skills training

Successful countywide diversion programs require commitment and support from many key stakeholders including: xvi

- Law enforcement
- Probation Departments
- Courts
- District Attorney’s Office
- Public Defender’s office
- Children and Youth Agencies
- Schools and public education agencies
- Children and youth agencies
- Mental health agencies
- Substance use agencies
- Managed care organizations
- Child advocates
- Victim advocates
- Community-based partners

Other Types of Pre-Adjudication Diversion

Juvenile justice diversion can also occur when a law enforcement official diverts youth from formal processing, without requiring the completion of formal terms, or enrollment and/or completion of specific programming.

Examples of informal diversion include:

- Police officers not citing or referring youth to probation for certain offenses
- Probation staff not detaining and/or referring youth to the DA’s Office for certain offenses
- The District Attorney not filing petitions for youth who have committed certain offenses

Formal Pre-Adjudication Diversion Program Examples

Orange County

In Orange County, Community Service Programs’ (CSP) juvenile diversion program provides an alternative to formal juvenile justice processing for youth. The goal of the program is to provide early intervention for delinquent and pre-delinquent juveniles who have come into contact with police, probation, or school personnel by connecting them to services rather than formally processing them. Youth may be referred to:xviii

- Individual and Family Counseling;
- Crisis Intervention Services;
- Information/Referral Services;
- Community Restitution Program;
- Legal Awareness Workshops;
- Drug/Alcohol Education Groups;
- Tobacco Education Groups;
- Anger Management Groups; and,
- Truancy Reduction Intervention Program
San Francisco

The Huckleberry CARC is a public/private partnership that provides adolescents who have made mistakes guidance and support rather than traditional punitive discipline. Police officers bring youth to the Huckleberry Community Assessment and Resource Center (CARC) following an arrest for a misdemeanor or felony offense, and once at the Huckleberry CARC, staff from juvenile probation, public health, the sheriff’s department, the police department, and community-based organizations work together to assess and case manage youth. Youth meet with a probation officer for intake; a licensed psychology technician to identify any physical or mental health crisis; and a case manager, who conducts a voluntary assessment and develops a case plan with youth.

The program serves young people ages 11 – 17, and the program has successfully worked with youth to reintegrate them into their schools, arrange for special educational services, obtain mental health services, complete community service and probation requirements, and engage youth in positive social, arts, athletic, and youth development programs.
Structured Decision Making

Structured decision making is evidence based, data-driven, research-based approach to inform how youth move through the juvenile justice system and what services — including supervision intensity, sanctions, and rewards — they should receive. It is intended to create a more effective, consistent, and fair justice system. Decision making tools and policies must be formalized and communicated, with accountability mechanisms in place, in order to fully implement this approach.

A structured decision making tool is a questionnaire (paper or online) that justice professionals fill out based on the information gathered about the youth. The questions in the assessment will usually be assigned points, that is later used as a scoring or rating mechanism to determine the type and level of interventions for youth.

Structured Decision Making Tools

Detention Risk Assessment Instrument (DRAI)

A DRAI is used to determine whether a youth should be put in a secure setting pre-adjudication by calculating the risk of a youth committing a future offense. The assessment takes into account prior delinquency history, current offense, available alternatives in the neighborhood and so forth. If the youth scores low or medium on the tool, they will normally get released to a guardian or community based organization and if they score high, they will normally be put in secure confinement.

Disposition Matrix

A Disposition matrix is used to determine the level of supervision and confinement for adjudicated youth. The matrix organizes sanctions and programs by risk level and offense severity\textsuperscript{xix}. This data to determine the level of intervention to use for the youth. Meaning, similarly situated youth should have similar dispositions.

Strengths and Needs Assessment

A strengths and needs assessment is used after disposition to case plan in a manner that takes into account the available resources and interventions that will support a youth to be successful—while also looking at potential hindrances. The questions on the assessment are rated to indicate the level of support a youth will need in each area\textsuperscript{xii}. Then a case plan is made based on results of the assessment.

Graduated Response Matrix

A Graduated Response Matrix determines the type of sanctions or rewards to offer a youth on probation based on the type of violation or progress they exhibit. The response grid is couched in the research that the adolescent brain is still developing, and so research shows that incentives and recognition promote behavioral change rather than negative accountability methods of punishment and criticism. Appropriate incentives and sanctions support the likelihood that the youth will successfully complete probation.\textsuperscript{xxi}
Structured Decision Making in Contra Costa County

The Contra Costa County Probation Department currently uses the Juvenile Assessment and Intervention System™ (JAIS), a validated risk assessment and a strength and needs assessment developed by the National Center for Crime and Delinquency (NCCD). The JAIS guides supervision strategy and intensity as well as referrals to community services.

The Probation Department is currently in the process of identifying a DRAI to inform detention decisions.
Alternatives to Detention (ATD)

Alternatives to detention prevent youth from being placed in either secure confinement when other community-based sanctions and placements are more appropriate. Alternatives to detention programs include the following:

Home Confinement and Electronic Monitoring

A youth can be placed under home confinement as long as they can safely reside in their own residence or with relatives. There are travel restrictions and curfews tied to this non-residential, non-facility-based supervision. Supervision typically entails staff performing, random, unannounced, face-to-face visits at the youth’s residence. Home confinement is usually linked to an electronic monitor or GPS bracelet that allows probation to track the whereabouts of the youth.

Evening and Day Reporting Centers

An evening or day reporting center is a nonresidential, community-based alternative that provides intensive supervision in pre- and post-adjudication. Youth are required to report to the center on a daily basis at specified times (evening or day) for a certain number of days, at night they return home. These centers usually offer structured recreational, educational, and vocational opportunities in the community for youth to engage in.

Evening Reporting Center Program Examples

Washington DC Department of Youth Rehabilitative Services (DYRS) Evening Reporting Centers

In 2006, the Washington DC DRYS established a series of evening reporting centers (ERCs), all of which were operated by community-based organizations. The ERCs provide five hours of evening programming and oversight of pre-adjudication youth who scored medium or high risk on DYRS’s detention risk assessment instrument (DRAI), but do have a tenable home to which they can return. ERCs provide transportation, meals, counseling, tutoring, and recreation for up-to 45 days per youth. A 2011 evaluation of 968 youth referred to the ERC showed that 96% of youth successfully reported to/attended the ERC and were not rearrested during that time.

Ventura County Probation and Boys and Girls Club Evening Reporting Center Partnership

Youth assigned to an alternative to detention in Ventura must attend the Boys and Girls Club’s Teen Center Evening Reporting Center every day after school, usually for between 20 and 45 days. There they participate in club activities such as art, sports and homework help from 3:30 to 8 p.m., alongside the club’s regular teen members. They are supervised by a case manager and encouraged to keep going to the Boys and Girls Club after their time requirement is over.
Holistic Defense / Holistic Legal Representation

Holistic defense, also called holistic legal representation, is an approach to criminal or delinquency legal representation that involves working with clients to address the underlying issues that often lead people to come into negative contact with the justice system and/or 2) the collateral consequences of that contact. In addition to receiving legal representation in criminal or delinquency court, clients receive a range of other services, often including social work services and civil legal services.xxiv

Components of Holistic Representation

Social Work Services

Social work services are usually oriented toward helping clients address underlying issues that are associated with negative contact with the justice system, especially substance use and/or mental health disorders. Public Defenders’ Office social workers frequently conduct an array of screenings and assessments to identify substance use and mental health disorders and then work to link clients to services to address these needs. Social workers can also act as case managers, connecting clients to a range of other services, including housing, public benefits, etc.xxvi

Civil Legal Services

Civil legal services can be geared toward helping clients and their families with a wide range of issues. For youth, civil legal services often focus on ensuring that young people have access to the educational services and supports to which they are legally entitled. This can involve advocating for youth to be assessed for an Individual Education Plan (IEP) or, if an IEP already exists, advocating to ensure that it is being followed.xxvii In some holistic defense services, civil attorneys work with clients to address issues including housing rights, child support, emancipation, and more.

Immigration Representation

A number of public defenders’ offices also legal advocacy for immigration issues, either directly through immigration attorneys in the public defenders’ office or through partnerships with nonprofits legal organizations. These attorneys represent clients in a range of immigration matters, including those that stem from criminal court involvement as well as those that were in process prior to criminal proceedings.xxviii

Holistic Juvenile Representation in Contra Costa County

The Contra Costa County Office of the Public Defender currently operates a juvenile post-disposition and reentry program to address the needs of youth placed out of home and support reentry. Post disposition attorneys, youth advocates, and a client services specialist visit clients to ensure their needs are meet during their out-of-home placement and to plan for support upon reentry.
Holistic Juvenile Representation Examples

San Francisco

The San Francisco Public Defender’s Office operates the Legal Education Advocacy Program (LEAP) for holistic juvenile representation. Outside of providing representation, LEAP focuses primarily on addressing clients’ educational needs. Through meetings with their clients, public defenders identify youth that may need additional educational advocacy or assistance due to a history of academic failure, truancy, or possible special education needs. Clients referred to LEAP work with their defense attorneys as well as a team of education attorneys, social workers, and advocates from a local community-based organization. Collectively, the LEAP team helps the client access a range of education-related services based on individual needs, including tutoring, GED placements, assistance with college or financial aid applications, attendance at school meetings or court appearances, and accompaniment to special education hearings. Additionally, LEAP teams conduct home visits, provide progress reports for families and judges, attend court on behalf of the client, and provide workshops for parents to learn advocacy skills for their children.

Washington DC

The Public Defender Service of Washington D.C. also takes a holistic approach to representing both juvenile and adult clients, providing clients with access to supportive services that help them address legal challenges beyond traditional delinquency or juvenile defense. In 2000, the Public Defender Service initiated the Community Defender Program, which then became the Community Defender Division (CDD), to advocate on behalf of current or former juvenile clients that are either detained or committed. The CDD advocates for improved conditions of confinement and also represents juvenile clients at disciplinary hearings, refers clients to social services, and provides other forms of post-commitment legal advocacy.

As a compliment to the legal services of CDD, in 2001 the Public Defender Service also initiated the Civil Legal Services Division (CLS) to provide other forms of advocacy and supports. CLS special education attorneys advocate for accommodations for children who have developmental, physical, or cognitive disabilities or otherwise require special education services under federal law. Other CLS attorneys help clients address civil issues related to their delinquency charges, including housing and/or family court matters. In contrast to San Francisco’s LEAP and some other holistic representation services, D.C.’s CDD and CLS services are focused on legal representation of different forms. Although CDD services do include referrals to social services, the programs do not employ social workers or provide other non-legal services to support their clients’ defense.

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3 Individuals with Disability Education Improvement Act, 2004
Maryland

The Maryland Neighborhood Defenders Program (NDP), established by the State of Maryland’s Office of the Public Defender in 2006, employs trial attorneys, social workers, law clerks, and also college interns to provide clients with supports and linkages to address immediate non-legal needs related to reentry, housing, employment, immigration, mental health, and education. NPD social workers develop case plans with juvenile and adult clients and their families to address underlying conditions related to their justice involvement. In addition, the social workers collaborate with the clients’ trial attorneys to provide expert testimony before the court and to advocate for the least restrictive disposition possible. Maryland’s Office of the Public Defender operates the Social Work Division separately from its legal defense services and consequently, in contrast to some other holistic representation programs, Maryland’s NDP services are not limited to the pre-disposition phase of a client’s criminal or delinquency case and can continue past the public defender’s legal representation of the client.

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December 28, 2017 | 15

Schiraldi, interview.


Taxman, Soule, and Gelb, “Graduated Sanctions.”


https://www.bronxdefenders.org/holistic-defense/


http://www.cjcj.org/Direct-services/Legal-Education-Advocacy-Program.html