Special Meeting of the Task Force

Agenda Items:

1. **Introductions**

2. **Public comment** on any item under the jurisdiction of the Task Force and not on this agenda. (Speakers may be limited to three minutes.)

3. **Update on Racial Justice Task Force Report and Recommendations Since June 6, 2018, Meeting**

4. **Presentation from County Counsel re Board of Supervisor Scope of Authority**

5. **Review Task Force Recommendation #18 re Independent Conditions of Confinement Grievance Process** *(This is an Action Item)*

6. **Review Task Force Recommendation #19 re Independent Body to Monitor Conditions of Confinement** *(This is an Action Item)*

7. **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.eccounty.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>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>AB</td>
<td>Assembly Bill</td>
</tr>
<tr>
<td>ABAG</td>
<td>Association of Bay Area Governments</td>
</tr>
<tr>
<td>ACA</td>
<td>Assembly Constitutional Amendment</td>
</tr>
<tr>
<td>ADA</td>
<td>Americans with Disabilities Act of 1990</td>
</tr>
<tr>
<td>AFSCME</td>
<td>American Federation of State County and Municipal Employees</td>
</tr>
<tr>
<td>AICP</td>
<td>American Institute of Certified Planners</td>
</tr>
<tr>
<td>AIDS</td>
<td>Acquired Immunodeficiency Syndrome</td>
</tr>
<tr>
<td>ALUC</td>
<td>Airport Land Use Commission</td>
</tr>
<tr>
<td>AOD</td>
<td>Alcohol and Other Drugs</td>
</tr>
<tr>
<td>ARRA</td>
<td>American Recovery and Reinvestment Act</td>
</tr>
<tr>
<td>BAAQMD</td>
<td>Bay Area Air Quality Management District</td>
</tr>
<tr>
<td>BART</td>
<td>Bay Area Rapid Transit District</td>
</tr>
<tr>
<td>BCDC</td>
<td>Bay Conservation &amp; Development Commission</td>
</tr>
<tr>
<td>BGO</td>
<td>Better Government Ordinance</td>
</tr>
<tr>
<td>BOS</td>
<td>Board of Supervisors</td>
</tr>
<tr>
<td>CALTRANS</td>
<td>California Department of Transportation</td>
</tr>
<tr>
<td>CalWIN</td>
<td>California Works Information Network</td>
</tr>
<tr>
<td>CalWORKS</td>
<td>California Work Opportunity and Responsibility to Kids</td>
</tr>
<tr>
<td>CAER</td>
<td>Community Awareness Emergency Response</td>
</tr>
<tr>
<td>CAO</td>
<td>County Administrative Officer or Office</td>
</tr>
<tr>
<td>CCHP</td>
<td>Contra Costa Health Plan</td>
</tr>
<tr>
<td>CCTA</td>
<td>Contra Costa Transportation Authority</td>
</tr>
<tr>
<td>CDBG</td>
<td>Community Development Block Grant</td>
</tr>
<tr>
<td>CEQA</td>
<td>California Environmental Quality Act</td>
</tr>
<tr>
<td>CIO</td>
<td>Chief Information Officer</td>
</tr>
<tr>
<td>COLA</td>
<td>Cost of living adjustment</td>
</tr>
<tr>
<td>ConFire</td>
<td>Contra Costa Consolidated Fire District</td>
</tr>
<tr>
<td>CPA</td>
<td>Certified Public Accountant</td>
</tr>
<tr>
<td>CPI</td>
<td>Consumer Price Index</td>
</tr>
<tr>
<td>CSA</td>
<td>County Service Area</td>
</tr>
<tr>
<td>CSAC</td>
<td>California State Association of Counties</td>
</tr>
<tr>
<td>CTC</td>
<td>California Transportation Commission</td>
</tr>
<tr>
<td>dba</td>
<td>doing business as</td>
</tr>
<tr>
<td>EBMUD</td>
<td>East Bay Municipal Utility District</td>
</tr>
<tr>
<td>EIR</td>
<td>Environmental Impact Report</td>
</tr>
<tr>
<td>EIS</td>
<td>Environmental Impact Statement</td>
</tr>
<tr>
<td>EMCC</td>
<td>Emergency Medical Care Committee</td>
</tr>
<tr>
<td>EMS</td>
<td>Emergency Medical Services</td>
</tr>
<tr>
<td>EPSDT</td>
<td>State Early Periodic Screening, Diagnosis and treatment Program (Mental Health)</td>
</tr>
<tr>
<td>et al.</td>
<td>et al (and others)</td>
</tr>
<tr>
<td>FAA</td>
<td>Federal Aviation Administration</td>
</tr>
<tr>
<td>FEMA</td>
<td>Federal Emergency Management Agency</td>
</tr>
<tr>
<td>F&amp;H</td>
<td>Family and Human Services Committee</td>
</tr>
<tr>
<td>First 5</td>
<td>First Five Children and Families Commission (Proposition 10)</td>
</tr>
<tr>
<td>FTE</td>
<td>Full Time Equivalent</td>
</tr>
<tr>
<td>FY</td>
<td>Fiscal Year</td>
</tr>
<tr>
<td>GHAD</td>
<td>Geologic Hazard Abatement District</td>
</tr>
<tr>
<td>GIS</td>
<td>Geographic Information System</td>
</tr>
<tr>
<td>HCD</td>
<td>(State Dept of) Housing &amp; Community Development</td>
</tr>
<tr>
<td>HHS</td>
<td>Department of Health and Human Services</td>
</tr>
<tr>
<td>HIPAA</td>
<td>Health Insurance Portability and Accountability Act</td>
</tr>
<tr>
<td>HIV</td>
<td>Human Immunodeficiency Syndrome</td>
</tr>
<tr>
<td>HOV</td>
<td>High Occupancy Vehicle</td>
</tr>
<tr>
<td>HR</td>
<td>Human Resources</td>
</tr>
<tr>
<td>HUD</td>
<td>United States Department of Housing and Urban Development</td>
</tr>
<tr>
<td>Inc.</td>
<td>Incorporated</td>
</tr>
<tr>
<td>IOC</td>
<td>Internal Operations Committee</td>
</tr>
<tr>
<td>ISO</td>
<td>Industrial Safety Ordinance</td>
</tr>
<tr>
<td>JPA</td>
<td>Joint (exercise of) Powers Authority or Agreement</td>
</tr>
<tr>
<td>Lamorinda</td>
<td>Lafayette-Moraga-Orinda Area</td>
</tr>
<tr>
<td>LAFCo</td>
<td>Local Agency Formation Commission</td>
</tr>
<tr>
<td>LLC</td>
<td>Limited Liability Company</td>
</tr>
<tr>
<td>LLP</td>
<td>Limited Liability Partnership</td>
</tr>
<tr>
<td>Local 1</td>
<td>Public Employees Union Local 1</td>
</tr>
<tr>
<td>LVN</td>
<td>Licensed Vocational Nurse</td>
</tr>
<tr>
<td>MAC</td>
<td>Municipal Advisory Council</td>
</tr>
<tr>
<td>MBE</td>
<td>Minority Business Enterprise</td>
</tr>
<tr>
<td>M.D.</td>
<td>Medical Doctor</td>
</tr>
<tr>
<td>M.F.T.</td>
<td>Marriage and Family Therapist</td>
</tr>
<tr>
<td>MIS</td>
<td>Management Information System</td>
</tr>
<tr>
<td>MOE</td>
<td>Maintenance of Effort</td>
</tr>
<tr>
<td>MOU</td>
<td>Memorandum of Understanding</td>
</tr>
<tr>
<td>MTC</td>
<td>Metropolitan Transportation Commission</td>
</tr>
<tr>
<td>NACo</td>
<td>National Association of Counties</td>
</tr>
<tr>
<td>OB-GYN</td>
<td>Obstetrics and Gynecology</td>
</tr>
<tr>
<td>O.D.</td>
<td>Doctor of Optometry</td>
</tr>
<tr>
<td>OES-EOC</td>
<td>Office of Emergency Services-Emergency Operations Center</td>
</tr>
<tr>
<td>OSHA</td>
<td>Occupational Safety and Health Administration</td>
</tr>
<tr>
<td>Psy.D.</td>
<td>Doctor of Psychology</td>
</tr>
<tr>
<td>RDA</td>
<td>Redevelopment Agency</td>
</tr>
<tr>
<td>RFI</td>
<td>Request For Information</td>
</tr>
<tr>
<td>RFP</td>
<td>Request For Proposal</td>
</tr>
<tr>
<td>RFQ</td>
<td>Request For Qualifications</td>
</tr>
<tr>
<td>RN</td>
<td>Registered Nurse</td>
</tr>
<tr>
<td>SB</td>
<td>Senate Bill</td>
</tr>
<tr>
<td>SBE</td>
<td>Small Business Enterprise</td>
</tr>
<tr>
<td>SAT</td>
<td>Southwest Area Transportation Committee</td>
</tr>
<tr>
<td>TRANSPAC</td>
<td>Transportation Partnership &amp; Cooperation (Central)</td>
</tr>
<tr>
<td>TRANSPLAN</td>
<td>Transportation Planning Committee (East County)</td>
</tr>
<tr>
<td>TRE or TTE</td>
<td>Trustee</td>
</tr>
<tr>
<td>TWIC</td>
<td>Transportation, Water and Infrastructure Committee</td>
</tr>
<tr>
<td>UCC</td>
<td>Urban Counties Caucus</td>
</tr>
<tr>
<td>VA</td>
<td>Department of Veterans Affairs</td>
</tr>
<tr>
<td>vs.</td>
<td>versus (against)</td>
</tr>
<tr>
<td>WAN</td>
<td>Wide Area Network</td>
</tr>
<tr>
<td>WBE</td>
<td>Women Business Enterprise</td>
</tr>
<tr>
<td>WCCTAC</td>
<td>West Contra Costa Transportation Advisory Committee</td>
</tr>
</tbody>
</table>
Referral History:

On June 6, 2018, the Racial Justice Task Force (RJTF) voted to present a set of 20 Recommendations to the Board of Supervisors (BOS) for adoption. On June 25, 2018, the Public Protection Committee (PPC) considered these Recommendations, and a Report describing the work and findings of the RJTF, and recommended the BOS adopt both in their entirety. Prior to these two items being considered by the BOS at its July 24, 2018, meeting, the Sheriff wrote the Supervisors to oppose two of the Recommendations.

The Sheriff opposed recommendation #18 (for a grievance process for conditions of confinement that operates independent of the Sheriff’s Office), and recommendation #19 (for a body to monitor and report on conditions of confinement) based on his belief the recommendations exceeded the RJTF’s scope of responsibility, would serve to usurp the independent authority of the Sheriff, and were unnecessary given the various forms of oversight the Sheriff’s operations are subject to. Based on the Sheriff’s objections, the BOS adopted the RJTF Report and Recommendations without the two challenged Recommendations included. These two Recommendations were then referred back to the PPC separately to receive further input from the Sheriff and RJTF prior to the BOS making a final decision.
Referral Update:
The PPC considered RJTF Recommendations #18 and #19 at its meeting on August 6, 2018. Prior to this meeting, the Sheriff wrote to the Committee restating his earlier objections, and requesting the matter be sent back to the BOS with no further action taken. After considering the issue, the Committee directed staff to convene the RJTF for further clarity on the intent and expectations in making these Recommendations. Specifically, the PPC is interested in understanding:

1. What is meant by “oversee conditions of confinement,” and
2. How would the BOS accomplish what is being recommended.

To help inform the discussion, the Committee asked County Counsel to attend this RJTF meeting to provide the Task Force with information on the types of activities that would require the Sheriff’s cooperation, and where the BOS could act independently.

Recommendation(s)/Next Step(s):

1. ACCEPT the update from staff and presentation from County Counsel.
2. RECONSIDER RJTF Recommendation #18 and AMEND as necessary to make the action capable of performance by the Board of Supervisors.
3. RECONSIDER RJTF Recommendation #19 and AMEND as necessary to make the action capable of performance by the Board of Supervisors.
# Table of Attachments

<table>
<thead>
<tr>
<th>Attachment Name</th>
<th>Packet Page Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. PPC Staff Report - 6/25/18</td>
<td>6</td>
</tr>
<tr>
<td>2. RJC Letter to the BOS - 6/19/18</td>
<td>9</td>
</tr>
<tr>
<td>3. PPC Abbreviated Record of Action - 6/25/18</td>
<td>10</td>
</tr>
<tr>
<td>4. Sheriff Letter to the BOS 7/23/18</td>
<td>11</td>
</tr>
<tr>
<td>5. BOS Abbreviated Minutes - 7/24/18</td>
<td>14</td>
</tr>
<tr>
<td>6. Sheriff Letter to the PPC - 8/2/18</td>
<td>15</td>
</tr>
<tr>
<td>7. PPC Staff Report (item 4) - 8/6/18</td>
<td>18</td>
</tr>
<tr>
<td>8. RJTF Recommendations - Revised</td>
<td>21</td>
</tr>
<tr>
<td>9. PPC Staff Report (item 5) - 8/6/18</td>
<td>25</td>
</tr>
<tr>
<td>10. Final RJTF Memo - Revised</td>
<td>28</td>
</tr>
<tr>
<td>11. LA County - Office of Inspector General</td>
<td>76</td>
</tr>
<tr>
<td>12. LA County - Civilian Oversight Commission</td>
<td>88</td>
</tr>
<tr>
<td>13. LA County - Sheriff MOA with Inspector General</td>
<td>93</td>
</tr>
<tr>
<td>14. Santa Clara County - Office of Correction and Law Enforcement Monitoring</td>
<td>99</td>
</tr>
</tbody>
</table>
The Public Protection Committee first considered this matter on its agenda in July 2015 in response to an April 2015 letter to the Board of Supervisors from the Racial Justice Coalition. After PPC discussion and direction, staff returned with a comprehensive report to the PPC in September 2015 with data related to race in the local justice system, the County’s Workplace Diversity Training, and information regarding outside diversity and implicit bias trainings.

In November 2015 the PPC discussed the data from the September 2015 staff report and how it compared to the County’s 2008 report on Disproportionate Minority Contacts (DMC) in the local juvenile justice system. This led to joint recommendations to the PPC in December 2015 by the Chief Probation Officer, District Attorney, and Public Defender that included:

1. The County convene a Task Force to revisit and expand upon the findings of the County’s 2008 juvenile justice DMC report.

2. The County enter into a contract for a facilitator to help guide the Task Force through this process, and

3. A researcher be paid to help the Task Force collect and analyze data during the process.

In April 2016, the Board of Supervisors accepted recommendations from the PPC to form a 17-member Task Force and approved the composition in September 2016.

Following up the remaining recommendations from above, in September 2016 County Administrator staff worked with the Reentry Coordinator and representatives from the AB 109 Community Advisory Board (CAB), the District Attorney’s Office (Tom Kensok), the Public Defender Robin Lipetzky, and the Racial Justice Coalition (Jeff Landau) to develop and release a Request for Proposals (RFP) to secure “Facilitation and Data Analyst Services” to help guide the work of the Task Force. The composition of a Review Panel was also selected that consisted of
four representatives from the County’s law and justice partners (District Attorney, Probation, Sheriff, and Public Defender) and four representatives of the public that were appointed by the Racial Justice Coalition.

Resource Development Associates (RDA) was ultimately awarded a contract by the Board of Supervisors on February 14, 2017 to provide the facilitation and data analysis services to the Racial Justice Task Force.

**Referral Update:**
In February 2017, Resource Development Associates (RDA) was hired to provide Task Force facilitation and data analysis services and on April 5, 2017, the RJTF convened for the first time.

The RJTF met monthly from April 2017 through June 2018 to review data on local criminal and juvenile justice systems and processes, discuss best practices and emerging practices for addressing racial disparities in those systems and processes, and develop recommendations for action to address those disparities. Two ad hoc subcommittees were also convened to foster community engagement and plan for two series of community forums. In November 2017, the RJTF hosted 5 community forums to solicit residents’ input on priority areas for the Task Force to focus on and in May 2018, the RJTF hosted 3 additional forums to solicit input on preliminary recommendations. On June 6, 2018, the Task Force met for the last time to vote on recommendations to present to the Board of Supervisors.

The purpose of this memo (Attachment A) is to present those recommendations to the Board and the larger body of local stakeholders in order to move forward their adoptions and implementation. This memo begins with a brief discussion of the considerations taken into account by the RJTF as it developed these recommendations, followed by an overview of the racial disparities in Contra Costa County, and then a presentation of recommendations. Appendices provide more information on the Task Force voting process, including a breakdown of how each RJTF member voted on each recommendation, as well as additional data on disparities in local criminal and juvenile justice systems.

Racial Justice Task Force Members:

<table>
<thead>
<tr>
<th>Member Seat</th>
<th>Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>County Probation Officer Todd Billeci</td>
</tr>
<tr>
<td>2.</td>
<td>Public Defender       Robin Lipetzky</td>
</tr>
<tr>
<td>3.</td>
<td>District Attorney     Tom Kensok</td>
</tr>
<tr>
<td>4.</td>
<td>Sheriff-Coroner       John Lowden</td>
</tr>
<tr>
<td>5.</td>
<td>Health Services Director Dr. William Walker</td>
</tr>
<tr>
<td>6.</td>
<td>Superior Court Designee* Magda Lopez</td>
</tr>
<tr>
<td>7.</td>
<td>County Police Chief’s Association representative Bisa French</td>
</tr>
<tr>
<td>8.</td>
<td>Mount Diablo Unified School District representative Debra Mason</td>
</tr>
<tr>
<td>9.</td>
<td>Antioch Unified School District representative Cardenas Shackelford</td>
</tr>
</tbody>
</table>
West Contra Costa Unified  Marcus Walton

10. School District representative

11. CBO seat 1 Stephanie Medley
12. CBO seat 2 Donnell Jones
13. CBO seat 3 Tamisha Torres-Walker
14. CBO seat 4 Leslie Takahashi
15. CBO seat 5 Dennisha Marsh
16. Mental Health representative Christine Gerchow, PhD.
17. Public Member – At Large Harlan Grossman

Attachment B is a summary of the final recommendations.

Attachment C is a letter from the Racial Justice Coalition, addressed to the Board of Supervisors.

**Recommendation(s)/Next Step(s):**
ACCEPT the report "Racial Justice Task Force--Final Report and Recommendations" and RECOMMEND its consideration and adoption by the Board of Supervisors.

**Fiscal Impact (if any):**
The Board of Supervisors authorized a contract in the amount of $225,650 for the provision of project facilitation and data analysis services with Resource Development Associates, funded entirely by AB 109 Public Safety Realignment revenue allocated to the County Administrator's Office.

---

**Attachments**
Attachment A: Report on Final Recommendations
Attachment B: Summary of Recommendation
Attachment C: Letter from Racial Justice Coalition
Dear Chair Mitchoff, Vice-Chair Gioia, and Supervisors Anderson, Burgis, and Glover,

The Contra Costa County Racial Justice Coalition has been deeply involved with the work of the County’s Racial Justice Task Force. We are glad that the Task Force is now ready to report its recommendations for reducing racial disparities in our criminal and juvenile justice systems. We ask you to accept them in full although we know that, even when you do, there will still be a great deal of work to be done.

Our primary concern is that, although the first mandate you gave the Task Force in April, 2016 (“Research and identify consensus measures within the County to reduce racial disparities in the criminal justice system”) has now – to some extent – been completed, two crucial mandates remain in order to achieve any substantive change. These are:

- to plan and oversee implementation of the measures once identified; and
- to report back to the Board of Supervisors on progress made toward reducing racial disparities within the criminal justice system.

Therefore, we ask you to create without delay all that’s needed to implement, oversee, and report back on these recommendations.

One of the most important recommendations put forth by the Task Force includes the creation of a Racial Justice Oversight Body with strong community representation. The Racial Justice Coalition strongly supports this recommendation and stands ready to nominate representatives to serve on this body to provide oversight and reporting.

Overall, the Coalition believes the Task Force’s recommendations are good, though extremely broad in their current form. The recommendations will mean little without the necessary allocation of personnel responsible for turning them into specific policies and practices, along with the skilled facilitation and dedicated funding to make that happen.

The data on racial disparities in our criminal and juvenile justice systems included in the Task Force’s report remains as disturbing as the data that led you to create the Task Force two years ago. We expect you to take decisive action to create and fund the next steps needed to help reduce these disparities and achieve a higher level of justice for all County residents.

Respectfully,

The Contra Costa County Racial Justice Coalition
5. ACCEPT the report "Racial Justice Task Force--Final Report and Recommendations" and RECOMMEND its consideration and adoption by the Board of Supervisors.

Approved as presented with the following direction to staff:

1. Forward to the full Board of Supervisors for review and approval
2. Determine whether the Racial Justice Task Force Oversight Board should be established;
3. Determine a Year 1 action plan for the Oversight Board
4. Return to the Committee with the Year 1 action plan and any draft workplan going forward.

Vice Chair Federal D. Glover, Chair John Gioia

AYE: Chair John Gioia, Vice Chair Federal D. Glover
Passed
July 23, 2018 

Honorable Chair and Members of the Board  
Contra Costa County Board of Supervisors  
651 Pine Street  
Martinez, CA 94553

Dear Chair Mitchoff and Members of the Board:

**Re: Racial Justice Task Force Final Report Draft**

My office is in receipt of the draft final report to the Board of Supervisors from the county’s Racial Justice Task Force, (RJTF). I understand the Board will be receiving this report at your next meeting. As you know, Assistant Sheriff John Lowden served on that task force representing the Office of the Sheriff. Although the work of the task force is important, and the goal of reducing racial disparity in the criminal justice system is of vital importance, I note several areas of concern with the research methodology, the conclusions drawn therefrom, and several of the recommendations.

I appreciate the opportunity to raise these issues with you, particularly as they address law enforcement and adult custody activities.

**Data Collection.**

Data used throughout the report is dated and inconsistent. It appears much of the data was collected from 2013 – 2015 Department of Justice statistics when more current data was available. Additionally, the report acknowledged that the RJTF was not able to examine all data points, and that data collection was a “challenge throughout this process” yet they still made significant “findings” even in the absence of this data. Too frequently assumptions about data are reported as facts.

For example, data on the *initial reason* for the police contact is critical in assessing if procedural bias exists yet there was no data provided. Data identifying if an officer was *dispatched* to an event which leads to an arrest or action taken following an “on-view” suspicious act must be known to draw any conclusions.
Likewise, paramount to any conclusion about whether persons of different races are treated differently in the criminal justice system is data about prior criminal conduct, probation or parole status, or prior diversion for juveniles. This data is completely absent from the report. For example, if a white male and a black male were arrested for the same offense, but the white male had prior convictions, was on probation or parole, or had other past criminal justice contacts, it is highly likely the adjudication of his offense would result in different (and likely more severe) criminal justice consequences and/or physical confinement. Pre-trial confinement will also be impacted by prior criminal conduct. Yet, the report includes no data on this critical point.

This issue of prior criminal conduct is key to any unbiased assessment of racial disparities yet only receives passing comment in Finding Number 7.

We are also concerned with the finding relating to “Offender Information.” (Finding 2) Specifically, no criminal justice offender data was utilized. If the report had included offender or suspect racial data for various crimes, that information would help to explain if racial disparities occur in those committing the crimes at the outset. For example, in Contra Costa County Sheriff’s jurisdiction, the following data is from Department of Justice (DOJ) “Part 1” crime arrests in 2017, (serious felony crimes including murder, rape, robbery, grand theft, arson, etc.):

![Graph showing Part 1 Crimes Arrests County-wide Including Contract Cities & Total Population - 2017](image-url)
Recommendations

Finally, two recommendations in particular necessitate a response from this office. They are as follows:

Recommendation #21 – OPPOSE

In addition to being beyond the scope of the RJTF authority, the Office of the Sheriff-Coroner is overseen by a constitutional independently-elected official and answers directly to the citizens of Contra Costa County. The Sheriff’s Office already utilizes inmate complaint procedures and is subject to oversight and audit by the California Attorney General, the Civil Grand Jury, and the California Board of State & Community Corrections, (BSCC). Additional grievance processes are unnecessary and unwarranted.

Recommendation #22 – OPPOSE

As noted above, this recommendation is beyond the scope of the RJTF and the Sheriff-Coroner is an elected official subject to state oversight and audit. No additional “monitoring bodies” are necessary or warranted.

Sincerely,

DAVID O. LIVINGSTON
Sheriff – Coroner

DOL:sl

cc: David Twa, County Administrator
    Tim Ewell, Chief Assistant County Administrator
    Lara De Laney, Director, Office of Reentry and Justice
--- --- ABBREVIATED --- ---

D.5 CONSIDER adopting the "Racial Justice Task Force--Final Report and Recommendations," prepared by Resource Development Associates and recommended by the Public Protection Committee of the Board of Supervisors. (Lara DeLaney, Office of Reentry & Justice)

Speakers: Judisth Tannenbaum; Reverend Leslie Takahashi, resident of Martinez; Gail Thomas, resident of Richmond; Jane Courant, CCC Racial Justice Coalition (CCCRJC); Jerry D. Elster, Rubicon; Kate Newkirk, resident of Pleasant Hill; Erich Holtmann, resident of Bay Point; Melody Howe Weintraub, Multi-faith Action Coalition; Blanca Retano, ACCE; Emelea, ACCE; Francisco Torres, ACCE; David Sharples, resident of Richmond; Melvin Willis, Richmond; Willie Mims, ECNAACP/PBPA; Emily Ross, CCRJC; Douglas A. Leich, CCRJC; Richard Bell, El Cerrito Progressives; Charles Smith, resident of Pittsburg; Diana Becton, CCC District Attorney; Elsa Stevens, resident of Richmond; Tamisha Walker; Cheryl Sudduth, CCRJC, ACLU, CCIRA; Suzanne Llewellyn, resident of Walnut Creek.

ADOPTED the "Racial Justice Task Force--Final Report and Recommendations," with the exclusion of recommendations 18 and 19:

18) Establish an independent grievance process for individuals in custody in County adult detention facilities to report concerns related to conditions of confinement based on gender, race, religion, and national origin. This process shall not operate via the Sheriff’s Office or require any review by Sheriff’s Office staff.

19) Establish an independent monitoring body to oversee conditions of confinement in County adult detention facilities based on gender, race, religion, and national origin and report back to the Board of Supervisors.

And REFERRED to the Public Protection Committee the matter of an Implementation Plan for FY 2018-19 and the structure of an Implementation Oversight body.

AYES: Andersen, Burgis, Mitchoff NOES: Gioia, Glover ABSENT: None ABSTAIN: None

REFERRED to the Public Protection Committee, who will take input from the Racial Justice Task Force and the Sheriff’s Department, the recommendations regarding the establishment of an independent grievance process and independent monitoring body, to report back to the full Board.

AYES: Gioia, Andersen, Burgis, Mitchoff, Glover NOES: None ABSENT: None ABSTAIN: None

AYE: District II Supervisor Candace Andersen, District III Supervisor Diane Burgis, District IV Supervisor Karen Mitchoff
NO: District I Supervisor John Gioia, District V Supervisor Federal D. Glover
August 2, 2018

Honorable John Gioia, Chair, Public Protection Committee
Honorable Federal D. Glover, Vice Chair, Public Protection Committee
651 Pine Street
Martinez, CA 94553

Re: Racial Justice Task Force Recommendations 20 & 21

Dear Supervisors Gioia and Glover:

Today I received notice and an agenda for a Public Protection Committee meeting to be held on Monday, August 6, 2018. This is only one full business day from today. On that agenda is consideration of two controversial recommendations regarding the Sheriff’s Office operations. This letter serves as my official notice that the Office of the Sheriff does not, and will not, support Recommendations Nos. 20 & 21 of the Racial Justice Task Force (RJTF) Final Report. For the reasons outlined below, we respectfully ask the Public Protection Committee to refer this matter back to the full Board of Supervisors with a recommendation to take no further action on these two recommendations.

I note for the record that no other county official – appointed or elected – nor any other county agency was also identified for “oversight” - not the Probation Department, not the Office of the District Attorney, not County Health, and not the Public Defender.

While many of the recommendations contained within the RJTF report are sound, and the goal of eliminating real or perceived racial bias from the criminal justice system is of critical importance, by recommending “oversight” of the Sheriff’s Office, the RJTF has gone well beyond their approved scope. Regrettably, it appears the RJTF veered into politics rather than good public policy in that regard.

Notably, the Public Protection Committee staff report (Donte Blue) identifies only two counties out of 58 where some type of oversight has been put in place. In both instances (Los Angeles and Santa Clara), the sheriffs agreed to such oversight. Such is not the case here.
At the outset, as noted by County Counsel, the Office of Sheriff-Coroner is a Constitutionally authorized position, directly elected by the voters of the entire county, and serves independent of the Board of Supervisors. Creating a civilian “oversight committee,” “advisory body,” or anything of the kind directly infringes and impedes the Sheriff’s independent authority to operate the jails.

Ultimately the Sheriff-Coroner serves at the will of the voters, and the California Attorney General has oversight as to the conduct and official acts of all sheriffs.

Additionally, creating an “independent grievance process” that operates outside of the Sheriff’s Office is duplicative of current policies, unwarranted, unnecessary, and likely unconstitutional. Such a regime would undercut the current inmate grievance process, impinge on the safety and security of the facility, and require access to confidential inmate files and/or personnel files. None of those things are authorized by law and will not be supported.

There is already sufficient state and federal “oversight” of the Sheriff-Coroner and the jail. Specifically,

1. All California jails come under the authority, including inspection authority, of the California Board of State and Community Corrections (BSCC). We are required to follow all regulations as promulgated under California TITLE 15, and those regulations are enforced by the BSCC.

2. We are also subject to oversight by the California Attorney General and are currently in the process of an Attorney General’s review of complaints lodged by select ICE detainees. We have produced tens of thousands of pages of various documents and used hundreds of hours of staff time thus far.

3. We are also subject to the oversight of the California State Auditor who is currently auditing many California jails and prisons with ICE contracts, including Contra Costa County.

4. County Public Health conducts facility inspections annually, including conditions of confinement for all inmates.

5. The County Civil Grand Jury has oversight of the county jails and routinely conducts tours and inspections. The County Civil Grand Jury is scheduled to inspect the Martinez Detention Facility on August 21, 2018, the West County Detention Facility on August 28, 2018, and the Marsh Creek Detention Facility on September 4, 2018.

6. During the time we have held contracts with the United States Marshal’s Service and ICE, we have been subject to regular and ongoing inspections by Federal regulators and investigators. We have passed these inspections in every instance.
For all of the preceding reasons, we ask that no further action be taken on recommendation Nos. 20 and 21 in the RJTF Final Report.

Sincerely,

DAVID O. LIVINGSTON
Sheriff – Coroner

DOL:sl

cc: Members of the Board of Supervisors
    David Twa, County Administrator
    Tim Ewell, Chief Assistant County Administrator
    Paul Reyes, Senior Deputy County Administrator
    Lara DeLaney, Director, Office of Reentry and Justice
    Shawn Welch, President, Deputy Sheriffs’ Association
    Sonia Bustamante, Chief of Staff to Supervisor Gioia
    David Fraser, Chief of Staff to Supervisor Glover
    Cynthia Harvey Patton, Deputy Chief of Staff to Supervisor Gioia
    Vincent Manuel, Deputy Chief of Staff to Supervisor Glover
PUBLIC PROTECTION COMMITTEE

Meeting Date: 08/06/2018
Subject: Racial Justice Task Force Recommendations
Submitted For: David Twa, County Administrator
Department: County Administrator
Referral No.: N/A
Referral Name: Racial Justice Task Force
Presenter: Donté Blue  
Contact: D. Blue, 925-335-1977

Referral History:
On April 7, 2015, the Board of Supervisors (BOS) received a letter from the Coalition requesting the review of certain topics within the local criminal justice system. The PPC generally hears all matters related to public safety within the County and was tasked with reviewing this referral by the BOS.

On July 6, 2015, the PPC initiated discussion regarding this referral and directed staff to research certain items identified in the Coalition's letter to the BOS and return to the PPC in September 2015. Specifically, this was with regard to current workplace diversity training for county employees and current data on race in the County criminal justice system.

On September 14, 2015, the PPC received a comprehensive report from staff on current data related to race in the County criminal justice system, information regarding the County workplace diversity training and examples of diversity and implicit bias trainings from across the country.

At the November 9, 2015 meeting, the PPC received a brief presentation reintroducing the referral and providing an update on how a 2008 Disproportionate Minority Contact (DMC) report compares with the statistical data presented at the September meeting. Following discussion, the PPC directed staff to return in December 2015, following discussions between the County Probation Officer, District Attorney and Public Defender, with thoughts about how to approach a new DMC study initiative in the County.

On December 14, 2015, the PPC received an update from the County Probation Officer, District Attorney and Public Defender on how best to proceed with an update to the 2008 DMC report; including, establishing a task force to review and update findings from the 2008 report. During the 2008 study, the concept of establishing a new task force was discussed; however, the task force was not formed at that time. The PPC directed the three departments above to provide a written project scope and proposed task force composition for final review.

On February 29, 2016, the PPC received written description of the proposed task force discussed
at the December 2015 meeting from the County Probation Officer, District Attorney and Public Defender. The PPC accepted the proposed task force composition and clarified that the three school district seats should be represented by the West Contra Costa Unified School District, the Mount Diablo Unified School District and the Antioch Unified School District. The PPC directed staff to prepare a report for consideration by the full Board of Supervisors and schedule for early April 2016.

On April 12, 2016, the Board of Supervisors accepted a report and related recommendations from the Committee resulting in the formation of a 17-member Disproportionate Minority Contact Task Force composed of the following:

- County Probation Officer
- Public Defender
- District Attorney
- Sheriff-Coroner
- Health Services Director
- Superior Court representative
- County Police Chief’s Association representative
- Mount Diablo Unified School District representative
- Antioch Unified School District representative
- West Contra Costa Unified School District representative
- (5) Community-based organization (CBO) representatives (at least 1 representative from each region of the County and at least one representative from the faith and family community)
- Mental Health representative (not a County employee)
- Public Member – At Large

On August 15, 2016, the Board of Supervisors renamed the Disproportionate Minority Contact Task Force to the Racial Justice Task Force, and appointed individuals to the Task Force.

On June 25, 2018, the Public Protection Committee accepted the "Racial Justice Task Force--Final Report and Recommendations," as prepared by Resource Development Associates and recommended the BOS adopt the report and its recommendations.

Referral Update:

On July 24, 2018, the Board of Supervisors considered adopting the "Racial Justice Task Force--Final Report and Recommendations," as prepared by Resource Development Associates and decided to adopt the report and recommendations as presented, except for recommendation #18 and recommendation #19. These two recommendations were referred back to the Public Protection Committee as part of a separate referral to solicit further input from both the Sheriff and Racial Justice Task Force.

Recommendation(s)/Next Step(s):

To implement the recommendations of the Racial Justice Task Force, staff recommends the Committee:

1. PROVIDE direction to staff for the establishment of a Racial Justice Oversight Body, and
   DIRECT staff to propose a process to identify nominees for appointment to the Racial Justice Oversight Body by the Board of Supervisors; and

As recommended by the Racial Justice Task Force, and adopted by the Board of Supervisors, a
Racial Justice Task Force Oversight Body shall be established to guide the implementation of the Task Force's recommendations, and assess the efficacy of the interventions, with transparency and ongoing input from a diverse array of stakeholders. Additionally, the RJOB should be expected to review local criminal and juvenile justice data to identify and report on the current state of racial disparities in the local justice system. To accomplish these functions, the full RJOB shall at least meet quarterly, provide the BOS with an annual report on its work, and be comprised of the following members:

1. A representative from the Superior Court, as a non-voting member
2. The Sheriff or his designee
3. The Chief Probation Officer or his designee
4. The Public Defender or her designee
5. The District Attorney or her designee
6. A representative from a local law enforcement agency, nominated by the Contra Costa County Police Chiefs’ Association
7. A representative from the Contra Costa County Board of Education
8. A representative from Contra Costa County Health Services
9. Eight community-based representatives, that include at a minimum:
   a. Two members of the Racial Justice Coalition,
   b. Two individuals with prior personal criminal or juvenile justice system involvement,
   c. Three representatives from community-based organizations that work with individuals in the justice system, including at least one person who works directly with youth
   d. One representative from a faith-based organization

It should be noted that the main differences between the Racial Justice Task Force membership, and that of the RJOB, is that the three school district seats have been replaced with a single seat for the County Office of Education, and the seven community-based representatives has been increased to eight with and had their regional restrictions replaced with more specific characteristics for each seat.

In implementing this first Task Force recommendation the Committee should also notice the recommendation identified a need for resources to staff and facilitate the work of the RJOB. While the level of administrative support required will depend on the volume of additional subcommittees and amount of work required between meetings of the full RJOB.

Notwithstanding this, the Office of Reentry and Justice is able to staff quarterly meetings of the RJOB, as recommended by the Task Force, with current ORJ staffing levels. Inquiries into the cost of outside facilitation and support for the work of the RJOB beyond its quarterly meeting resulted in estimates of around $100,000 per year. In considering any recommendations for funding, the Committee should be aware that no revenue source has been identified to cover any of the costs to implement the Task Force recommendations.

**Attachments**

Racial Justice Task Force Recommendations - Revised
Recommendations

Oversight and Accountability

1) The Racial Justice Task Force recommends that the Board of Supervisors appoint a Racial Justice Oversight Body (RJOB) to oversee the implementation of the recommendations made by the Task Force, as specified by the Board of Supervisors. The RJOB would meet on a quarterly basis and report to the Board on an annual basis. The RJOB shall be made up of the following members:

1. A representative from the Superior Court, as a non-voting member
2. The Sheriff or his designee
3. The Chief Probation Officer or his designee
4. The Public Defender or her designee
5. The District Attorney or her designee
6. A representative from a local law enforcement agency, nominated by the Contra Costa County Police Chiefs’ Assn.
7. A representative from the Contra Costa County Board of Education
8. A representative from Contra Costa County Health Services
9. Eight community-based representatives, that include at a minimum:
   a. Two members of the Racial Justice Coalition,
   b. Two individuals with prior personal criminal or juvenile justice system involvement,
   c. Three representatives from community-based organizations that work with individuals in the justice system, including at least one person who works directly with youth
   d. One representative from a faith-based organization

Any individual may meet more than one of these qualifications.

The RJTF further recommends that the work of this body be staffed by the County Office of Reentry and Justice, and that funds for facilitation be allocated through an RFP process.

1) a. The RJOB should or a subcommittee thereof should review local criminal and juvenile justice data in order to identify and report on racial disparities. This will include a review of use-of-force data, as available from the California Department of Justice’s Open Justice data.

Diversion

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.
4. Ensure that the inability to pay for the costs of diversion will not prohibit participation.
5. Recommend, as appropriate, partnerships between law enforcement agencies and community-based organizations to provide diversion services and oversight.

This committee may be a subgroup of the Racial Justice Oversight Body (RJOB) and will report to the RJOB.

3) Expand the use of crisis intervention teams, mobile crisis teams, and behavioral health assessment teams so they are available across the County.
4) Local law enforcement agencies shall issue citations and establish non-enforcement diversion programs as an alternative to arrests.

Data

5) All Contra Costa County justice partners and local law enforcement agencies shall collect individual-level data on all individual encounters with criminal and juvenile justice systems and processes. In so doing, they should consult best practices to balance data needs with confidentiality regulations.
   a. Office of Reentry and Justice (ORJ) should publish race-specific data (diversion, arrest, and outcomes on calls for service) online to create greater transparency and accountability of the County justice partners and LEAs.
   b. All Contra Costa County justice partners and local law enforcement agencies should improve capacity for data collection and analysis including expanding staff with data analysis capabilities.
      i. Probation Department, in partnership with County justice partners should assess tools regularly to ensure a decrease in racial disparities.
   c. Office of Reentry and Justice (ORJ) should support analysis of interventions implemented through the RJTF to measure efficacy and assess impact on racial disparities.

County Support for Local Agencies

6) The County shall work with local enforcement agencies to seek funds that support the integration of de-escalation and behavioral health intervention trainings into local enforcement agency regional academy and/or department orientations.
   a. The County shall work with local enforcement agencies to seek funds to implement improved procedural justice practices and implicit bias training.
      i. Identify funding for procedural justice training utilizing the train the trainer model.
ii. Work with the Chief’s Association to create a forum to share information and strengthen promising practices around procedural justice and implicit bias trainings.

7) In addition, local enforcement agencies in CCC should:
   i. Ensure inclusion of de-escalation and behavioral health intervention trainings into local enforcement agency regional academy and/or department orientations
   ii. Provide procedural justice and implicit bias training to all staff

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.

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.

Community Engagement and Services

10) County justice partners shall establish formal partnerships with community-based organizations to provide greater capacity for
   i. diversion,
   ii. reentry programs,
   iii. alternatives to detention
   iv. pretrial services
   v. in custody programming
   All community-based organizations receiving funding from the County shall be evaluated for efficacy and effectiveness of program goals and objectives to ensure populations are appropriately served. Community input shall be an integral part of this process.

11) Establish a community capacity fund to build the capacity of community-based organizations – especially those staffed by formerly incarcerated individuals – to contract with the County and provide services to reentry clients.

12) The County and/or oversight body shall collaborate with the Community Corrections Partnership Executive Committee (CCP-EC) to consider increasing realignment funding for community services.

Practices Related to Trial and Adjudication Processes

13) Encourage the Superior Court to return to the process of jury selection whereby jurors are called to service to their local branch court for misdemeanor trials.
14) The Public Defender’s Office shall hire social workers who can assess clients’ psychosocial needs and link them to services.

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

**Confinement**

16) Expand eligibility for pre-trial services and increase pre-trial services staffing, with a focus on reducing racial disparities and replacing the money bail system.

17) Expand the current pre-release pilot to serve all individuals in custody.

18) Establish an independent grievance process for individuals in custody in the County adult detention facilities to report concerns related to conditions of confinement based on gender, race, religion, and national origin. This process shall not operate via the Sheriff’s Office or require any review by Sheriff’s Office staff.

19) Establish an independent monitoring body to oversee conditions of confinement in County adult detention facilities based on gender, race, religion, and national origin and report back to the Board of Supervisors.

**Other**

20) All County staff shall participate in and complete implicit bias training.

**PLEASE NOTE THE FOLLOWING:**

AFTER FULL CONSIDERATION OF THE MATTER DURING ITS JULY 24, 2018, MEETING, RECOMMENDATIONS #18 AND #19 WERE NOT ADOPTED BY THE CONTRA COSTA COUNTY BOARD OF SUPERVISORS. INSTEAD, THESE TWO RECOMMENDATIONS HAVE BEEN SEPERATELY REFERRED TO THE BOARD’S PUBLIC PROTECTION COMMITTEE TO GARNER ADDITIONAL INPUT FROM BOTH THE SHERIFF AND MEMBERS OF THE RACIAL JUSTICE TASK FORCE PRIOR TO BEING RETURNED TO THE BOARD FOR ANY FURTHER CONSIDERATION.
Referral History:
The Public Protection Committee accepted the "Racial Justice Task Force--Final Report and Recommendations" as presented on June 25, 2018.

Referral Update:
The "Racial Justice Task Force--Final Report and Recommendations" was presented to the Board of Supervisors for adoption on July 24, 2018. Prior to the Board meeting, however, Contra Costa County Sheriff, David O. Livingston, submitted a letter to the Supervisors, and County Administrator’s Office, raising concerns about the age of the data used in the Task Force’s report, and the validity of the conclusions derived from this data. Most importantly, this letter urged the Board to oppose Recommendation #21 (recommending the creation of an independent body to review in-custody grievances), and Recommendation #22 (recommending the creation of an adult detention oversight body for conditions of confinement). The reason the Sheriff gave for these objections was that these recommendations exceeded the Task Force's scope of responsibility, the Sheriff is an elected constitutional officer independent of the Board of Supervisors, and the Office of Sheriff-Coroner is already subject to sufficient oversight and audits from the state by way of the Attorney General, Board of State and Community Corrections, and Civil Grand Jury of the Superior Court.

Based on the Sheriff’s comments, the Supervisors received a preliminary opinion from County Counsel as to the Boards ability to act in accordance with the two challenged Task Force’s Recommendations. County Counsel opined that the Sheriff-Coroner enjoyed a level of autonomy over his department’s operation of the County’s jails, and the Board could not unilaterally interfere with this function. Furthermore, while the Board could convene an advisory body to report on information about these operations, gaining access to the information necessary to fulfill this function would still require some level of participation from Office of the Sheriff-Coroner.

The Board then voted to strike Recommendations #18 and #19 (these appear as Recommendations #21 and #22 in the Final Report) before adopting the remainder of the Task Force's 20 recommendations and Final Report. In a separate motion, the Board referred the two
stricken recommendations back to the Public Protection Committee with direction to gather input from the Sheriff and Racial Justice Task Force to determine if there was some version of these recommendations that can be agreed upon and returned to the Board for reconsideration at a future date.

Discussion

While the conversation around independent civilian oversight of custodial facilities is not new, recently there has been notable activity in this area across the state. Specifically, in just the past few years both Los Angeles County and Santa Clara County have enacted ordinances that have created offices and bodies to provide oversight of both its local jail operations and other law enforcement activities. Below are summaries of the events and actions that led to establishing oversight functions in these two jurisdictions. There are also documents attached to this staff report that further detail the relevant activity in both of these jurisdictions.

LOS ANGELES COUNTY - INSPECTOR GENERAL AND CIVILIAN OVERSIGHT COMMISSION

In 2014 the Board of Supervisors, as part of its duty to supervise the official conduct of the Sheriff under Government Codes §25303, created the Office of the Inspector General (OIG) with the goal of providing the Board with “comprehensive oversight, monitoring of, and reporting about the Sheriff’s Department and its jail facilities.” This development came in the midst of a 2013 investigation into the County’s Sheriff and jails by the US Department of Justice that ultimately resulted in multiple consent decrees to provide individuals detained in their jails with confinement conditions that better ensured each person's safety from harm (including self-harm and excessive force), and provided them with adequate treatment for their various health needs. Since its formation, the OIG has produced a variety of reports for the Board on topics that include Sheriff’s policies regarding interaction with immigration authorities, programs for incarcerated pregnant women, and the safe release of people from the Sheriff’s custody.

In 2015 the Board of Supervisors convened a work group to explore the creation of a Civilian Oversight Commission (Commission). This work resulted in LA's Sheriff and Inspector General signing a Memorandum of Agreement (MoA) that established a process for the OIG to get information from the Sheriff for the operation of the Commission and performance of OIG duties. With this MoA, and a set of recommendations from the Work Group, in January 2016 LA’s Board of Supervisors approved an ordinance to establish the County’s nine-member Civilian Oversight Commission as a permanent advisory board that would work with the OIG to review the activities of the County’s Sheriff Department. With its inaugural meeting in January 2017, the Commission officially began fulfilling its charge of ensuring an improved level of public transparency and accountability for the LA County Sheriff.

SANTA CLARA COUNTY - OFFICE OF CORRECTION AND LAW ENFORCEMENT OVERSIGHT

After the 2015 murder of a man by Santa Clara County correctional officials while in their custody, the Santa Clara County Board of Supervisors established a Blue Ribbon Commission (BRC) with the goal of identifying opportunities to improve in-custody operations within the County’s local jails. The BRC worked with 13 other organizations to provide the Board of Supervisors over 600 recommendations aimed at improving local jail conditions. As part its final report, the establishment of an office that provided an avenue to accomplish meaningful civilian oversight was cited by the BRC as one of the two most important recommendations to improve the conditions and operations of the County's local jails. In 2016 the Board referred the matter to its Finance and Government Operations Committee to move the discussion towards the
implementation of the BRC recommendations. As part of this work, the Committee then
counteed two panels of experts from across the country to discuss the possibility and necessity of
creating an independent oversight body in the County. The Committee reported a general
consensus among the panelist of the need for such oversight and the importance of the functions
that would be provided by such a body. Informed by the work of the BRC, and its own Finance
and Government Operations Committee, in April 2018 the Santa Clara County Board of
Supervisors voted unanimously to enact an ordinance for the creation of an Office of Correction
and Law Enforcement Oversight.

**Recommendation(s)/Next Step(s):**
When the Task Force Recommendations were being considered by the Board, County Counsel
was clear that oversight of the type being contemplated would require the participation of the
Sheriff’s Office. Notably, both examples described above had the full support of the local Sheriff.

Staff recommends the Committee take the following action:

1. ACCEPT input from the Office of the Sheriff-Coroner and members of the Racial Justice
   Task Force re amendments to Racial Justice Task Force Recommendations that were
   stricken by the Board of Supervisors; or

2. DIRECT staff to work with County Counsel to convene a small working group of up to two
   Sheriff representatives and two Racial Justice Task Force members to develop amended
   recommendations to be considered by the Committee.

**Attachments**

- Final RJTF Memo - Revised
- Sheriff Letter to BOS
- LA County - Office of Inspector General
- LA County - Civilian Oversight Commission
- LA County - Sheriff MOA with Inspector General
- Santa Clara County - Office of Correction and Law Enforcement Monitoring
Final Report to Board of Supervisors

Introduction

Overview of Racial Justice Task Force

On April 12, 2016 the Contra Costa County Board of Supervisors (Board) unanimously voted to create the Racial Justice Task Force (RJTF), prompted in large part by the activism and advocacy of the Contra Costa County Racial Justice Coalition. Tasked with building on the County’s 2008 report and recommendations, “Disproportionate Minority Contact: Reducing Disparities in Contra Costa County,” the 17-member body was designed to represent a range of local stakeholders, including County criminal and juvenile justice agencies, County health and behavioral health, community-based organizations, local school districts and law enforcement agencies, and the community at large. In February 2017, Resource Development Associates (RDA) was hired to provide Task Force facilitation and data analysis services and on April 5, 2017, the RJTF convened for the first time.

The RJTF met monthly from April 2017 through June 2018 to review data on local criminal and juvenile justice systems and processes, discuss best practices and emerging practices for addressing racial disparities in those systems and processes, and develop recommendations for action to address those disparities. Two ad hoc subcommittees were also convened to foster community engagement and plan for two series of community forums. In November 2017, the RJTF hosted 5 community forums to solicit residents’ input on priority areas for the Task Force to focus on and in May 2018, the RJTF hosted 3 additional forums to solicit input on preliminary recommendations. On June 6, 2018, the Task Force met for the last time to vote on recommendations to present to the Board of Supervisors.

The purpose of this memo is to present those recommendations to the Board and the larger body of local stakeholders in order to move forward their adoptions and implementation. This memo begins with a brief discussion of the considerations taken into account by the RJTF as it developed these recommendations, followed by an overview of the racial disparities in Contra Costa County, and then a presentation of recommendations. Appendices provide more information on the Task Force voting process, including a breakdown of how each RJTF member voted on each recommendation, as well as additional data on disparities in local criminal and juvenile justice systems.

Considerations in RJTF Areas of Focus and Recommendations

The criminal and juvenile justice systems are comprised of a wide array of agencies and organizations that have different statutory responsibilities and authority and operate in different jurisdictions (Figure 1). As the RJTF began its work, the group had to grapple with two key considerations related to the scope of the justice system and of the Task Force itself: 1) whether to focus only on agencies and processes under County jurisdiction and authority, and 2) how to prioritize breadth, and make recommendations across...
the justice system, or depth, and make a smaller number of recommendations but with greater specificity and readiness for implementation.

In terms of the former, RJTF members quickly agreed that despite the body having been convened to make recommendations for County action, it was impossible to understand disparities in County justice processes without first examining adults’ and youths’ entry into these processes, namely arrests and other issues related to local law enforcement. Therefore, both data and recommendations below are inclusive of criminal justice system agencies that operate within Contra Costa County but do not report to the Board, including local law enforcement agencies and the Superior Court. There are also recommendations for the school districts that operate within the County.

Figure 1. Overview of Criminal and Juvenile Justice System Process

In addition to taking a more expansive approach in deciding which justice system agencies and processes to include under its purview, the RJTF also agreed to take a broad focus, looking at disparities across criminal and juvenile justice processes and putting forth an extensive set of recommendations to address all of them, rather than a narrower focus on any one process or area of focus. As a consequence, the recommendations made here should be viewed as a starting point as part of a longer implementation process.
In addition to the two considerations described above, as the RJTF engaged in the process of developing recommendations, one other key decision point regularly emerged for consideration: whether and how much to focus on feasibility—and affordability—in making recommendations to the Board. Ultimately, the majority of RJTF members felt strongly that the task of this body was to review data and make recommendations based on observed disparities; RJTF members did not want the scope of these recommendations to be constrained by “likely” County action, agreeing that if a recommendation was important, the Task Force should make it rather than pre-determining what the County might ultimately implement.

**Key Findings: Overview of Racial Disparities in Contra Costa County Criminal and Juvenile Justice Systems and Processes**

Obtaining and examining data on racial disparities within the justice system was a critical step in the RJTF’s process and allowed the Task Force to identify key junctures where disparities exist in order to target interventions. A number of data limitations, tied to both data availability and data access, meant that the RJTF was not able to examine all data points of interest, driving a number of recommendations related to data collection and reporting. The lack of available data was a consistent challenge throughout this process, and key challenges included:

- Inconsistent data collection across the many local law enforcement agencies (LEAs) in Contra Costa County meant that the RJTF was not able to obtain up-to-date, racially specific data about law enforcement processes and practices; different LEA collect different data elements, have different policies and procedures around the dissemination of data collected, and have varying internal capacity for data management and analysis;
- Concerns about protecting youth’s confidentiality limited the Court’s willingness to make juvenile delinquency court data available; and
- California Judicial Council guidance to the Contra Costa County Court Executive Officer discouraged the Court from sharing individual-level criminal court data.

Because of these challenges, the RJTF had limited ability to obtain the type of individual-level data necessary to track racial disparities across different points in the criminal or juvenile justice process and relied largely on aggregate data and/or data available through public data sources. Data were collected from the State of California Department of Justice (DOJ) Criminal Justice Statistics Center (CJSC), the Contra Costa County Probation Department, the Contra Costa County Superior Court, the Contra Costa County Sheriff’s Office, and the Contra Costa County Racial Justice Coalition. Because different data are available from different sources at different points in time, these data span from 2013 through 2017.

Based on the data that was available, the following findings emerged:
Law Enforcement Disparities


According to data from the State of California DOJ CJSC, in both 2013 and 2014, Blacks were more likely to be arrested than individuals from any other racial/ethnic group in every city except one in Contra Costa County. While the specific rate of the disparity varied by city the disparity tended to be higher in cities with smaller black populations (see Appendix B for more information). Across the County, Black adults were more than 3 times more likely to be arrested than adults from any other racial/ethnic group, and Black youth were more than 7 times more likely to be arrested than youth from any other racial/ethnic group.
Finding 2. While this finding is consistent across cities in the County, differences in the offenses with the greatest disparities indicates that different local contexts drive these disparities.

Despite the clear and consistent trend in Blacks being arrested more than any other racial/ethnic group, 2013 and 2014 DOJ data that there are notable differences in the rate of this disparity, as well as in the specific offenses for which Black residents are disproportionately arrested. For example, some cities show the greatest rate of disparity for felony offenses, while others show greater disparities for misdemeanors; similarly, some cities show greater disparities for violent offenses, while others show greater disparities for property or drug crime. What these data make clear is that different local patterns and practices drive these disparities.

This finding was also supported by qualitative data collection, which showed that the practices related to routing people away from formal criminal or juvenile justice processing—known ask “diversion”—vary greatly across Contra Costa County. Different cities have different approaches to both formal and informal diversion, including different offenses for which they are willing to divert people and differences in whether and to what extent individuals who are arrested may be diverted to local organizations to address underlying issues that may lead to criminal or delinquent behavior and, subsequently, arrests.

Juvenile Justice Disparities

Finding 3. Black youth in Contra Costa County were much more likely than Latino and White youth to be referred to Probation.

Unsurprisingly given the disproportionate rate at which Black youth are arrested, data from the Contra Costa County Probation Department indicate that Black youth are more likely to be referred to Probation for possible further delinquency system processing. According to data from the Probation Department, in 2014 and 2015, Black youth were between 9-11 times more likely to be referred to Probation than White youth and 5-6 times more likely to be referred than Latino youth. Latino youth were also approximately twice as likely to be referred to Probation as White youth. As noted above, the RJTF was not able to obtain individual-level data on youth arrests or referrals, so we could not determine whether or not Black youth were more likely to be referred for similar offenses.

Finding 4. Black and Latino youth were more likely than White youth to be detained prior to adjudication.

Among youth who were referred to the Probation Department, both Black and Latino youth were more likely to be detained in the County’s Juvenile Hall, based on Probation data from 2014 and 2015. Both Black and Latino youth were 50% more likely to be detained than White youth after being referred to Probation and, because Black youth are already overrepresented in youth who are arrested and referred to Probation, Black youth who live in Contra Costa County are detained in Juvenile Hall at 14-16 times the rate of White youth. Again, data limitations limited the RJTF’s ability to compare the specific circumstances under which different youth were detained.
Finding 5. 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.

Among youth who are adjudicated delinquent, Black and Latino youth are more likely to receive a disposition that involved secure confinement, including either the Orin Allen Youth Rehabilitation Facility (“the Ranch”) or the California Department of Juvenile Justice (DJJ). According to Probation data from 2014 and 2015, Black youth were 50% to 200% more likely to be sent to secure confinement and Latino youth were 80% to 300% more likely than Whites; because of the cumulative disparities across the juvenile justice system, Black youth in Contra Costa County are confined 16-14 times often as White youth.

Criminal Justice Disparities

Finding 6. In 2014 and 2015, a greater proportion of cases with Latino or Black defendants had charge enhancements than cases with White defendants.

Sentencing enhancements are additional charges within the California Penal Code that allow for additional prison time if an underlying fact or condition is met. There are two kinds of enhancements that can increase the penalties for individuals who are convicted of a criminal offense, “charge enhancements” and “person enhancements.” Charge enhancements can occur when something about the way a crime is committed make the offense eligible for a more serious sentence that it would usually be, for example if someone is convicted of possessing or distributing drugs in a “drug free zone,” around a school or other designated area. Data from the Contra Costa County Superior Court for 2015 and 2016 show that a greater proportion of Black and Latino defendants have charge enhancements, meaning that they are likely receiving more serious penalties for comparable offenses as White defendants.

Finding 7. In 2014 and 2015, a greater proportion of Black defendants had person enhancements than either Latino or White defendants.

An individual can also be eligible for a more serious sentence if he or she has a prior criminal history via “person enhancements,” such as three strikes laws and other “habitual offender” laws. Data from the Contra Costa County Superior Court for 2015 and 2016 show that a greater proportion of Black defendants have person enhancements than White defendants, meaning that they are likely receiving more serious penalties for comparable offenses as White defendants. Although the data available to the RJTF did not allow us to compare the outcomes of defendants of different race/ethnicity with the same charges, this
pattern is nonetheless important in light of a growing body of research showing that both kinds of enhancements are a major driver of disparities in imprisonment.\textsuperscript{1} In particular, research has shown that Blacks are more likely to live in “drug free zones,” increasing the likelihood that they will be eligible for place-based enhancements; in addition, higher overall context with law enforcement and the criminal justice system has cumulative effects whereby Black defendants are more impacted by habitual offender laws.\textsuperscript{ii} iii

Finding 8. From 2015 to 2017, Black adults in Contra Costa County were more likely than Latino or White adults to be detained pre-trial.

Data from the Contra Costa County Sheriff’s Office showed that in 2016 and 2017, Black and Latino defendants were disproportionately likely to be detained pretrial than White defendants. The reasons for this included both court decisions related to bail and release as well as defendants’ ability to pay bail and obtain release.

Given the cumulative disparities across criminal justice processes, Black residents of Contra Costa County are held in pretrial detention at almost 7 times the rate of White residents; Latino residents are held in pretrial detention at 2.5 times the rate of Whites.

Finding 9. Changes to County jury selection processes have increased disparities in who serves on juries in Contra Costa County.

Starting in 2011, Contra Costa County Superior Court made changes to the jury selection process and misdemeanor trial locations. Whereas previously, jurors for misdemeanor trials had been selected regionally to serve on trials in East, West and Central county regions, so that the jury pool was representative of the region in which an alleged crime occurred, beginning in 2011, the Court centralized the trials to occur at the Martinez Courthouse and began selecting jurors from a countywide pool. In tandem, these processes appear to have resulted in juries that are more White and less representative of the overall County population.
Recommendations

Oversight and Accountability

While the Contra Costa County RJTF has made critical progress in developing a broad set of recommendations for addressing racial disparities in the County’s criminal and juvenile justice systems, there is much work to be done to implement these recommendations and assess their efficacy. Moreover, it is critical to the RJTF that this be done transparently and with ongoing input from a diverse array of stakeholders.

Recommendations

1) The Racial Justice Task Force recommends that the Board of Supervisors appoint a Racial Justice Oversight Body (RJOB) to oversee the implementation of the recommendations made by the Task Force, as specified by the Board of Supervisors. The RJOB would meet on a quarterly basis and report to the Board on an annual basis. The RJOB shall be made up of the following members:

1. A representative from the Superior Court, as a non-voting member
2. The Sheriff or his designee
3. The Chief Probation Officer or his designee
4. The Public Defender or her designee
5. The District Attorney or her designee
6. A representative from a local law enforcement agency, nominated by the Contra Costa County Police Chiefs’ Association
7. A representative from the Contra Costa County Board of Education
8. A representative from Contra Costa County Health Services
9. Eight community-based representatives, that include at a minimum:
   a. Two members of the Racial Justice Coalition,
   b. Two individuals with prior personal criminal or juvenile justice system involvement,
   c. Three representatives from community-based organizations that work with individuals in the justice system, including at least one person who works directly with youth
   d. One representative from a faith-based organization

Any individual may meet more than one of these qualifications.

The RJTF further recommends that the work of this body be staffed by the County Office of Reentry and Justice, and that funds for facilitation be allocated through an RFP process.

1) a. The RJOB should or a subcommittee thereof should review local criminal and juvenile justice data in order to identify and report on racial disparities. This will include a review of use-of-force data, as available from the California Department of Justice’s Open Justice data.
Diversion

Diversion is a broad umbrella term that refers to the process of diverting individuals from formal criminal or delinquent processes following an encounter with law enforcement. Informal diversion may include the decision by a law enforcement officer not to arrest someone from criminal or delinquent behavior or, after arresting someone, choosing not to refer the person onto the District Attorney or Probation Department. Formal diversion generally involves linking individuals to services, supports, and opportunities that can help them address underlying issues that may lead to criminal or delinquent behavior. By helping people avoid formal justice system processing, diversion can be a critical vehicle for reducing racial disparities in the justice system.

While diversion programs and practices redirect contact with the justice system, local jurisdictions must be aware that racial disparities can exist in this decision point and further exacerbate racial disparities if decision-making is not carefully monitored. In addition, because Blacks are so much more likely to have contact with the justice system and are often charged with more serious offenses than individuals from other racial/ethnic groups, diversion efforts that exclude people with prior justice system contact and/or are only limited to the most minor offenses often exacerbate racial disparities. Effective diversion programs are targeted, collaborative, and data driven.

Current Practices in Contra Costa County

Diversion is currently implemented inconsistently across Contra Costa County. May local law enforcement agencies have their own diversion approaches and programs, but neither diversionary offenses nor diversion programs/processes are standardized across the county. At the County level, the District Attorney’s Office has some limited diversion programs, such as the Bad Check Diversion Restitution program, and the Probation Department informally diverts youth whose offense are not determined appropriate for formal processing.

Recommendations

1. 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.
   4. Ensure that the inability to pay for the costs of diversion will not prohibit participation.
   5. Recommend, as appropriate, partnerships between law enforcement agencies and community-based organizations to provide diversion services and oversight.

This committee may be a subgroup of the Racial Justice Oversight Body (RJOB) and will report to the RJOB.
3) Expand the use of crisis intervention teams, mobile crisis teams, and behavioral health assessment teams so they are available across the County.

4) Local law enforcement agencies shall issue citations and establish non-enforcement diversion programs as an alternative to arrests.

Data

Thorough data collection and use are essential to monitoring and tracking whether agencies are producing equitable outcomes across race and ethnicity, and efforts to address bias and disproportionate minority contact throughout justice systems are succeeding.

Data collection, analysis and reporting disaggregated by race, ethnicity, geography and offense will give stakeholders visibility on efficacy and implementation fidelity of interventions, where disparities persist, whether progress to reduce disparities is being made, and whether the strategies are properly implemented. Ultimately, data driven processes increase transparency and legitimacy to broader stakeholders about the initiatives to reduce disparities in the county.

Current Practices in Contra Costa County

Although County criminal justice system agencies and local law enforcement agencies in Contra Costa County generally collect data about individual contact with different criminal or juvenile justice systems, there has been no systematic countywide effort to standardize what data are collected, define how race is identified and tracked across different systems, or agree on reporting processes. In addition, although the County has used AB 109 funds to invest in client data management systems for several public agencies, these agencies tend to lack the capacity to extract and analyze these data on a regular basis.

Recommendations

5) All Contra Costa County justice partners and local law enforcement agencies shall collect individual-level data on all individual encounters with criminal and juvenile justice systems and processes. In so doing, they should consult best practices to balance data needs with confidentiality regulations.
   a. Office of Reentry and Justice (ORJ) should publish race-specific data (diversion, arrest, and outcomes on calls for service) online to create greater transparency and accountability of the County justice partners and LEAs.
   b. All Contra Costa County justice partners and local law enforcement agencies should improve capacity for data collection and analysis including expanding staff with data analysis capabilities.
      i. Probation Department, in partnership with County justice partners should assess tools regularly to ensure a decrease in racial disparities.
   c. Office of Reentry and Justice (ORJ) should support analysis of interventions implemented through the RJTF to measure efficacy and assess impact on racial disparities.
County Support for Local Agencies

As Figure 1. Overview of Criminal and Juvenile Justice System Process on page 2 makes clear, county-level criminal and juvenile justice agencies are fundamentally connected to and impacted by the policies and practices of non-county agencies. In particular, city-level law enforcement practices necessarily determine who ends up in County-level justice system agencies. In addition, school district approaches to school discipline have a direct relationship with whether or not youth are referred to county juvenile justice systems. Thus, while the RJTF was convened by the Contra Costa County Board of Supervisors to make recommendations for County processes, the following recommendations are based on addressing the inherent interconnectedness of County and more local processes.

Recommendations

6) The County shall work with local enforcement agencies to seek funds that support the integration of de-escalation and behavioral health intervention trainings into local enforcement agency regional academy and/or department orientations.
   a. The County shall work with local enforcement agencies to seek funds to implement improved procedural justice practices and implicit bias training.
      i. Identify funding for procedural justice training utilizing the train the trainer model.
      ii. Work with the Chief’s Association to create a forum to share information and strengthen promising practices around procedural justice and implicit bias trainings.

7) In addition, local enforcement agencies in CCC should:
   i. Ensure inclusion of de-escalation and behavioral health intervention trainings into local enforcement agency regional academy and/or department orientations
   ii. Provide procedural justice and implicit bias training to all staff

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.

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.

Community Engagement and Services

Collaboration and structured partnerships with the community is essential. The justice system needs to recognize community based organizations and faith-based organizations as legitimate partners in
Reducing disparities. The community brings urgency, insight and creative solutions that can acutely reduce disparities and bring about a lasting change especially around reintegration and serving as alternatives to justice involvement.

Current Practices in Contra Costa County

Reentry programming in Contra Costa County is provided regionally using AB 109 funding, with the Reentry Success Center serving West County and HealthRIGHT360 delivering services under the Central-East Network of Services, also known as The Network. The Reentry Success Center provides services to individuals and families impacted by incarceration, helping to plan critical next steps after contact with police or courts. In addition, AB 109 funding supports a range of services and supports for any individual with a history of justice system involvement.

The County is also in the process of revising its reentry strategic plan through a community-engagement and planning process.

Recommendations

10) County justice partners shall establish formal partnerships with community-based organizations to provide greater capacity for
   i. diversion,
   ii. reentry programs,
   iii. alternatives to detention
   iv. pretrial services
   v. in custody programming

   All community-based organizations receiving funding from the County shall be evaluated for efficacy and effectiveness of program goals and objectives to ensure populations are appropriately served. Community input shall be an integral part of this process.

11) Establish a community capacity fund to build the capacity of community-based organizations – especially those staffed by formerly incarcerated individuals – to contract with the County and provide services to reentry clients.

12) The County and/or oversight body shall collaborate with the Community Corrections Partnership- Executive Committee (CCP-EC) to consider increasing realignment funding for community services.

Practices Related to Trial and Adjudication Processes

There are a number of practices that agencies involved in the adjudication process – courts, prosecution, and defense – can implement to reduce racial disparities in the justice system. For the Court, using a jury pool that is as representative as possible to the local population increases the likelihood that individuals are judged by a jury of their peers. District Attorney’s Offices wield a great deal of power through their ability to decide whether and how to charge an individual with a criminal offense, as well as whether to request money bail or a release on recognizance. Public Defenders Offices, as the public agency
advocating for the rights of individuals accused of crimes, are uniquely situated to support defendants, not only through vigorous defense but also by providing other services aimed at both addressing underlying issues that may be associated with justice system involvement, such as behavioral health issues, as well as by providing legal services to help people address some of the collateral consequences of criminal justice contact, such as immigration or child welfare issues.

Current Practices in Contra Costa County

Contra Costa County uses a master jury list created by combining a list of all registered voters as well as persons who have a valid driver’s license or identification card issued by the Department of Motor Vehicles. Contra Costa County employs a One Day/One Trial system. Under this system, individuals are typically assigned to jury selection after one day at the courthouse, and then their service is complete for at least 12 months. Individuals are selected from a countywide pool. The District Attorney’s Office does not currently have any official policies regarding the use of sentence enhancements or bail requests. The Public Defender’s Office currently employs several social workers, funded through AB 109, who work with clients to support both legal advocacy and linkage to services to address psychosocial needs.

Recommendations

13) Encourage the Superior Court to return to the process of jury selection whereby jurors are called to service to their local branch court for misdemeanor trials.

14) The Public Defender’s Office shall hire social workers who can assess clients’ psychosocial needs and link them to services.

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

Confinement

Indiscriminate use of confinement increases racial and ethnic disparity. Disparities in confinement can be reduced when successful and robust strategies are implemented at the front end of the justice system. Strategies to reduce racial and ethnic disparities in confinement address policies and practices that affect discipline, conditions of confinement, and facilitate smooth reintegration into the community.

Current Practices in Contra Costa County

Contra Costa County has placed emphasis on developing formalized partnerships between the Office of the Public Defender, Probation, the Sheriff’s Department, and the District Attorney’s Office in order to decrease the pretrial in-custody population. Through this collaboration, the County has developed the cross-departmental Pretrial Services (PTS) and Arraignment Court Early Representation (ACER) program. PTS provides judges with greater information by using a modified version of the Virginia Pretrial Risk Assessment Instrument (VPRAI). ACER ensures the presence of attorneys at defendants’ initial court

---

1 The RJTF considered but did not ultimately support a recommendation to limit the use of sentence enhancements.
appearances and is intended to increase the likelihood that appropriate defendants will be released on their own recognizance (OR) for the duration of the court process and allow for the expedited resolution of cases.

Contra Costa County also worked with RDA to develop a pre-release planning pilot program plan, and has recently implemented a pre-release planning pilot program in the County. Finally, the County’s Custody Alternative Facility allows individuals who are low risk to public safety to be released from custody and supervised by deputies from the Sheriff’s Office.

**Recommendations**

16) Expand eligibility for pre-trial services and increase pre-trial services staffing, with a focus on reducing racial disparities and replacing the money bail system.

17) Expand the current pre-release pilot to serve all individuals in custody.

18) Establish an independent grievance process for individuals in custody in the County adult detention facilities to report concerns related to conditions of confinement based on gender, race, religion, and national origin. This process shall not operate via the Sheriff’s Office or require any review by Sheriff’s Office staff.

19) Establish an independent monitoring body to oversee conditions of confinement in County adult detention facilities based on gender, race, religion, and national origin and report back to the Board of Supervisors.

**Other**

20) All County staff shall participate in and complete implicit bias training.

**Next Steps**

The RJTF has made important progress in reducing racial disparities in Contra Costa County justice systems and there are a number of next steps that will be essential for carrying this work forward. The first recommendations provided here – the creation of a Racial Justice Oversight Body – will be an essential vehicle for taking these steps, and establishing the RJOB is an important next step. Once this Body has been established, staffed, and membership recruited, there are several steps necessary to ensure its progress and efficacy:

1. **Prioritization of recommendations:** the RJTF intentionally choose to take a broad view of its charge and developed a lengthy set of recommendations across justice systems and processes. Further action will now require greater focus on a smaller set of recommendations in order to delineate and then implement the concrete steps necessary for implementation. Toward this end, the County and/or RJOB must prioritize those recommendations of greatest interest, in particular identifying those that will be addressed in the upcoming fiscal year versus those that will be addressed in subsequent years.
2. **Establish subcommittees:** For each recommendation selected for immediate action, the RJOB should convene a subcommittee of RJOB members who bring expertise in and commitment to addressing that issue or topic area. These subcommittees should include public agency and community member representation and be small enough to do concrete implementation planning.

3. **Develop workplans:** Each subcommittee must develop a workplan that delineates core steps for implementing the recommendation(s) that it is working on, including timelines and roles and responsibilities. This will require identifying the individuals and organizations that have influence and authority over changes to policy and practice and establishing processes for engagement them in next steps.

---


2 Ibid.


vi http://www.cc-courts.org/jury/general.aspx

Appendix A: Detailed Summary of Votes

When the RJTF began meeting, members established a series of working agreements that were designed to ensure that all perspectives were valued and that dissenting views were given due consideration. Toward that end, the Task Force agreed to a voting process whereby members could choose one of three options in responding to recommendations: 1. support, 2. do not support, and 3. oppose. If four or more RJTF members—or one-quarter—of the voting RJTF members oppose any action or recommendation, the Task Force agreed that it would not pass. Task Force members could also abstain from any vote.

Oversight and Accountability

Recommendation #1

1) The Racial Justice Task Force recommends that the Board of Supervisors appoint a Racial Justice Oversight Body (RJOB) to oversee the implementation of the recommendations made by the Task Force, as specified by the Board of Supervisors. The RJOB would meet on a quarterly basis and report to the Board on an annual basis. The RJOB shall be made up of the following members:

1. A representative from the Superior Court, as a non-voting member
2. The Sheriff or his designee
3. The Chief Probation Officer or his designee
4. The Public Defender or her designee
5. The District Attorney or her designee
6. A representative from a local law enforcement agency, nominated by the Contra Costa County Police Chiefs’ Assn.
7. A representative from the Contra Costa County Board of Education
8. A representative from Contra Costa County Health Services
9. Eight community-based representatives, that include at a minimum:
   a. Two members of the Racial Justice Coalition,
   b. Two individuals with prior personal criminal or juvenile justice system involvement,
   c. Three representatives from community-based organizations that work with individuals in the justice system, including at least one person who works directly with youth
   d. One representative from a faith-based organization

Any individual may meet more than one of these qualifications.

The RJTF further recommends that the work of this body be staffed by the County Office of Reentry and Justice, and that funds for facilitation be allocated through an RFP process.

---

1 The RJTF spent several meetings discussing and refining these recommendations. Through this process, some recommendations were combined or rearranged; as a result, there are sometimes gaps in numbering.
Diversion

Revised Recommendation #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.
4. Ensure that the inability to pay for the costs of diversion will not be a bar to eligibility or participation.
Recommend, as appropriate, partnerships between law enforcement agencies and community based organizations to provide diversion services and oversight.

This committee may be a subgroup of the Racial Justice Oversight Body (RJOB) and will report to the RJOB.

Vote by Members

<table>
<thead>
<tr>
<th>Vote</th>
<th>Members</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Do Not Support</td>
<td></td>
<td>0</td>
</tr>
<tr>
<td>Oppose</td>
<td></td>
<td>0</td>
</tr>
<tr>
<td>Abstain</td>
<td>John Lowden, Cardenas Shackelford</td>
<td>2</td>
</tr>
</tbody>
</table>

Result: Passed

Recommendation #2
County criminal and juvenile justice agencies and the Police Chief’s Association shall establish criteria for informal and formal diversion, with a focus on those offenses with greatest racial disparity. Toward that end, the County shall identify the offenses for which Black and Latinos are most disproportionately arrested, charged, and convicted and use those as a starting point for diversion efforts.

Vote by Members*

<table>
<thead>
<tr>
<th>Vote</th>
<th>Members</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Support</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>Do Not Support</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>Oppose</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>Abstain</td>
<td>0</td>
<td></td>
</tr>
</tbody>
</table>

* Members did not vote as Revised Recommendation #2 passed

Result: Failed

Recommendation #2a
Criteria for diversion shall include non-violent felony level crimes such as burglary.

Vote by Members*

<table>
<thead>
<tr>
<th>Vote</th>
<th>Members</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Support</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>Do Not Support</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>Oppose</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>Abstain</td>
<td>0</td>
<td></td>
</tr>
</tbody>
</table>

* Members did not vote as Revised Recommendation #2 passed
Result: Failed

Recommendation #2b

Criteria for diversion shall allow individuals with prior justice system involvement to be diverted.

<table>
<thead>
<tr>
<th>Vote</th>
<th>Members</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Support</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>Do Not Support</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>Oppose</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>Abstain</td>
<td>0</td>
<td></td>
</tr>
</tbody>
</table>

* Members did not vote as Revised Recommendation #2 passed

Result: Failed

Recommendation #3

Local enforcement agencies shall establish formal partnerships with community based organizations to provide diversion programs & services for youth and adults. Inability to pay shall not prohibit participation in diversion programs.

<table>
<thead>
<tr>
<th>Vote</th>
<th>Members</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Support</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>Do Not Support</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>Oppose</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>Abstain</td>
<td>0</td>
<td></td>
</tr>
</tbody>
</table>

* Members did not vote as Revised Recommendation #2 passed

Result: Failed

Recommendation #3a

County justice partners shall establish formal partnerships with community based organizations to provide diversion programs & services for youth and adults. Inability to pay shall not prohibit participation in diversion programs.

<table>
<thead>
<tr>
<th>Vote</th>
<th>Members</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Support</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>Do Not Support</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>Oppose</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>Abstain</td>
<td>0</td>
<td></td>
</tr>
</tbody>
</table>

* Members did not vote as Revised Recommendation #2 passed
Result: Failed

Recommendation #4
Expand the use of crisis intervention teams, mobile crisis teams, and system-wide behavioral health assessment teams so they are available across the County.

Vote by Members

<table>
<thead>
<tr>
<th>Vote</th>
<th>Members</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Do Not Support</td>
<td></td>
<td>0</td>
</tr>
<tr>
<td>Oppose</td>
<td></td>
<td>0</td>
</tr>
<tr>
<td>Abstain</td>
<td></td>
<td>0</td>
</tr>
</tbody>
</table>

Result: Passed

Recommendation #5
Local law enforcement agencies shall issue citations and establish non-enforcement diversion as an alternative to arrests.

Vote by Members

<table>
<thead>
<tr>
<th>Vote</th>
<th>Members</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Do Not Support</td>
<td></td>
<td>0</td>
</tr>
<tr>
<td>Oppose</td>
<td></td>
<td>0</td>
</tr>
<tr>
<td>Abstain</td>
<td>Harlan Grossman</td>
<td>1</td>
</tr>
</tbody>
</table>

Result: Passed
Data

Recommendation #6
All Contra Costa County criminal justice agencies and local law enforcement agencies shall collect individual-level data on all individual encounters with criminal and juvenile justice systems and processes. In so doing, they shall consult best practices to balance data needs with confidentiality concerns.

Vote by Members

<table>
<thead>
<tr>
<th>Vote</th>
<th>Members</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Do Not Support</td>
<td></td>
<td>0</td>
</tr>
<tr>
<td>Oppose</td>
<td></td>
<td>0</td>
</tr>
<tr>
<td>Abstain</td>
<td>Todd Billeci</td>
<td>1</td>
</tr>
</tbody>
</table>

Result: Passed

Recommendation #6a
Office of Reentry and Justice shall publish race-specific data on all of the above online to create greater transparency and accountability of the County criminal justice agencies and local enforcement agencies.

Vote by Members

<table>
<thead>
<tr>
<th>Vote</th>
<th>Members</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Do Not Support</td>
<td></td>
<td>0</td>
</tr>
<tr>
<td>Oppose</td>
<td></td>
<td>0</td>
</tr>
<tr>
<td>Abstain</td>
<td></td>
<td>0</td>
</tr>
</tbody>
</table>

Discussion: Todd Billeci shared there may be court-involved issues attaining juvenile data

Result: Passed
Recommendation #6b
All Contra Costa County criminal justice agencies and local law enforcement agencies shall improve capacity for data collection and analysis including expanding staff with data analysis capabilities.

Vote by Members

<table>
<thead>
<tr>
<th>Vote</th>
<th>Members</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Do Not Support</strong></td>
<td>0</td>
<td></td>
</tr>
<tr>
<td><strong>Oppose</strong></td>
<td>0</td>
<td></td>
</tr>
<tr>
<td><strong>Abstain</strong></td>
<td>Bisa French, Todd Billeci, John Lowden,</td>
<td>3</td>
</tr>
</tbody>
</table>

**Discussion:** Bisa French shared concern about the fiscal impact of this recommendation. Todd Billeci shared he does not like the word “shall” in this recommendation. Venus Johnson shared she wholeheartedly believes system change is driven through data and policy however, the Board does not have the authority to make this happen. She stated all agencies should be working independently towards better data collection and analysis to drive policy change. John Lowden shared he will abstain in interest of other agencies. Harlan Grossman shared he is unsure who has the authority to do this.

**Result:** Passed

Recommendation #6c
Office of Reentry and Justice shall support analysis of interventions implemented through the RJTF to measure efficacy and assess impact on racial disparities.

Vote by Members

<table>
<thead>
<tr>
<th>Vote</th>
<th>Members</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Do Not Support</strong></td>
<td>0</td>
<td></td>
</tr>
<tr>
<td><strong>Oppose</strong></td>
<td>0</td>
<td></td>
</tr>
<tr>
<td><strong>Abstain</strong></td>
<td>0</td>
<td></td>
</tr>
</tbody>
</table>

**Result:** Passed
County Support for Local Agencies

Recommendation #8
The County shall provide resources to ensure integration of de-escalation and behavioral health intervention trainings into local enforcement agency regional academy and/or department orientations.

Vote by Members

<table>
<thead>
<tr>
<th>Vote</th>
<th>Members</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Support</td>
<td>Bisa French, Marcus Walton, Tamisha Walker</td>
<td>3</td>
</tr>
<tr>
<td>Do Not Support</td>
<td>Leslie Takahashi, Stephanie Medley</td>
<td>2</td>
</tr>
<tr>
<td>Abstain</td>
<td>Debra Mason</td>
<td>1</td>
</tr>
</tbody>
</table>

Discussion: Leslie Takahashi shared while she understands the Board may not have the jurisdiction to do this, it is important to identify the resources needed to make this recommendation happen.

Result: Failed

OR

Revised Recommendation #8
The County shall work with local enforcement agencies to seek funds that support the integration of de-escalation and behavioral health intervention trainings into local enforcement agency regional academy and/or department orientations.

Vote by Members

<table>
<thead>
<tr>
<th>Vote</th>
<th>Members</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Do Not Support</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>Oppose</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>Abstain</td>
<td>0</td>
<td></td>
</tr>
</tbody>
</table>

Result: Passed

Recommendation #8a
The County shall provide resources to incentivize local enforcement agencies to implement improved procedural justice practices and implicit bias training.

i. Identify funding for procedural justice training utilizing the train the trainer model
ii. Work with the Chief’s Association to create a forum to share information and strengthen promising practices around procedural justice and implicit bias trainings.
Vote by Members

<table>
<thead>
<tr>
<th>Vote</th>
<th>Members</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Do Not Support</td>
<td></td>
<td>0</td>
</tr>
<tr>
<td>Oppose</td>
<td></td>
<td>0</td>
</tr>
<tr>
<td>Abstain</td>
<td></td>
<td>0</td>
</tr>
</tbody>
</table>

Result: Passed

Recommendation #9
In addition, local enforcement agencies in Contra Costa County shall:
  i. Ensure inclusion of de-escalation and behavioral health intervention trainings into local enforcement agency regional academy and/or department orientations
  ii. Provide procedural justice and implicit bias training to all staff

Vote by Members

<table>
<thead>
<tr>
<th>Vote</th>
<th>Members</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Do Not Support</td>
<td></td>
<td>0</td>
</tr>
<tr>
<td>Oppose</td>
<td></td>
<td>0</td>
</tr>
<tr>
<td>Abstain</td>
<td></td>
<td>0</td>
</tr>
</tbody>
</table>

Result: Passed

Recommendation #10
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 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.
Vote by Members

<table>
<thead>
<tr>
<th>Vote</th>
<th>Members</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Do Not Support</td>
<td></td>
<td>0</td>
</tr>
<tr>
<td>Oppose</td>
<td></td>
<td>0</td>
</tr>
<tr>
<td>Abstain</td>
<td>Todd Billeci, Venus Johnson</td>
<td>2</td>
</tr>
</tbody>
</table>

Result: Passed

Recommendation #10a
The County Office of Education shall work with school districts to provide supportive behavioral health services such as counseling, peer support, and early intervention services for youth presenting signs of emotional, mental, and/or behavioral distress.

Vote by Members

<table>
<thead>
<tr>
<th>Vote</th>
<th>Members</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Do Not Support</td>
<td></td>
<td>0</td>
</tr>
<tr>
<td>Oppose</td>
<td></td>
<td>0</td>
</tr>
<tr>
<td>Abstain</td>
<td>Todd Billeci</td>
<td>1</td>
</tr>
</tbody>
</table>

Result: Passed

Revised Recommendation #11
In their review and approval of Local Control and Accountability Plans (LCAPs) and supplemental funding, the County Office of Education shall prioritize the following, as far as legally possible.

a. Exploring and identifying programs that focus on faculty and staff trainings and their interactions with students. Such programs shall support developing strategies that address behavior issues to achieve positive outcomes such as My Teacher Partner Program (MTP).

b. Requiring school districts to create partnerships with culturally specific organizations to routinely train faculty and staff on the issues facing communities of color.
Vote by Members

<table>
<thead>
<tr>
<th>Vote</th>
<th>Members</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Support</td>
<td>Leslie Takahashi, William Walker, Tamisha Walker, Stephanie Medley,</td>
<td>7</td>
</tr>
<tr>
<td></td>
<td>Dennisha Marsh, Debra Mason, Robin Lipetzky</td>
<td></td>
</tr>
<tr>
<td>Do Not Support</td>
<td>Marcus Walton, Cardenas Shackelford, Harlan Grossman</td>
<td>3</td>
</tr>
<tr>
<td>Oppose</td>
<td></td>
<td>0</td>
</tr>
<tr>
<td>Abstain</td>
<td>Bisa French, Todd Billeci, Venus Johnson, John Lowden</td>
<td>4</td>
</tr>
</tbody>
</table>

Result: Failed

**Community Engagement and Services**

Recommendation #12

County criminal justice agencies shall establish formal partnerships with community-based organizations to provide greater capacity for

i. diversion,
ii. reentry programs,
iii. alternatives to detention
iv. pretrial services
v. in custody programming

All community-based organizations receiving funding from the County shall be evaluated for efficacy and effectiveness of program goals and objectives to ensure populations are appropriately served. Community input shall be an integral part of this process.

Vote by Members

<table>
<thead>
<tr>
<th>Vote</th>
<th>Members</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Do Not Support</td>
<td></td>
<td>0</td>
</tr>
<tr>
<td>Oppose</td>
<td></td>
<td>0</td>
</tr>
<tr>
<td>Abstain</td>
<td></td>
<td>0</td>
</tr>
</tbody>
</table>

Result: Passed

Recommendation #13

Establish a community capacity fund to build the capacity of community-based organizations – especially those staffed by formerly incarcerated individuals – to provide services to reentry clients.
**Vote by Members**

<table>
<thead>
<tr>
<th>Vote</th>
<th>Members</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Do Not Support</td>
<td></td>
<td>0</td>
</tr>
<tr>
<td>Oppose</td>
<td></td>
<td>0</td>
</tr>
<tr>
<td>Abstain</td>
<td>Tamisha Walker</td>
<td>1</td>
</tr>
</tbody>
</table>

**Result:** Passed

**Recommendation #15**

The County and/or oversight body shall collaborate with the Community Corrections Partnership-Executive Committee (CCP-EC) to consider increasing realignment funding for community services.

**Vote by Members**

<table>
<thead>
<tr>
<th>Vote</th>
<th>Members</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Do Not Support</td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>Oppose</td>
<td></td>
<td>0</td>
</tr>
<tr>
<td>Abstain</td>
<td>Bisa French</td>
<td>1</td>
</tr>
</tbody>
</table>

**Result:** Passed

**Practices Related to Trial and Adjudication Processes**

**Recommendation #16a**

Encourage the Superior Court to return to the process of jury selection whereby jurors are called to service to their local branch court for misdemeanor trials.

**Vote by Members**

<table>
<thead>
<tr>
<th>Vote</th>
<th>Members</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Do Not Support</td>
<td></td>
<td>0</td>
</tr>
<tr>
<td>Oppose</td>
<td></td>
<td>0</td>
</tr>
<tr>
<td>Abstain</td>
<td></td>
<td>0</td>
</tr>
</tbody>
</table>

**Result:** Passed
Recommendation #16b
Encourage the Superior Court to assign felony jury trials to the branch courts having jurisdiction over the location where the alleged offense occurred.

**Vote by Members**

<table>
<thead>
<tr>
<th>Vote</th>
<th>Members</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Support</strong></td>
<td>Leslie Takahashi, Venus Johnson, Cardenas Shackelford, Tamisha Walker,</td>
<td>5</td>
</tr>
<tr>
<td></td>
<td>Stephanie Medley, Robin Lipetzky</td>
<td></td>
</tr>
<tr>
<td><strong>Do Not Support</strong></td>
<td>John Lowden, Harlan Grossman, Dennisha Marsh, Debra Mason</td>
<td>4</td>
</tr>
<tr>
<td><strong>Oppose</strong></td>
<td></td>
<td>0</td>
</tr>
<tr>
<td><strong>Abstain</strong></td>
<td>Bisa French, Todd Billeci, Venus Johnson, Marcus Walton, William Walker,</td>
<td>5</td>
</tr>
</tbody>
</table>

**Result:** Failed

Recommendation #17
Establish circumstances where DA won’t seek sentence enhancements. As a starting point, the DA’s Office shall not seek enhancements for any offenses in which defendants are eligible for Prop 47 relief.

**Vote by Members**

<table>
<thead>
<tr>
<th>Vote</th>
<th>Members</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Support</strong></td>
<td>Leslie Takahashi, William Walker, Tamisha Walker, Stephanie Medley,</td>
<td>7</td>
</tr>
<tr>
<td></td>
<td>Dennisha Marsh, Debra Mason, Robin Lipetzky</td>
<td></td>
</tr>
<tr>
<td><strong>Do Not Support</strong></td>
<td>John Lowden</td>
<td>1</td>
</tr>
<tr>
<td><strong>Oppose</strong></td>
<td></td>
<td>0</td>
</tr>
<tr>
<td><strong>Abstain</strong></td>
<td>Bisa French, Todd Billeci, Venus Johnson, Marcus Walton, Cardenas Shackelford, Harlan Grossman</td>
<td>6</td>
</tr>
</tbody>
</table>

**Discussion:** Venus Johnson shared there is a caveat to this recommendation. She shared there are currently cases going through the justice system where the courts are deciding if Prop 47 applies to certain offense that may not have been specifically listed in the ballot initiative. Dependin on the results of those cases, charging decisions will be impacted. Venus shared she does not disagree with the recommendation, but due to the way it is written and the stance of the legal system, she will abstain.

**Result:** Failed
Recommendation #18a
Public Defender’s Office shall hire social workers who can assess clients’ psychosocial needs and link them to services.

Vote by Members

<table>
<thead>
<tr>
<th>Vote</th>
<th>Members</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Do Not Support</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>Oppose</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>Abstain</td>
<td>Todd Billeci, John Lowden</td>
<td>2</td>
</tr>
</tbody>
</table>

Result: Passed

Recommendation #18b
The Public Defender’s Office, either directly or through partnerships with community-based organizations, shall offer civil legal representation to clients. For youth, this shall focus on educational advocacy

Vote by Members

<table>
<thead>
<tr>
<th>Vote</th>
<th>Members</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Do Not Support</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>Oppose</td>
<td>Harlan Grossman</td>
<td>1</td>
</tr>
<tr>
<td>Abstain</td>
<td>Todd Billeci, Venus Johnson, John Lowden</td>
<td>3</td>
</tr>
</tbody>
</table>

Discussion: Tamisha Walker shared the County does not currently provide enough funding for the Public Defender’s Office so she will support it. Stephanie Medley shared similar sentiments as Tamisha and shared the recommendation as it is written does not attach any resources to it or identifies any resources. Result: Passed
Confinement

Recommendation #19
Expand eligibility for pre-trial services and increase pre-trial services staffing, with a focus on reducing racial disparities and replacing the money bail system.

Vote by Members

<table>
<thead>
<tr>
<th>Vote</th>
<th>Members</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Do Not Support</td>
<td></td>
<td>0</td>
</tr>
<tr>
<td>Oppose</td>
<td></td>
<td>0</td>
</tr>
<tr>
<td>Abstain</td>
<td>Bisa French</td>
<td>1</td>
</tr>
</tbody>
</table>

Result: Passed

Recommendation #20
Expand the current pre-release pilot to serve all individuals in custody.

Vote by Members

<table>
<thead>
<tr>
<th>Vote</th>
<th>Members</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Do Not Support</td>
<td>John Lowden, Debra Mason</td>
<td>2</td>
</tr>
<tr>
<td>Oppose</td>
<td></td>
<td>0</td>
</tr>
<tr>
<td>Abstain</td>
<td></td>
<td>0</td>
</tr>
</tbody>
</table>

Discussion: Todd Billeci clarified this recommendation pertains to a pre-release program not pre-trial
Result: Passed

Recommendation #21
Establish an independent grievance process for individual in custody on the County adult detention facilities to report concerns related to conditions of confinement based on gender, race, religion, and national origin. This process shall not operate via the Sheriff’s Office or require any review by Sheriff’s Office staff.
Vote by Members

<table>
<thead>
<tr>
<th>Vote</th>
<th>Members</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Do Not Support</td>
<td>Todd Billeci, Debra Mason</td>
<td>2</td>
</tr>
<tr>
<td>Oppose</td>
<td>John Lowden</td>
<td>1</td>
</tr>
<tr>
<td>Abstain</td>
<td>Bisa French</td>
<td>1</td>
</tr>
</tbody>
</table>

Discussion: Debra Mason shared she does not support the recommendation if it requires the elimination of the Sherriff’s current process. She shared she believes there should be an additional step to process any complaints if one is not satisfied with the Sherriff’s process.

Result: Passed

IT SHOULD BE NOTED THAT AFTER FULL CONSIDERATION OF THE MATTER AT ITS JULY 24, 2018, MEETING, RECOMMENDATION #21 WAS NOT ADOPTED BY THE CONTRA COSTA COUNTY BOARD OF SUPERVISORS

Recommendation #22
Establish an independent monitoring body to oversee conditions of confinement in County adult detention facilities based on gender, race, religion, and national origin and report back to the Board of Supervisors.

Vote by Members

<table>
<thead>
<tr>
<th>Vote</th>
<th>Members</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Do Not Support</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>Oppose</td>
<td>Todd Billeci, John Lowden</td>
<td>2</td>
</tr>
<tr>
<td>Abstain</td>
<td>Cardenas Shackelford</td>
<td>1</td>
</tr>
</tbody>
</table>

Discussion: Todd Billeci shared that even though he opposes this recommendation, he appreciates the engagement and involvement of the community throughout this process.

Result: Passed

IT SHOULD BE NOTED THAT AFTER FULL CONSIDERATION OF THE MATTER AT ITS JULY 24, 2018, MEETING, RECOMMENDATION #22 WAS NOT ADOPTED BY THE CONTRA COSTA COUNTY BOARD OF SUPERVISORS

RECOMMENDATIONS #21 AND #22, ABOVE, HAVE BEEN REFERRED TO THE PUBLIC PROTECTION COMMITTEE FOR ADDITIONAL INPUT FROM THE SHERIFF AND RACIAL JUSTICE TASK FORCE PRIOR TO FUTURE CONSIDERATION BY THE BOARD
Added Recommendation

Recommendation #23
All County staff shall participate and complete implicit bias training.

Vote by Members

<table>
<thead>
<tr>
<th>Vote</th>
<th>Members</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Do Not Support</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>Oppose</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>Abstain</td>
<td>Todd Billeci, Leslie Takahashi</td>
<td>2</td>
</tr>
</tbody>
</table>

Discussion: Todd shared that he will abstain because he has heard that recent studies indicate that implicit bias training may cause more harm than good.

Result: Passed
Appendix B: Data reviewed by RJTF

This appendix includes a summary of all quantitative data obtained and reviewed by the RJTF. As noted in the project Findings above, data were obtained from a variety of sources, including the State of California Department of Justice (DOJ), the Contra Costa County Probation Department, the Contra Costa County Superior Court, the Contra Costa County Sheriff’s Office, and the Contra Costa County Racial Justice Coalition. Because different data are available from different sources at different points in time, these data span from 2013 through 2017.

Local Law Enforcement Data

All data provided below are from the State of California DOJ Criminal Justice Statistics Center (CJSC). Data are from 2014, unless otherwise indicated.

Across cities in Contra Costa County, Blacks are more likely to be arrested than other racial/ethnic group.

Figure 1. Contra Costa County, Adult Arrests per 1,000

<table>
<thead>
<tr>
<th></th>
<th>Black</th>
<th>Latino</th>
<th>White</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>Violent</td>
<td>5</td>
<td>3</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>Property</td>
<td>5</td>
<td>4</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>Drug</td>
<td>7</td>
<td>7</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>Sex</td>
<td>2</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

Figure 1 illustrates countywide arrest trends among Black, Latino, White and Other adults. Black adults are 6 times more likely than White adults to be arrested for a violent offense, as well as 5 times more likely to be arrested for a property crime and over 2 times as likely to be arrested for a drug offense.
Figure 2. Contra Costa County, Juvenile Arrests per 1,000

Figure 2. illustrates countywide arrest trends among Black, Latino, White and Other youth. Black youth are 12 times more likely to be arrested for a violent crime than White youth, while they are 7 times more likely to be arrested for a property offense and twice as likely to be arrested for a drug offense than White youth. A greater disparity among arrests rates by race exists within youth as compared to adults.

Racial disparities in arrests are often greater in cities with smaller Black populations.

While these graphs are city specific data, they are examples of a larger trend across most cities in Contra Costa County.

Figure 3. El Cerrito Population

Figure 3. represents a breakdown of El Cerrito’s total population, which is relatively a small population. Of El Cerrito’s total population, 6% are black. Figure 4. shows that Black individuals are approximately 13 times as likely as White individuals to be arrested for a felony and approximately 11 times more likely to be arrested for a misdemeanor.
Figure 5. Richmond City Population

Figure 6. Richmond Adult Arrests Rate per 1,000

Figure 5. represents a breakdown of Richmond’s total population, which is a much larger city with a larger black population (23%) than El Cerrito. While the racial disparities are not as great as those in El Cerrito or smaller cities, disparities remain. As seen in Figure 6, Black adults are approximately 4.5 times as likely as White adults to be arrested for a felony and approximately 4 times as likely to be arrested for a misdemeanor.

While Black adults are more likely to be arrested than White adults, there are variations across cities for what offenses disparities are greatest.

While these graphs are city specific data, they are examples of a larger trend across most cities in Contra Costa County.

Figure 7. City of El Cerrito, Adults Arrest Rates per 1,000

As Figure 7. illustrates, disparities are greatest for property offenses in El Cerrito where Black adults are approximately 18 times as likely as White adults to be arrested for a property offense.
As seen in Figure 8., disparities are greatest for violent offenses in Antioch where Black adults are 4 times more likely than White adults to be arrested for a violent offense compared to only 1.5 times more likely to be arrested for a property or drug offense respectively.

Across most cities in Contra Costa County, Black youth are more likely to be arrested than White or Latino youth. Disparities for Black youth are greater than disparities for Black adults.

Figure 9. illustrates countywide data in which compared to White adults, Black adults are approximately 5 times more likely to be arrested for a felony while Black youth are 11 times more likely to be arrested than White youth.
Figure 10. Contra Costa County, Misdemeanor Arrest Rates per 1,000

![Bar chart showing arrest rates for different demographics and offense types.]

Figure 10. illustrates countywide data in which compared to White adults, Black adults are 3 times more likely to be arrested for a misdemeanor while Black youth are approximately 6 times more likely to be arrested.

While Black youth are more likely to be arrested than White youth, there are variations across cities for what offenses disparities are greatest.

Figure 11. City of Richmond, Juvenile Arrest Rates per 1,000

![Bar chart showing arrest rates for different demographics and offense types in Richmond.]

As seen in Figure 11, disparities are greatest for violent offenses in Richmond where Black youth are 7 times more likely to be arrested for a violent offense than White or Latino youth.
As seen in Figure 12, disparities are greatest for property offenses in Pittsburg where Black youth are 3 times more likely to be arrested for a property offense than White or Latino youth.

Although LEAs have implemented diversion practices, there is no systematic data collection on these programs, who is diverted, or their impact

None of the following law enforcement agencies collect race-specific data on diversion practices:

- Richmond PD partners with RYSE to divert youth from official processing.
- Antioch PD partners with Reach to divert youth from official processing.
- Pittsburg and Concord PD have implemented the community court model to divert some adult and juvenile cases from formal processing.
Juvenile Justice Data

All data provided below are from the Contra Costa County Probation Department. Data are from 2013 and 2014.

In 2014, Black youth in Contra Costa County, were much more likely than Latino and White youth to be referred to Probation.

Figure 13. Rated of Referral to Probation per 1,000 youth, by Race

Figure 14. Referrals to Probation RRI, by Race

Figure and Figure 13. Rated of Referral to Probation per 1,000 youth, by Race illustrate overall, in 2013 and 2014, Black youth were 9 times more likely than White youth and 6 times more likely than Latino youth to be referred to Probation.

In 2014, Black and Latino youth are more likely than White youth to be detained prior to adjudication.

Figure 15. Pre-Adjudication Detention Rates per 1,000 Youth, by Race

Figure 16. Pre-Adjudication Detention RRI, by Race
As seen in Figure and Figure 16, of all youth referred to Probation, Black and Latino youth are 50% more likely than White youth to be detained prior to adjudication.

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.

**Figure 17. Pre-Adjudication Detention RRI, by Race**

**Figure 18. Pre-Adjudication Detention Rates per 1,000 Youth, by Race**

Figures 17 and 18 show that the Probation Department filed petitions at the same rate for all referred youth regardless of race; however, relative to their proportion of the overall county population, Black youth were 10 times more likely to have petitions filed than all other groups.

In 2014, Black youth were deemed to be a ward of the court at a higher rate than all other groups, however relative to petitions filed, the rate was approximately the same across all groups.

**Figure 19. Rates of Petitions Filed per 1,000 youth by Race**

**Figure 20. Petitions Filed RRI, by Race**
Among youth who had petitions filed, there were not disparities in who was deemed to be a ward of the court. There were still disparities compared to the overall rate within the population.

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.

As Figures 21 and 22 illustrate, among youth who were adjudicated delinquent, there were no disparities in which youth received a disposition of placement. There were still disparities compared to the overall rate within the population.

In 2014, Black youth were sent to secure confinement at a higher rate than all other races, however relative to being a ward of the court Latino youth were securely confined at a higher rate.
Among all youth who were made a ward of the court, Latino youth were 3 times more likely to be placed in secure confinement compared to White youth and Black youth were 2 times more likely to be placed in secure confinement compared to White youth.
Criminal Justice Data

Data provided below are from the California DOJ CSJC, Contra Costa County Superior Court, and Contra Costa Sheriff’s Office. Data are from 2014-2017. Specific data sources and dates are provided below.

In 2014, compared to Whites, Black adults were more likely to be arrested for a misdemeanor and felony.

**Figure 25. Misdemeanor Arrest Rates, by Race**

As Figure 25 illustrates, Black adults were three times more likely to be arrested for a misdemeanor compare to Whites. Similarly, Figure 26 shows Black adults were four times more likely to be arrested for a felony than White adults.

**Figure 26. Felony Arrest Rates, by Race**

Black adults were more likely than White adults to have any case filed against them.

**Figure 27. Misdemeanor Case Filing Rates, by Race**

**Figure 28. Felony Case Filing Rates, by Race**

*Data from across all cities in Contra Costa County from California DOJ CSJC

*Data from Contra Costa County Criminal Court
Figure 27 shows how in both 2016 and 2017, Black adults were approximately three times more likely to have a misdemeanor case filing than their White counterparts. Similarly, as shown in Figure 28, Black adults were more than five times more likely to have a felony case filing than White adults.

Black adults in Contra Costa County were more likely than Latino or White adults to be detained pre-trial.

As Figure 29 illustrates, in 2015, Black adults were approximately 7 times more likely to be detained pre-trial than White adults. Figure 30 shows in both 2016 and 2017, Black adults were more likely to be detained as compared to White adults who have higher rates of non-detention OR and letter to appear. Black adults are also significantly less likely to be given a letter to appear than both White and Latino adults.
A greater proportion of cases with Latino or Black defendants had charge or person enhancements than cases with White defendants.

**Figure 31. Proportion of Cases with Charge Enhancements, by Race***

**Figure 32. Proportion of Cases with Person Enhancements, by Race***

Figure 31 shows in both 2014 and 2015, Latino adults had the highest proportion of cases with charge enhancements. Figure 32 shows both in 2014 and 2015, Black adults had the highest proportion of cases with person enhancements, followed by White adults.

Black adults were more likely than white adults to have a misdemeanor or felony case filed against them.

**Figure 33. Misdemeanor Conviction Rates, by Race***

**Figure 34. Felony Conviction Rates, by Race***

*Data from Contra Costa County Criminal Court

*Data from the Public Defender’s Office
Figure 33 shows Black adults were three times more likely to have a misdemeanor conviction than White adults. Figure 34 shows Black adults were more than five times as likely to get a felony conviction than White adults in 2016 and 2017.
Appendix C. Community Forums

The Racial Justice Task Force hosted two rounds of community forums throughout Contra Costa County. The goal of each community forum was to engage community members with the project and gather community input and feedback on the projects’ areas of focus and set of draft recommendations.

The first round of community forums took place in November and consisted of five community forums in the cities of Concord, Danville, Pittsburg, Richmond, and Antioch. The focus of the first round of community forums was to share the purpose of the Racial Justice Task Force and share work to date. Community members also had the opportunity to provide input towards the project’s areas of focus.

<table>
<thead>
<tr>
<th>Location</th>
<th>Number of Public Attendees</th>
</tr>
</thead>
<tbody>
<tr>
<td>Concord</td>
<td>32</td>
</tr>
<tr>
<td>Danville</td>
<td>35</td>
</tr>
<tr>
<td>Pittsburg</td>
<td>34</td>
</tr>
<tr>
<td>Richmond</td>
<td>28</td>
</tr>
<tr>
<td>Antioch</td>
<td>25</td>
</tr>
</tbody>
</table>

The Racial Justice Coalition, District Attorney, Board of Supervisors, School Board, Teachers, Public Defender, faith-based organizations, and Local Law Enforcement were some of the stakeholders in attendance.

Figure 35. November Community Forums Key Themes

- Impact of Historical Trauma
  - Lack of cultural competence/awareness in schools and justice system agencies
  - Restorative justice
  - Need for increased mental health services

- Implicit & Explicit Bias
  - Need for cultural responsive implicit bias training for all justice stakeholders

- School to Prison Pipeline
  - Role of schools pushing youth of color into the justice system
  - Youth development

- Mistrust of Law Enforcement
  - Sheriff's Office's relationship to ICE

- County Processes
  - Expand and standardize diversion programs, policies, and procedures.
  - Standardize data collection across the county
  - Reform bail cash system
Following the first round of community forums, the Racial Justice Task Force analyzed community input and integrated feedback into areas of focus. After a series of discussions of best practices, current practices, and analysis of racial disparities in the county, the Racial Justice Task Force drafted a set of preliminary recommendations for the Board of Supervisors. The purpose of the second round of community forums was to share the set of preliminary set of recommendations and solicit feedback for any revisions, additions, or removals of drafted recommendations.

### Table 2. Attendees per Location

<table>
<thead>
<tr>
<th>Location</th>
<th>Number of Public Attendees</th>
</tr>
</thead>
<tbody>
<tr>
<td>Walnut Creek</td>
<td>59</td>
</tr>
<tr>
<td>Antioch</td>
<td>24</td>
</tr>
<tr>
<td>Richmond</td>
<td>28</td>
</tr>
</tbody>
</table>

The Racial Justice Coalition, District Attorney, Board of Supervisors, School Board, Teachers, Public Defender, Behavioral Health, community-based organizations, faith-based organizations, Local Law Enforcement, and residents were some of the stakeholders in attendance.

### Figure 36. May Community Forums Key Themes

#### Highest Priorities
- Expand diversion and criteria
- Establish sliding scale fees/fee waivers for pre-trial and diversion programs
- Develop data collection and accountability measures
- Establish oversight committee for implementation process that includes community members
- Ensure recommendation planning process includes community input

#### Key Concerns
- Available funding and budget prioritization for recommendations
- Misuse of publically available data
- Buy-in from implementing partners such as education
- Language accessibility for programs/services

#### Gaps
- Use of force policies and police engaged violence
- Police disclosure and monitoring of police misconduct
- Body cameras for law enforcement
- Recruitment and retention of school staff that are reflective of communities they serve
- Community centered services that prevent any contact with the justice system
- Staffing and racial disparities in various policing agencies
August 05, 2014

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Dear Supervisors:

Estabishment of the Office of Inspector General
All Districts

SUBJECT

Establish the Office of Inspector General to provide independent and comprehensive oversight, monitoring of, and reporting about the Sheriff's Department and its jail facilities.

IT IS RECOMMENDED THAT THE BOARD:

1. Adopt the accompanying ordinance outlining the scope of authority and responsibilities of the Office of Inspector General and the dissolution of the Ombudsman (Attachment I).

2. Approve interim ordinance authority for a total of 37 new positions, including 28 positions for the Office of Inspector General and nine new administrative support positions within the Executive Office, pending allocation by the Chief Executive Office Classification and Administration (Attachment II). Eight of these positions will be frozen pending additional Board action.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

In October 2011, the Board authorized the creation of the Citizens’ Commission on Jail Violence (CCJV) to conduct a review of the nature, depth, and cause of the allegations of inappropriate use of force by deputies in the jails and to recommend corrective action as necessary. On September 28, 2012, the CCJV released its report with 63 recommendations.

On October 2, 2012, the Board directed the Chief Executive Office (CEO) to conduct a fiscal analysis...
of the recommendations made by the CCJV, including the creation of an independent Office of Inspector General (OIG). In consultation with the CCJV Implementation Monitor (Monitor) and the Board's Consultants (Consultants), we prepared a draft organizational structure which identified functional units, an operational model, and position classifications. The newly appointed Inspector General has provided a revised organizational structure. The Monitor has reviewed the proposal and determined that it meets the CCJV's recommendation to establish an independent OIG to monitor the Sheriff's Department (Department).

Implementation of Strategic Plan Goals
Establishing the OIG will support the County Strategic Plan Goal 3: Integrated Services Delivery – Maximize opportunities to measurably improve client and community outcomes and leverage resources through the continuous integration of health, community, and public safety services.

FISCAL IMPACT/FINANCING
The OIG will be funded through the Executive Office of the Board of Supervisors (Executive Office) budget.

In Fiscal Year (FY) 2013-14 Recommended Budget, $5,000,000 in funding was set aside in Provisional Financing Uses (PFU) for the OIG. On June 23, 2014, the Board approved the transfer of $1,000,000 from PFU to the Executive Office to offset OIG costs incurred during the year. In Supplemental Changes, we will recommend $2,500,000 be carried over to FY 2014-15 for continued start-up and contingency costs. The remaining FY 2013-14 PFU balance of $1,500,000 will revert to the General Fund.

The OIG is requesting 37 additional positions and $7,225,000 in ongoing funding. The CEO will recommend the transfer of $5,000,000 from PFU to the Executive Office during Supplemental Changes to partially fund the OIG. This funding will support 29 of the 37 positions requested by the OIG. The remaining eight positions will be frozen until a detailed analysis of the OIG activities and accomplishments are provided to the Board.

During Supplemental Changes, $2,225,000 in funding will be transferred from the Sheriff and Community and Senior Services (CSS) Departments to PFU due to the termination of the Office of Independent Review (OIR) and Special Counsel contracts, as well as the dissolution of the Ombudsman. Funding will remain in PFU until Board approval, which is subject to the Inspector General providing a report to the Board outlining the OIG activities, accomplishments, and performance milestones achieved no later than December 31, 2014.

The OIG financing proposal is detailed in Attachment III.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS
The CCJV recommended the creation of an OIG with the objective of providing independent and comprehensive monitoring of the Department and restoring the public’s confidence in the Department.
Pursuant to Government Code section 25303, the Board has the statutory duty to supervise the official conduct of all County officers. The accompanying ordinance establishes the Inspector General as special counsel to the Board with responsibility for the independent and comprehensive oversight, monitoring of, and reporting about the Department and its jail facilities. The OIG is created to facilitate the Board’s responsibility without interfering with the Department’s investigative functions.

The Inspector General shall report directly to, and serve as an agent of, the Board and shall make regular reports to the Board on the Department’s operations. Such reports shall be public reports, except to the extent they relate to confidential personnel or otherwise privileged matters. The Inspector General shall have an attorney-client relationship with the Board when requested by the Board to provide privileged legal advice pertaining to a claim or lawsuit arising out of the actions of the Department or its personnel.

Under the Board’s auspices and with the cooperation of the Department, the OIG will:

- Monitor the Department’s operations, conditions in the jail facilities, and the Department’s response to inmate and public complaints related to the Department’s operations.
- Periodically review the Department’s use of force patterns, trends, and statistics; investigations of force incidents and allegations of misconduct; and disciplinary decisions.
- Review the quality of audits and inspections conducted by the Department and conduct its own periodic audits and inspections.
- Regularly communicate with the public, the Board, and the Department regarding the Department’s operations.
- Without interfering with the Department’s investigative functions, investigate specific incidents involving Department personnel in certain limited circumstances.
- Safeguard and maintain the confidentiality of any peace officer’s personnel records and all other privileged or confidential information received by the OIG as required by law or as necessary to maintain any applicable privileges or the confidentiality of the information.

The Sheriff maintains constitutional and statutory responsibility with respect to Department operations, policies, imposition of staff discipline, and the allocation of resources. The Sheriff has reviewed the ordinance and recommends the attorney-client privilege be extended to his Department.

The Monitor and Consultants have reviewed the ordinance, organizational structure, and operational model and concur that it will satisfy the CCJV’s recommendation to establish an OIG. They also concur with County Counsel that the attorney-client privilege should be limited to the Board of Supervisors, pursuant to the CCJV recommendations.

The Executive Office has identified and confirmed the resources necessary to support the OIG.

CEO Real Estate Division has identified office space; Asset Planning and Strategy approved the Space Request/Evaluation; and both have coordinated program requirements with the Executive Office.
CSS' Office of Ombudsman will be dissolved upon adoption of the attached ordinance. The Department of Human Resources (DHR) is assisting in developing a Workforce Reduction Plan in accordance with applicable Civil Service Rules.

The Chief Information Office has been consulted regarding the information technology resources required by the OIG.

The accompanying ordinance implementing an amendment to Title 2 - Administration and Title 6 - Salaries of the County Code has been approved as to form by County Counsel.

**IMPACT ON CURRENT SERVICES (OR PROJECTS)**

Existing Monitoring Structure

Investigatory monitoring of the Department has been performed through service contracts with Special Counsel Merrick Bobb (Special Counsel), who conducts macro-level policy review, and the Office of Independent Review (OIR), which conducts micro-level investigations such as significant use of force incidents. In addition, the CSS Ombudsman reviews public and inmate complaints against the Department. Although each monitoring entity functions effectively within its mandated responsibilities, the CCJV raised the following concerns with the current monitoring structure:

- Limitations within their respective scopes of responsibility;
- Critical gaps in identifying problematic patterns, trends and tactical issues, and continuing problems in the Department;
- Despite the identification and public reporting of recurrent critical issues, there has been limited sustained follow up on the Department’s progress to implement reform recommendations; and
- “... outside projects raise concerns regarding OIR’s [and Special Counsel’s] ability to devote its full time and attention to comprehensive oversight of the Department and its jail facilities.”

Consolidation of Monitoring Responsibilities

In order to address the aforementioned concerns and provide more robust monitoring of the Department, the CCJV recommended consolidation of the functions of Special Counsel, OIR, and CSS Ombudsman under a single OIG.

Proposed Organizational Structure

The recommended OIG organizational structure is based on consultations with the Inspector General, the Monitor, and Consultants (Attachment IV). The proposal places the OIG within the Executive Office to ensure responsiveness to the Board and organizational independence from the Department. The Executive Office will provide the OIG with administrative support services such as human resources, budget/fiscal/procurement services, information systems, etc. This will allow the County to leverage its existing infrastructure instead of having to build a separate administrative unit for the OIG.

The OIG has developed an operational model utilizing three functional units that will have department-wide responsibility:
• Review and Analysis - A team of attorneys and inspectors will analyze and review data for the production of reports and the identification of trends. The team will also have responsibility for the real-time monitoring of disciplinary activity in coordination with the Audits and Investigations Unit. This unit will assume some of the functions of the OIR and Special Counsel.

• Audits and Investigations - A team of inspectors will audit the Department’s compliance with policy and procedures, including the quality of its internal audits and inspections reports. This unit also will assume some of the functions of Special Counsel.

• Monitoring and Community Outreach - A team of community liaisons and inspectors will monitor conditions within the jail facilities, the Department’s responses to complaints from inmates and the public, and take input from the public. This unit will assume the functions of the CSS Ombudsman.

The Inspector General and Chief Deputy will be responsible for ensuring ongoing internal communications between the functional units and identify problematic patterns, trends and tactical issues, and continuing problems within the Department.

Dissolution of the CSS Ombudsman

The functions of the CSS Ombudsman will be assumed by the OIG. CSS will work with DHR to develop a Workforce Reduction Plan in accordance with applicable Civil Service Rules.

OIR Monitoring of Probation Department

In addition to the Department, the OIR also monitors the Probation Department. The continuation of OIR oversight of the Probation Department has been addressed in a separate Board letter.

CONCLUSION

The accompanying ordinance, organizational structure, operational model, and budget provide the resources necessary to establish the OIG.
The Honorable Board of Supervisors
8/5/2014
Page 6

Respectfully submitted,

WILLIAM T FUJIOKA
Chief Executive Officer

WTF:GAM:SW
DT:llm

Enclosures

c: Executive Office, Board of Supervisors
   County Counsel
   Sheriff
   Chief Information Office
   Community and Senior Services
   Human Resources
   Probation
REQUEST FOR INTERIM ORDINANCE AUTHORITY
PROVISIONAL ALLOCATION FOR THE BOARD OF SUPERVISORS
FISCAL YEAR 2014-2015

**OFFICE OF INSPECTOR GENERAL**

<table>
<thead>
<tr>
<th>Classification (corresponding working title)</th>
<th>Budgeted Positions</th>
<th>Frozen Positions</th>
<th>Total Positions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Inspector General (UC) (#9973)</td>
<td>1</td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>Chief Deputy Inspector General (UC) (#9975)</td>
<td>1</td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>Assistant Inspector General (UC) (#9974)</td>
<td>3</td>
<td></td>
<td>3</td>
</tr>
<tr>
<td>Deputy Inspector General (#1651)</td>
<td>4</td>
<td>1</td>
<td>5</td>
</tr>
<tr>
<td>Inspector, OIG (#1650)</td>
<td>4</td>
<td>2</td>
<td>6</td>
</tr>
<tr>
<td><strong>Investigator II (#2915)</strong></td>
<td>2</td>
<td>2</td>
<td>4</td>
</tr>
<tr>
<td>Paralegal (#9232)</td>
<td></td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>(Special Assistant)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Administrative Services Manager I (#1002)</td>
<td>0</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>(Statistician)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Senior Management Secretary III (#2116)</td>
<td>1</td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>(Secretary to Inspector General)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Management Secretary III (#2109)</td>
<td>3</td>
<td></td>
<td>3</td>
</tr>
<tr>
<td>(Secretaries to Assistant Inspector Generals)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Senior Board Specialist (#1100)</td>
<td>1</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>(Community Liaison)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>21.0</td>
<td>7.0</td>
<td>28.0</td>
</tr>
</tbody>
</table>

**EXECUTIVE OFFICE**

<table>
<thead>
<tr>
<th>Classification</th>
<th>Budgeted Positions</th>
<th>Frozen Positions</th>
<th>Total Positions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Senior IT Technical Support Analyst (#2547)</td>
<td>1</td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>Principal Application Developer (#2526)</td>
<td>1</td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>Principal Network Systems Administrator (#2561)</td>
<td>1</td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>Database Administrator (#2620)</td>
<td>1</td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>Management Analyst (#1848)</td>
<td>1</td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>Senior Board Specialist (#1100)</td>
<td>1</td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>Intermediate Board Specialist (#1099)</td>
<td>1</td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>Administrative Services Manager II (#1003)</td>
<td>0</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Head Board Specialist (#1108)</td>
<td>1</td>
<td></td>
<td>1</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>8.0</td>
<td>1.0</td>
<td>9.0</td>
</tr>
</tbody>
</table>

**TOTAL POSITIONS REQUESTED** 29.0 8.0 37.0
OFFICE OF THE INSPECTOR GENERAL: FINANCING PROPOSAL

<table>
<thead>
<tr>
<th></th>
<th>FY 2013-14</th>
<th>FY 2014-15 (Initial Funding)</th>
<th>FY 2014-15+ (Full Funding)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pre-OIG Sheriff Monitoring Cost</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ombudsman (funded by Community &amp; Senior Services)</td>
<td>$641,000</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Special Counsel (funded by Judgments &amp; Damages budget)</td>
<td>$334,000</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Office of Independent Review (funded by Sheriff's Department)</td>
<td>$1,194,000</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td><strong>Total Pre-OIG Monitoring Cost</strong></td>
<td><strong>$2,169,000</strong></td>
<td><strong>$0</strong></td>
<td><strong>$0</strong></td>
</tr>
</tbody>
</table>

RECOMMENDED MONITORING

OFFICE OF THE INSPECTOR GENERAL

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>OIG Funding by Permanently Transferring Net County Cost From:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Provisional Financing Uses ($5M was set aside during 2013-14 Recommended Budget)</td>
<td>$1,000,000</td>
<td>$5,000,000</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>Dissolution of Ombudsman (reflects COLAs)</td>
<td>$0</td>
<td>$0</td>
<td>$697,000</td>
</tr>
<tr>
<td>Expiration of Special Counsel Contract*</td>
<td>$0</td>
<td>$0</td>
<td>$334,000</td>
</tr>
<tr>
<td>Expiration of Office of Independent Review Contract</td>
<td>$0</td>
<td>$0</td>
<td>$1,194,000</td>
</tr>
<tr>
<td><strong>Total NCC Transfer</strong></td>
<td><strong>$1,000,000</strong></td>
<td><strong>$5,000,000</strong></td>
<td><strong>$7,225,000</strong></td>
</tr>
</tbody>
</table>

* Following the transition of responsibilities to the OIG, the Inspector General may recommend a special projects contract for as-needed services.
OFFICE OF THE INSPECTOR GENERAL

Organizational Structure

- INSPECTOR GENERAL
  Max Huntsman
  - Secretary
  - Special Assistant
  - Chief Deputy
  - Statistician

- REVIEW & ANALYSIS
  - Assistant Inspector General
    - Deputy Inspector General (Attorney)
    - Deputy Inspector General (Attorney)
    - Deputy Inspector General (Attorney)
    - Inspector II

- AUDITS & INVESTIGATIONS
  - Assistant Inspector General
    - Deputy Inspector General (Attorney)
    - Deputy Inspector General (Attorney)
    - Inspector II
    - Inspector II

- MONITORING & COMMUNITY OUTREACH
  - Assistant Inspector General
    - Community Liaison
    - Inspector I
    - Inspector I

- EXECUTIVE OFFICE
  - 28 Staff
  - 9 Support Staff
  - 5 Management
  - 5 Attorneys
  - 10 Inspectors
  - 2 Community Liaison
  - 6 Admin Support

ESTIMATED ANNUAL COST: $7,225,000
WORK PLAN SUMMARY

This is an outline of the Office of Inspector General’s work plan for the fiscal year starting July 1, 2016. This is not dissimilar from the OIG’s 2015-2016 work plan. However, the OIG was not able to fully implement the work plan throughout the entirety of the year due to some restrictions placed on the OIG’s access to Los Angeles County Sheriff’s Department information. With the December 2015 Memorandum of Agreement to Share and Protect Confidential LASD Information, those access issues have been removed.

The following work plan shows a + next to the objectives which can only be partially fulfilled without full access. An * marks objectives which cannot not be fulfilled without full access. All of these items can be fulfilled with the current access the OIG has to LASD information.

FORCE
- Monitor revisions to the Use of Force manual
- Monitor the Department’s adherence to its preference for planned, supervised and directed force+
- Monitor Department’s use of force training and its use of situational use of force options chart
- Monitor effectiveness of and compliance with Manual of Policies and Procedures mandates for the investigations of all force incidents+
- Monitor adherence to Force Prevention, Anti-retaliation, and Anti-harassment policies+
- Monitor force prevention practices with special needs prisoners+
- Monitor use of force review tracking mechanisms
- Monitor senior management involvement in tracking and force+
- Monitor adherence to enhanced discipline guidelines for force*
- Respond along with Internal Affairs to the scene of deputy involved shootings and in custody deaths and monitor the investigation through to resolution+
- Monitor adherence to no huddling policy in force investigations+

CUSTODY
- Monitor facilities and conditions of confinement at all jails+
- Monitor deliver of medical and mental health services to prisoners+
- Monitor provision of religious, educational, and therapeutic programming to prisoners
- Monitor access of disabled prisoners to programs and activities
- Monitor specialized training of custody personnel+
- Monitor Deputy/Custody Assistant/Security Assistant ratios
- Monitor sworn and civilian staffing patterns
- Monitor settlement agreement implementation+
- Monitor department’s emphasis on respect, engagement of and communication with prisoners
- Examine consistency of prisoner discipline within and among the custody facilities
- Monitor department’s compliance with Prison Rape Elimination Act, CCR Title 15, Americans with Disabilities Act.+
Monitor personnel compliance with the Manual of Policy and Procedures and Custody Division Manual*
Monitor and evaluate the department's Mandatory Rotation of Line Personnel policy+
Monitor Sheriff's personal engagement in custody oversight
Monitor processing of prisoner grievances and tracking by employee identity*
Monitor effectiveness of prisoner grievance system+
Monitor senior management engagement and visibility in jail facilities
Monitor CFRC, SCIF, and CFRT, processes*
Monitor department's administrative segregation and disciplinary practices
Monitor department's adherence to national standards for custodial best practices

AUDITS
Conduct routine audits of use of force statistics to detect patterns and trends+
Review audits conducted by Department's Audits and Accountability Bureau+
- Seven pending from calendar 2015
- Eighteen scheduled for calendar 2016
Audit and investigate issues brought to light as result of monitoring activities+

DEPARTMENT OPERATIONS
Monitor stations, bureaus, units and commands+
- Service comment reports+
- Response times
- Citations
- Arrests
- Filings
- Crime classification
- Personnel issues and grievances*
Review hiring standards and monitor hiring practices to ensure compliance+
Review staffing patterns and mandatory overtime+
Monitor department's community engagement efforts
Review academy and Department wide training curriculum and monitor training+
Monitor and review evaluation of employees during probationary period*
Review and monitor disciplinary practices, including enhanced discipline for dishonesty/force*
Review and monitor investigations of employee misconduct and clique formation*
Review and monitor effectiveness of Department data collection and tracking systems
Review and monitor patterns in and Department response to complaints+
Review and monitor implementation and effectiveness of dual track career path*
Monitor department's community oriented policing policies and practices
Review application of policy standards for consistency and clarity+
Review patterns and trends in criminal conduct by employees+
Review patterns and trends in policy violations by employees*
PROJECTS (these are temporary endeavors with a start and a finish which focus on areas of particular concern, such as “Recommendation to the Los Angeles County Sheriff’s Department for Public Data Disclosure” and “Body-Worn Cameras: Policy Recommendations and Review of LASD’s Pilot Program.”) Currently there are eleven in progress or in the development stages.

REPORTS (these are reports prepared in response to specific requests from the Board of Supervisors, such as “A Preliminary Review of Sheriff Crime Statistic Reporting,” “Analysis of the Legal Basis for X-Ray Body Scanner Searches in County Jail” and other reports prepared pursuant to Code section 6.44.190(E).)

TASKS ENABLED BY ACCESS

Receive and review Watch Commander’s Service Comment Report’s and monitor how handled.
Receive and review Custody Division Chiefs’ Memoranda.
Receive and review inmate grievances and monitor how handled.
Receive and review personnel grievances and monitor how handled.
Review use of force investigations and monitor how handled.
Review misconduct investigations and monitor how handled.
Review and analyze Department responses to claims and lawsuits.
Review and analyze Internal Affairs Bureau investigations.
Review and analyze Internal Criminal Investigation Bureau investigations.
Monitor, review and analyze investigations of deputy involved shootings and in custody deaths (the OIG responds to the scene of these and can now follow the entire course of these cases).
Be present during, and review and analyze:
   o Critical Incident Review
   o Custody Force Response Team rollouts
   o Custody Force Review Committee
   o Executive Force Review Committee
   o Case Review
   o Shooting Review
   o Sheriff’s Critical Incident Forum/Risk Management Forum
   o Death Review
   o Over Detention
   o Strategic Planning (Custody)
Be present at the Sheriff’s Executive Productivity Committee meetings
Review audits conducted by Audit and Accountability Bureau involving personnel matters
Conduct audits of issues brought to our attention during monitoring activities
Access and Review LASD’s Personnel Performance Index
Fully monitor sustainability of CCJV reforms
Fully monitor sustainability of other reforms initiated by the Sheriff or in response to litigation.
Follow discipline cases from initiation through completion of civil service process.
Review and analyze effectiveness of training conducted by the Department.
March 11, 2016

To: Supervisor Hilda L. Solis, Chair
Supervisor Mark Ridley-Thomas
Supervisor Sheila Kuehl
Supervisor Don Knabe
Supervisor Michael D. Antonovich

From: Sachi A. Hama
Chief Executive Officer

REPORT BACK ON PROPOSED STAFFING AND FUNDING FOR THE CIVILIAN OVERSIGHT COMMISSION FOR THE SHERIFF DEPARTMENT (ITEM NO. P1, AGENDA OF JANUARY 12, 2016)

On January 12, 2016, the Board directed the CEO to report back with recommendations on a proposed budget to staff and fund the Civilian Oversight Commission (Commission) and if the number of investigators assigned to the Office of the Inspector General (OIG) should be increased to handle additional workload.

BACKGROUND

On June 22, 2015, the Working Group of the Commission for the Sheriff's Department (Sheriff) issued their final report with recommendations to the Board regarding the Commission's mission, authority, size, structure and relationship to the Sheriff and OIG. In the final report, the Working Group discussed, in depth, the need for permanent staffing for the Commission to be an effective unit. The staff envisioned included an Executive Director, analysts, a Public Information Officer and administrative support. The Working Group also recommended an increase in staff for the OIG in order to handle the workload of the newly created Commission.

COMMISSION STAFF

As directed by the Board, the CEO has developed a draft organizational framework for the Commission, which includes staff identified by the Working Group as necessary for
the Commission to be effective. The initial staffing plan includes an Executive Director, one Principal Staff Analyst; two Senior Staff Analysts; one Public Information Officer II; one Management Analyst; and one Management Secretary III position. Attachment A reflects the proposed budget and staffing plan for the Commission. Attachment B is the proposed organizational structure. All positions are preliminary pending final approval and allocation by CEO Classification and Administration. Once finalized, the necessary classification, compensation and funding for the Commission will be included as part of the annual budget process.

A preliminary cost estimate of $1,254,000 is needed to address the operational needs of the Commission. The CEO recommends that a nationwide recruitment of the Executive Director begin as soon as possible. Upon appointment, the Executive Director, in conjunction with the CEO, will work together to determine if the proposed organizational structure and staffing plan meets their needs. If not, the CEO will return to the Board with a revised recommendation and operational cost estimate for your consideration.

**ESTIMATED COSTS FOR COMMISSION STAFF**

<table>
<thead>
<tr>
<th>ON-GOING COSTS</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>8 Recommended Staff Salaries and Employee Benefits</td>
<td>$1,006,000</td>
</tr>
<tr>
<td>On-going Services and Supplies ($6,000 X 8 Positions)</td>
<td>$48,000</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>ONE-TIME START UP COSTS</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Vehicle (Executive Director)</td>
<td>$35,000</td>
</tr>
<tr>
<td>Office Equipment and Furniture (Laptops, Computer, Monitors, Cubicles, Chairs, Phones, Photocopier/Scanner Printer, Network Printer etc.)</td>
<td>$165,000</td>
</tr>
</tbody>
</table>

**ESTIMATED TOTAL** $1,254,000

**COMMISSION OFFICE SPACE & IMPROVEMENTS**

CEO Asset Management staff is currently surveying the Los Angeles downtown area for suitable office space for the Commission’s staff. Based on the 8 recommended number of staff required for the Commission, CEO estimates that a total of 2,100 square feet of office space will be required. The annual lease for 2,100 square feet in the Downtown area is estimated at $62,000 with one-time cost for tenant and technology infrastructure improvements estimated at $216,000, totaling $278,000.

**ADDITIONAL STAFF FOR THE OIG**

The new Commission will certainly impact the OIG operationally. However, until the Commission is established and their needs are known, it is too early to determine the
actual long-term impact the Commission will have on the OIG. If the Commission chooses to use readily available OIG reports, then additional staff resources may not be needed. Should the Commission seek an entirely different set of reports to support their work, then an increase in staff may be warranted. Once established, the OIG will assess the Commission’s impact on its resources and organizational structure and submit to the CEO, if necessary, a request for additional positions for consideration during the annual budget process.

Separate from the Board motion, the OIG is requesting authorization to fill four positions frozen by the Board on August 5, 2014. These positions were frozen until a detailed analysis of the OIG’s activities and accomplishments were provided to the Board. The OIG believes the four positions are necessary to handle increases in workload associated with access to confidential information which began in December 2015. All four positions are fully funded.

The following is a summary of the requested positions and their respective duties and responsibilities:

- **Administrative Services Manager I** - position will serve as a statistician and is needed to ensure the data disseminated by the OIG is relevant and interpreted properly.

- **2 Inspectors and 1 Deputy Inspector General** - positions would bring the investigative and analysis staff to full strength (two inspectors and one lawyer).

In addition, the OIG is requesting one additional unbudgeted Senior Board Specialist position. This position will serve as liaison between the Board, the Commission and the OIG. The estimated annual cost for this position is $86,000. The CEO is currently reviewing the aforementioned requests.

Should you have any questions, please contact Sheila Williams, Public Safety, at (213) 974-1155.

SAH:SK:JJ
SW:DC:cc
c: Executive Office, Board of Supervisors
   County Counsel
   Sheriff
   Office of Inspector General
### Salaries and Employee Benefits Costout

**FY 2016-17**

<table>
<thead>
<tr>
<th>Item Name</th>
<th>Item No.</th>
<th>Schedule Level</th>
<th>No. of Budgeted Pos</th>
<th>Net Annual Salary</th>
<th>Total Variable EB's</th>
<th>TOTAL (S&amp;EB's)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Executive Director, Civilian Oversight Commission (UC)</td>
<td>-</td>
<td>R1G</td>
<td>1.0</td>
<td>166,000.00</td>
<td>70,583.20</td>
<td>236,583.19</td>
</tr>
<tr>
<td>Principal Staff Analyst, Commission Services</td>
<td>0961</td>
<td>106H</td>
<td>1.0</td>
<td>105,000.00</td>
<td>44,646.00</td>
<td>149,646.00</td>
</tr>
<tr>
<td>Senior Staff Analyst, Commission Services</td>
<td>0960</td>
<td>100H</td>
<td>2.0</td>
<td>179,000.00</td>
<td>76,110.80</td>
<td>255,110.80</td>
</tr>
<tr>
<td>Public Information Officer II (b)</td>
<td>1601</td>
<td>94E</td>
<td>1.0</td>
<td>78,000.00</td>
<td>33,165.60</td>
<td>111,165.60</td>
</tr>
<tr>
<td>Management Analyst</td>
<td>1848</td>
<td>90H</td>
<td>1.0</td>
<td>68,000.00</td>
<td>28,913.60</td>
<td>96,913.60</td>
</tr>
<tr>
<td>Management Secretary III</td>
<td>2109</td>
<td>88C</td>
<td>1.0</td>
<td>64,000.00</td>
<td>27,212.80</td>
<td>91,212.80</td>
</tr>
<tr>
<td>Intermediate Typist Clerk (b)</td>
<td>2214</td>
<td>66B</td>
<td>1.0</td>
<td>37,000.00</td>
<td>28,962.40</td>
<td>65,962.40</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>8.0</td>
<td>697,000.00</td>
<td>309,000.00</td>
<td>1,006,000.00</td>
</tr>
</tbody>
</table>

**Footnote:**

(a) Annual salary is based on FY2016-17 CEO RECOMMENDED BUDGET Oracle - Weighted Annual Rate (Report ID: BP036A2 Date: 11/12/15)

(b) Salary based on Schedule A as of February 1, 2016 and 3% COLA
MEMORANDUM OF AGREEMENT TO SHARE AND PROTECT CONFIDENTIAL LASD INFORMATION

This Memorandum of Agreement (MOA) is entered into by and between the Sheriff of Los Angeles County and the Inspector General of Los Angeles County in the spirit of cooperation in order to effectuate the goals of County Code Section 6.44.190 and provide the Inspector General with extensive access to information, documents and materials without the need for any formal legal process.

PURPOSE

The purpose of the MOA is to establish a working protocol for the Sheriff's Department (LASD) to convey information to the Inspector General (the Inspector General and his staff are herein referred to collectively as “OIG”), the Los Angeles County Board of Supervisors, and the anticipated, although yet to be formally created, Civilian Oversight Commission.

SCOPE

The parties understand and agree that the OIG, the Board of Supervisors, and the Civilian Oversight Commission shall be provided upon request non-confidential and/or non-privileged information and documentation. The remainder of this MOA shall address access to privileged and/or confidential information, including, but not necessarily limited to: personnel files, discipline information, complaints about LASD personnel, LASD investigations (criminal and administrative), information contained in the Department's Personnel Performance Index, force investigations, complaint inquiries, and non-public data and information. The term “information” as used herein means documents (whether in printed or electronic form), Sheriff’s videos, databases, the contents of such documents or databases, and any conversations, discussions or meeting including or involving such materials.

TIMELINE AND PROCESS

All requests by the Civilian Oversight Commission, including its members and staff, for information and material shall be handled through, and made by, the OIG. The OIG will obtain access to documents or information by making a request to LASD. LASD shall respond to requests from the Inspector General in a timely manner and without unreasonable delay. Within ten (10) working days of a request, LASD will either (1) provide the requested information to OIG, (2) notify OIG that it will require more time to gather and produce the information, and provide an estimated time frame within which it will provide the information, or (3) notify OIG that it will not provide the requested information.

PERSONNEL RECORDS

The parties agree that the Inspector General will have reasonable access to Sheriff's personnel records upon request, including individually identifiable peace officer personnel records as defined by Penal Code § 832.8. In order to respect the right of privacy of LASD employees, OIG agrees to limit such requests to only those records and that portion of the record deemed necessary to the OIG’s purpose.
ACCESS TO PERSONNEL PERFORMANCE INDEX DATABASE

The Inspector General may obtain access to the Personnel Performance Index (PPI) system (or equivalent access on any successor system), including individually identifiable information, by making a request to the Captain of Risk Management Bureau or his/her designee. Direct access to the system will be provided only to OIG personnel specifically designated by the Inspector General and will be on a secured computer terminal maintained at the Sheriff’s Department. To respect the right of privacy of LASD employees, OIG agrees to limit such requests to information that the Inspector General has determined is necessary for the OIG to accomplish its purpose, but shall include executive level access when deemed necessary by the Inspector General. Printed copies of PPI material may be obtained, consistent with the terms of this MOA, by making a request to the Captain of Risk Management Bureau or his/her designee.

COMPLAINTS RECEIVED BY OFFICE OF INSPECTOR GENERAL

In the event the OIG receives a complaint from the public regarding the conduct of Sheriff’s personnel, and assuming the complainant agrees to the sharing of the complaint with LASD, the complaint will be turned over for investigation to the Sheriff’s Department, and the OIG may monitor the investigation consistent with the terms of this MOA. OIG shall not provide any personnel or confidential information to the complainant. In those instances where the complainant does not give OIG permission to share the complaint with LASD, OIG will take reasonable steps to ensure the complaint is addressed to the extent legally possible.

IN-PROGRESS INVESTIGATIONS

The parties agree that the Inspector General can monitor in-progress investigations involving potential bias, deputy force, or misconduct by LASD personnel, including, but not limited to complaint inquiries, deputy-involved shootings, claims review and administrative investigations. The Inspector General can also monitor processes and investigations which implicate constitutional policing, best policing practices, risk avoidance and management and community confidence in Department policies, practices and tactics. The Inspector General will not monitor processes or investigations when not necessary to accomplish the OIG’s purpose. The Inspector General will not interfere with the Sheriff’s investigative authority or obstruct any investigation, and the Sheriff may limit the manner of such monitoring to protect an investigation, although, except in unusual circumstances, investigators, records, reports, video, or other evidence shall be made accessible in some form, unless the prosecutorial agency responsible for making a filing decision and prosecuting the case objects. Without specific authorization from the Sheriff, OIG personnel will not interview any of the involved parties or independently collect evidence while there is an active LASD criminal or administrative investigation. The incidental gathering of information for an unrelated purpose, such as taking a complaint from a complainant or general information gathered in the course of an audit or inquiry, shall be permitted if it is done in a manner that does not interfere with or obstruct the pending investigation. If, through the monitoring of an investigation, OIG personnel come into possession of any materials or information relevant to that investigation which the OIG has reason to believe is not already known to or in the possession of the LASD, such information/materials will be promptly provided to the appropriate LASD personnel. In the case of investigations that have already been submitted to a prosecuting agency, OIG will ensure that
the information/materials are provided to that prosecuting agency as well as to the LASD.

PRESENCE AT MEETINGS, REVIEWS, DISCUSSIONS

The parties agree that OIG personnel's presence at certain meetings, reviews, and other proceedings where discussions are had with the Sheriff's legal counsel regarding incidents, investigations, and/or disciplinary matters, is necessary in furtherance of the common purpose of improving LASD operations by identifying deficiencies in tactics, training and policies, working on solutions to those deficiencies, monitoring the implementation and effectiveness of corrective actions, and promoting public confidence in law enforcement by reporting on this process (although not the specific content) and the quality of such internal procedures. The parties specifically intend that the presence of OIG personnel will not waive the Department's attorney/client privilege in those instances. The Inspector General agrees to maintain and safeguard the confidentiality of all such discussions. The parties agree that OIG personnel, as part of their oversight function, will be permitted to be present at certain meetings, reviews and proceedings regarding LASD incidents, operations, investigations, disciplinary matters and corrective actions, but not at meetings, reviews and proceedings at which the subjects of the investigation are counseled or compelled to provide statements, nor at meetings in which the Sheriff determines such presence would interfere with or obstruct an ongoing investigation. The Sheriff at all times maintains the ability to obtain legal advice without monitoring by the OIG.

Subject to the above restriction, in order to monitor the integrity of investigations, OIG personnel shall be given the greatest and earliest access to crime scenes that does not interfere with or obstruct an investigation or compromise evidence collection. This access shall be at the sole discretion of the handling detective and the assigned Sheriff's Department command staff.

Subject to the above-described restrictions, the Inspector General, or his designees, shall be provided timely notice of and access to meetings and proceedings that occur on a regular basis, including but not limited to:

- Periodic meetings regarding critical incidents, such as the Critical Incident Review Panel;
- Periodic meetings and internal evaluations regarding uses of force, such as Executive Force Review and Custody Force Review;
- Periodic internal evaluations of significant disciplinary matters, such as Case Review;
- Periodic evaluations of unit operations, such as divisional Risk Management Forum or SCIF; and
- Reviews of inmate deaths, such as Inmate Death Review.

OIG personnel will be notified of, and are welcome to attend, the Sheriff's quarterly Management Conferences.

INMATE MEDICAL RECORDS

The parties agree that the OIG's access to individually identifiable inmate medical and/or mental health records will be in compliance with existing state and federal law.

REVIEW OF CONFIDENTIAL MATERIALS
The Office of Inspector General shall be permitted to make or receive copies of confidential documents from the Sheriff’s Department, with the exception of files maintained by the Personnel Administration Bureau or records of pending investigations. Files and records maintained by the Personnel Administration Bureau and records of pending investigations will be viewed by OIG personnel at Sheriff’s Department premises except in unusual circumstances. No files, records or copies thereof shall be made or removed from Sheriff’s Department premises without the express permission of the Sheriff’s Department. Note-taking by OIG personnel shall not violate this provision.

The Sheriff’s Department will provide copies of investigations of deputy-involved shootings completed by the Homicide Bureau and investigations completed by the Internal Criminal Investigations Bureau at the same time that it refers those investigations to the Office of the District Attorney or other prosecuting agency unless the prosecutorial agency objects to providing copies of the investigation in a particular case.

Notwithstanding the foregoing, the Sheriff retains the discretion, in unusual circumstances, to require that records be reviewed by OIG personnel on LASD premises.

MAINTENANCE OF CONFIDENTIALITY

The Office of Inspector General will safeguard and maintain the confidentiality of peace officer personnel records and all other privileged or confidential information, materials and records obtained by OIG personnel through the monitoring process or provided by the Sheriff to the OIG and will communicate such information outside of that office only in a manner as provided in this MOA and as currently set forth in subdivision G of County Code § 6.44.190.

The Office of Inspector General will not disclose publicly, including in any open session of the Board of Supervisors or the Civilian Oversight Commission, the contents of peace officer personnel records, as defined by Penal Code § 832.8, or other privileged or confidential information maintained by the Sheriff’s Department.

The Inspector General agrees that should the Inspector General receive a formal request from the Board of Supervisors for personnel, investigative, or disciplinary information pursuant to subdivision G of § 6.44.190, the Inspector General will not turn over the requested information until the Sheriff has been advised of the request and the Sheriff has been given an opportunity to make a formal objection to the Board of Supervisors regarding the disclosure. The Inspector General shall at all times comply with the provisions currently set forth in County Code § 6.44.190.

The Inspector General agrees that all requests for privileged or confidential information from the Board of Supervisors, the Civilian Oversight Commission, or any member thereof, shall be handled by the Inspector General, or in his or her absence, the Chief Deputy Inspector General, personally, and not by OIG staff members. With respect to privileged and/or confidential information that does not fall within the parameters of subdivision G of § 6.44.190, unless the Sheriff articulates a specific reason not to do so, the Inspector General may provide the Board of Supervisors, the Civilian Oversight Commission, or any individual member thereof, with (1) a brief description of the allegations of the incident (without including the names of any individual employees, and provided the disclosure will not interfere with or obstruct the investigation), (2) a
statement as to whether there is an investigation pending and the unit/entity responsible for conducting the investigation, (3) identification of what material the OIG reviewed, and (4) an update as to the status of the investigation. The specific contents of the material reviewed by the Inspector General will not be disclosed. The parties recognize that the Sheriff desires to be as transparent as possible, and may, within the parameters of all applicable laws, choose to allow additional information to be conveyed when the parties deem it appropriate. The Inspector General will at all times exercise discretion to ensure that information is provided in a manner which minimizes any risk to the privacy of any LASD employee, avoids interference with the independent operation of the Sheriff's Department, and maintains public safety. Such information shall be provided in a manner which will not result in public disclosure and the OIG will take steps to ensure that re-disclosure by the Civilian Oversight Commission and others does not occur. Such steps shall include the requirement that all OIG personnel and Civilian Oversight Commission members and personnel be provided a written advisement of their duty to maintain the confidentiality of all privileged and/or confidential information they access, and that those individuals also sign a nondisclosure agreement.

PENALTIES FOR IMPROPER DISCLOSURE

The parties intend that all disclosures contemplated by this MOA comply with all applicable laws. Any County officer, agent or employee who improperly discloses confidential and/or privileged information is subject to discipline, up to and including termination, and may further be subject to criminal and/or civil penalties where applicable. The parties agree to cooperate fully with any investigation of an alleged improper disclosure of confidential and/or privileged information.

SHERIFF'S REVIEW OF OIG REPORTS

The parties agree that the Inspector General shall make available for review by the Sheriff's Department any reports intended for public dissemination prior to their release, at such a time as affords the Sheriff's Department a reasonable opportunity to verify that no confidential or erroneous information is included within.

WITHDRAWAL

Either party can withdraw from this agreement upon written notice to the other party. Any information provided prior to such notice, and within 24 hours following such notice, remains subject to the terms of the agreement.

TERMINATION

This MOA will be terminated upon the withdrawal of either party as set forth above.

NO WAIVER

This MOA is not intended and shall not be construed to waive, or in any manner preclude by estoppel or prior agreement, the right of any party hereto to subsequently challenge: (1) any and
all of the terms of this MOA, and/or (2) the right of any person or entity to obtain or review deputy personnel file information that is deemed confidential by the California Government Code or Penal Code.

NOTICES
Formal notices under this agreement shall be made as follows:

For the Sheriff: By email to: jmcdonne@lasd.org

For the Inspector General: By email to: mhuntsman@oig.lacounty.gov

The email shall specifically state that it is intended as formal notification pursuant to this MOA.

MODIFICATION
This agreement may be modified upon the mutual written consent of the parties.

APPROVED BY:

JIM MCDONNELL
SHERIFF

Max Huntsman
Inspector General

APPROVED AS TO FORM:

MARY C. WICKHAM
Interim County Counsel

By /Mary C. Wickham/
DATE: April 3, 2018
TO: Board of Supervisors
FROM: James R. Williams, County Counsel
SUBJECT: Ordinance relating to Correction and Law Enforcement Monitoring

RECOMMENDED ACTION

Under advisement from January 23, 2018 (Item No. 22): Adoption of Ordinance No. NS-300.923 adding Chapter V of Division A20 and Chapter XXV of Division A6 of the Santa Clara County Ordinance Code relating to correction and law enforcement monitoring.

(County Counsel)

- Action to Introduce and Preliminarily adopt on March 20, 2018; Roll Call Vote to waive reading, Roll Call Vote to adopt.
- Action for Final Adoption on April 3, 2018; Roll Call Vote to adopt.

FISCAL IMPLICATIONS

There are no direct fiscal implications associated with the recommended action. However, the proposed ordinance contemplates that the Board of Supervisors (“Board”) will contract with an entity to perform the functions of the Office of Correction and Law Enforcement Monitoring. If the Board adopts the proposed ordinance, further analysis will be required to determine the costs of contracting for monitoring services.

REASONS FOR RECOMMENDATION

On January 23, 2018, the Board considered a proposal to establish an Office of Law Enforcement Monitoring (“Office”) to provide independent monitoring of jail and law enforcement operations, and a Community Correction and Law Enforcement Monitoring Committee to improve public transparency and accountability regarding jail and law enforcement operations. The proposal presented to the Board included a possible Charter amendment to provide for a Board-appointed Director of the Office and a proposed ordinance reflecting that appointment structure. The proposal also noted, however, that the Board could engage an independent contractor to perform the Office’s functions, in which case a Charter amendment would not be required.

Following discussion at the January 23, 2018 meeting, the Board voted not to pursue a Charter amendment and instead to engage an independent contractor to perform the functions...
of the Office. With that modification, the Board approved the proposal to establish an Office of Correction and Law Enforcement Monitoring. The Board also approved the proposal to establish a Community Correction and Law Enforcement Monitoring Committee, with the direction that its members should be appointed approximately 6-12 months after the independent contractor is engaged. The proposed ordinance amendments considered by the Board on January 23, 2018, are now before the Board for adoption, with conforming changes made by County Counsel to reflect the Board’s direction to engage an independent contractor to perform the functions of the Office and to appoint Committee members on the requested timeline.

On January 23, 2018, the Board also voted to move forward with a Board Policy to provide additional policy direction relating to the Office. The proposed Board Policy requires more substantial modifications to accommodate the Board’s decision to engage an independent contractor to provide monitoring services. County Counsel intends to return to the Board with a revised proposed Board Policy on April 17, 2018.

**CHILD IMPACT**

The recommended action will have a positive impact on children and youth who interact with County jail and law enforcement operations or whose families or caretakers have such interactions.

**SENIOR IMPACT**

The recommended action will have a positive impact on seniors who interact with County jail and law enforcement operations or whose families or caretakers have such interactions.

**SUSTAINABILITY IMPLICATIONS**

The recommended action will have no/neutral sustainability implications.

**BACKGROUND**

Since the spring of 2016, the Finance and Government Operations Committee (“FGOC”) has held special meetings to consider the recommendations of the Blue Ribbon Commission on Improving Custody Operations. On September 7, 2016, and March 29, 2017, FGOC also held panel discussions among local and national experts on the subject of jail and law enforcement oversight.

At the Board’s September 12, 2017 meeting, Supervisor Simitian brought forward a draft proposal to establish what was then called an Office of Correction and Law Enforcement Oversight. After discussing the proposal, the Board voted unanimously to refer it to FGOC for further consideration.

FGOC considered the proposal at public meetings held on October 5, October 24, and December 14, 2017. In addition, the proposal was agendized for FGOC’s November 20, 2017 meeting, and although Supervisor Chavez was unable to attend and no action was taken, she offered her thoughts and recommendations in a public letter. Throughout this process, County Counsel incorporated FGOC’s recommendations into revised versions of the proposal. On December 14, 2017, FGOC considered the revised proposal, provided further feedback for incorporation by County Counsel, and voted to forward the proposal to the
Board with a favorable recommendation.

On January 23, 2018, the Board considered a 4-part correction and law enforcement monitoring proposal: (1) a possible Charter amendment providing for a Board-appointed Director of the Office of Correction and Law Enforcement Monitoring; (2) an Ordinance Code amendment establishing an Office of Correction and Law Enforcement Monitoring; (3) a possible Ordinance Code amendment establishing a Community Correction and Law Enforcement Monitoring Committee; and (4) a Board Policy providing additional direction regarding the Office of Correction and Law Enforcement Monitoring. This item effectuates the Board’s direction with respect to the Ordinance Code amendments.

CONSEQUENCES OF NEGATIVE ACTION

The proposed ordinance would not be adopted, and the Board would not establish an Office of Correction and Law Enforcement Monitoring or a Community Correction and Law Enforcement Monitoring Committee.

STEPS FOLLOWING APPROVAL

The Clerk of the Board shall process the update to the Ordinance Code.

ATTACHMENTS:

- Ordinance NS-300.923 relating to Correction and Law Enforcement Monitoring (PDF)
- Item 16 public comment (PDF)

HISTORY:

03/20/18 Board of Supervisors ADOPTED (PRELIM.) Next: 04/03/18
ORDINANCE NO. NS-300.923

AN ORDINANCE OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF SANTA CLARA
ADDITION OF DIVISION A20 AND CHAPTER XXV OF DIVISION
A6 OF THE COUNTY OF SANTA CLARA ORDINANCE CODE RELATING TO
CORRECTION AND LAW ENFORCEMENT MONITORING

Summary

This Ordinance establishes an Office of Correction and Law
Enforcement Monitoring to provide independent monitoring
of jail and law enforcement operations, and a Community
Correction and Law Enforcement Monitoring Committee to
improve public transparency and accountability regarding jail
and law enforcement operations.

THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA CLARA
ORDAINS AS FOLLOWS:

SECTION 1. Division A20 of the Ordinance Code of the County of Santa Clara
relating to Law Enforcement and Sheriff’s Department is hereby amended by adding a
new Chapter to be numbered and titled and to read as follows:

CHAPTER V. OFFICE OF CORRECTION AND LAW ENFORCEMENT
MONITORING

Sec. A20-61. Establishment; Purpose.

There is in the County an Office of Correction and Law Enforcement Monitoring,
hereinafter referred to in this Chapter as the Office.

This Office is established, in part, in response to the findings of the 2015 Blue
Ribbon Commission on Improving Custody Operations, which identified a lack of
accountability in the County jails and recommended independent monitoring as a means
of increasing fairness and transparency. The establishment of the Office also reflects
extensive efforts by the Board of Supervisors and County departments to reform the
County’s law enforcement and jail operations, reduce recidivism, and enhance public
safety. It is the intent of the Board that the Office will assist in the County’s efforts to
reimagine the culture and operations of the jails, as well as the Sheriff’s law enforcement
operations, to better align those services with the County's ongoing public safety reform efforts.

The ultimate outcomes the County seeks to achieve are increased public safety and reduced recidivism rates, and respect for the dignity of all people, including staff and inmates. These outcomes require a jail and law enforcement system that is transparent and accountable; that is committed to continuous improvement of custody conditions, reentry and diversion programs, and policing practices; that promotes the health and safety of inmates, community members, and law enforcement/corrections personnel; and that protects the rights of inmates and others in a manner that exceeds the requirements of state and federal law.

Through its monitoring and reporting functions, the Office will help foster transparency and accountability; identify unmet needs and service gaps; encourage timely and serious consideration of complaints; and provide independent review of serious incidents involving County personnel. Through its research and policy recommendation functions, the Office will continuously and proactively recommend improvements in custody and law enforcement practices, policies, and services; update the Sheriff's Office, Department of Correction, and other relevant departments on developments in best practices; and identify trends that require changes in policy or practice. It is the intent of the Board that these functions will assist the Sheriff's Office, Department of Correction, and all other relevant County departments in achieving and maintaining a culture and level of services that align with County values and will further the County's commitment to increasing public safety, facilitating diversion and reentry, and reducing recidivism.

The establishment of the Office does not change any reporting structures, and the Office shall not exercise administrative oversight or authority, or otherwise manage or direct operations of any department or entity subject to its monitoring.


(a) The Board shall contract with an independent entity, referred to herein as the Monitor, who shall perform the functions of the Office as an independent contractor. The relationship between the Monitor and the County shall be solely contractual; under no circumstances shall the Monitor be treated as an employee of the County.

(b) The Board shall set the terms and conditions of the Monitor's engagement, including duration and termination, by contract.
(c) The contract shall set terms and conditions for the sharing of confidential County information with the Monitor and its staff and for the preservation of confidentiality.

Sec. A20-63. Duties.

(a) Consistent with the Board of Supervisors’ authority to supervise the official conduct of the Sheriff and Chief of Correction under Government Code section 25303, the Office is created to promote the common interest of the Board of Supervisors and the Sheriff in efficient, lawful, and effective policing, and to facilitate the Board of Supervisors’ responsibility without interfering with the Sheriff’s investigative functions. The Office shall focus on matters relevant to Sheriff’s Office policies and procedures and shall not interfere with criminal, personnel, and other investigations by the Sheriff.

(b) The Office shall provide independent monitoring of, and reporting about, the Sheriff’s Office, the Department of Correction, and other agencies/departments related to law enforcement, jail operations, jail facilities, and the employees and contractors involved with law enforcement and jail operations, including the provision of health services in the jails, as set forth in this Chapter.

(c) To the maximum extent allowed by law, the Office shall be responsible for:

(1) Monitoring the Sheriff’s Office and Department of Correction’s jail and law enforcement operations, the conditions of confinement in the jails, the provision of health services in the jails, the use of force in the jails and in law enforcement operations, compliance with civil rights laws, and the Sheriff’s Office and Department of Correction’s response to inmate and public complaints related to law enforcement, jail operations, or conditions of confinement, including the provision of services to inmates and the conduct of employees, contractors, volunteers, and others who provide such services.

(2) Monitoring that includes matters relevant to Custody Health Services policies and procedures, as well as policies of the Santa Clara Valley Medical Center and Behavioral Health Services Department, that directly affect the medical and behavioral assessment and treatment of inmates. Such monitoring may also include examination of the timeliness of all business operations that have a direct impact on the operations of the jails provided by other County departments.
(3) Consistent with Government Code section 25303, reviewing and making recommendations regarding policies and best practices of the Office of the District Attorney and the Office of the Public Defender that have an impact on jail or law enforcement operations. Such monitoring may include, but is not limited to, the effect of District Attorney and Public Defender policies and practices on the timeliness of criminal proceedings and the population of the jails. At no time shall the Office interfere with the independent investigatory or prosecutorial authority of the District Attorney or the duties of the Public Defender imposed by the rules of professional conduct.

(4) Regularly conducting research and making policy recommendations to the Board of Supervisors, the Sheriff, and the County Executive as determined by a Board-approved work plan.

(5) Periodically reviewing the Sheriff’s Office and Department of Correction’s use of force patterns, trends, and statistics, the Sheriff’s investigations of use of force incidents and allegations of misconduct, and the Sheriff’s Office and Department of Correction’s disciplinary decisions. As it pertains to unformed personnel, the Office shall monitor and review investigations of incidents involving, but not limited to: any shooting involving unformed personnel, whether duty-related or not; any in-custody death; any duty-related incident during which, or as a result of which, a person dies or suffers serious bodily injury; any incident, whether or not duty-related, in which unformed personnel are under investigation for, or charged with, homicide, assault, kidnapping, or unlawful sexual behavior; or any incident, whether duty-related or not, in which unformed personnel are under investigation for, or are charged by any jurisdiction with, a crime or violation in which a use of force or threatened use of force is an element of the offense.

(6) As it pertains to Custody Health Services, the Office shall monitor and review investigations of incidents involving: any in-custody death; any duty-related incident during which, or as a result of which, anyone dies or suffers serious bodily injury; or any serious neglect of inmates as it pertains to their mental and physical health.

(7) Reviewing the quality of audits and inspections conducted by the Sheriff’s Office and the Department of Correction, and conducting its own periodic audits and inspections of the Sheriff’s Office and the Department of Correction consistent with professional guidelines for the conduct of such audits. It is the intent of the Board that the Office should supplement, not
supplant, internal auditing and monitoring conducted by the Sheriff’s Office and Department of Correction.

(8) Regularly communicating with the public, the Board of Supervisors, the Sheriff’s Office, the Department of Correction, the District Attorney, the Public Defender, and the County Executive regarding the operations of the Sheriff’s Office and the Department of Correction. The Office shall make regular, public reports to each of these entities.

(9) Investigating specific incidents involving Sheriff’s Office and Department of Correction personnel when requested by, or with the authorization of, the Sheriff or the Chief of Correction.

(10) Investigating specific incidents involving Custody Health Services consistent with the Board-approved work plan when requested by the Board or the County Executive.

Sec. A20-64. Cooperation; Access to Information.

(a) The Sheriff’s Office, the Department of Correction, Custody Health Services, and all other County agencies/departments shall cooperate with the Office and promptly supply information or records requested by the Office, including, to the extent permitted by law, confidential peace officer personnel records, inmate medical and mental health records, and related records as necessary for the Office to carry out its duties.

(b) The Office shall establish written protocols with the Sheriff’s Office, the Department of Correction, and the County Executive to maintain, access, and disclose confidential information under this Chapter. The written protocols shall be reviewed and approved by County Counsel.

(c) It is the intent of the Board of Supervisors that the Office shall have access to information and cooperation from County departments under this section to the greatest extent permitted by law. The Office may request assistance in the performance of its duties from other County agencies/departments or functions, including but not limited to the Board’s contract management auditor, the County’s Internal Audit Division, the Whistleblower Program, and the Jail Observer Program.
Sec. A20-65. Confidentiality of Information.

(a) The confidentiality of peace officer personnel records, inmate medical and mental health records, other protected health information of inmates, and all other privileged or confidential information received by the Office in connection with the discharge of its duties shall be safeguarded and maintained by the Office as required by law, including the Public Safety Officers Procedural Bill of Rights Act (Government Code § 3300 et seq.), and as necessary to maintain any applicable privileges or the confidentiality of the information.

(b) The County Counsel shall work with the Office to establish a process that enables the sharing of confidential information with appropriate County officials and entities in accordance with applicable law, when it is determined by the Office that there is a need to share such information. Except as otherwise required by law or provided in the contract with the Monitor, the Office shall not disclose to any non-County entity any confidential information.

Sec. A20-66. Conformity with Applicable Law; Severability.

(a) The Office shall not have any supervisory, administrative, managerial, operational, or other authority over the functions or personnel in any of the departments or entities that are the subject of its monitoring. In addition, at no time shall the Office interfere with the independent constitutional and statutory authority of the Sheriff, including the Sheriff’s investigative functions. Notwithstanding any provision of this Chapter to the contrary, all provisions of this Chapter shall be interpreted to be consistent with this subsection and all applicable federal, state, and local laws, including the Charter, governing such conduct, including provisions regarding the confidentiality of peace officer and health records.

(b) Complaints received by the Office relating to specific conduct of peace officers shall be referred, with the permission of the complainant (unless such complaint is anonymous), to the Sheriff’s Office and/or Department of Correction for action pursuant to Penal Code section 832.5. Complaints received by the Office relating to specific conduct of Custody Health Services staff shall be referred, with permission of the complainant (unless such complaint is anonymous), to Custody Health Services for action.

(c) The Office shall accept anonymous complaints and shall consider all such complaints in evaluating policies and practices, developing recommendations, and making reports under this Chapter. The Office shall clearly inform the public of its policies and procedures regarding anonymous complaints.
(d) This Chapter and all of its provisions are severable. Should any section, subsection, sentence, clause, phrase, or word of this Chapter be declared by a court to be unconstitutional or invalid, such decision shall not affect the validity of the Chapter as a whole, or any portion thereof, other than the portion declared to be unconstitutional or invalid.

SECTION 2. Division A6 of the Ordinance Code of the County of Santa Clara relating to Boards and Commissions is hereby amended by adding a new Chapter to be numbered and titled and to read as follows:

CHAPTER XXV. COMMUNITY CORRECTION AND LAW ENFORCEMENT MONITORING COMMITTEE

Sec. A6-281. Establishment.

The Community Correction and Law Enforcement Monitoring Committee ("Committee") is hereby established to improve public transparency and accountability with respect to the Sheriff’s Office and Department of Correction. The Committee shall provide opportunities for community engagement and advice to the Board of Supervisors, the Sheriff’s Office, the Department of Correction, and the Office of Correction and Law Enforcement Monitoring.

Sec. A6-282. Membership; Term.

(a) The Committee shall consist of nine voting members, each of whom shall be appointed by the Board of Supervisors, as follows:

(1) One member nominated by each Supervisor, for a total of five members nominated by members of the Board of Supervisors.

(2) Four members nominated by the Monitor performing the functions of the Office of Correction and Law Enforcement Monitoring.

(3) In accordance with Section 506 of the Charter, all members shall be residents of the County.

(b) The first appointment of Committee members shall occur approximately six to twelve months after the effective date of the Board’s initial contract with the Monitor.
(c) The term of each member shall be three years, except three of the initial members shall serve two-year terms, and three of the initial members shall serve one-year terms to provide staggering of terms. Such initial terms shall be determined by lot. Each member shall continue to serve on the Committee until the appointment of his or her successor. No member shall be eligible to serve for more than three consecutive terms in addition to any portion of any unexpired term which may have been served. A member’s failure to attend three consecutive regular meetings without good cause as determined by the Chairperson will result in notification to the nominating authority, which may result in removal of the member from the Committee. All new Committee members shall receive a comprehensive orientation and training.

(d) No member shall be a current employee of the County. Only the appointed member shall serve on the Committee, and alternates shall not be permitted.

(e) The Sheriff, Chief of Correction, County Executive, County Counsel, and Monitor, or any one of their designees, shall be entitled to attend and participate in all meetings of the Committee, but shall have no vote and shall not be deemed members of the Committee.

Sec. A6-283. Responsibilities; Authorized Activities.

(a) The Committee shall serve as an advisory body to the Office of Correction and Law Enforcement Monitoring and the Board of Supervisors, and through the Board of Supervisors to the public, and shall have the following responsibilities:

(1) Review policy recommendations made by County or non-County entities at the request of the Board of Supervisors, the Sheriff, the Chief of Correction, the County Executive, or the Monitor, and report to any such entity whether or not the recommendation(s) should be implemented or, if the recommendation(s) is being implemented, the status of implementation. The Committee’s reports shall contain an analysis supporting its recommendations, and the Committee shall seek the input of all affected departments or agencies before publishing its reports.

(2) Obtain community input and feedback regarding the use of force, detention conditions, or other civil rights concerns in the Sheriff’s Office or the Department of Correction; convey to the Board of Supervisors, the Sheriff, the Chief of Correction and any other affected entities the community
complaints, concerns, or positive feedback received by the Committee; and, where appropriate, make recommendations.

(3) Work with and provide advice to the Office of Correction and Law Enforcement Monitoring in soliciting community input and feedback on issues being examined by the Office.

(4) Function as a bridge between the Sheriff’s Office, the Department of Correction, and the community by: providing the community an additional means of giving input to the Sheriff and the Chief of Correction; obtaining answers from the Sheriff and the Chief of Correction to community concerns about operations, practices, and activities; bringing an additional perspective to the Sheriff’s Office and the Department of Correction’s decision making relating to the balance between the sometimes competing factors of public safety and constitutional, civil, and human rights; and communicating ongoing community concerns that otherwise might go unnoticed.

(5) Seek the input of the Sheriff, Chief of Correction, County Executive, County Counsel, and Monitor prior to making any recommendations pursuant to the duties defined in this section.

(6) Perform its duties in an advisory capacity, and without the authority to manage or operate any department or agency, or direct the activities of County employees or contractors, including the imposition of discipline.

(7) Conduct its activities in a manner that does not interfere with the investigative or constitutional functions of the Sheriff.

Sec. A6-284. Meetings and Records.

(a) The Committee shall approve the calendar year’s schedule of regular meetings prior to the first meeting in January of that year.

(b) The Clerk of the Board shall be the ex-officio secretary of the Committee and provide clerk assistance to the Committee in furtherance of its purpose. The Office of Correction and Law Enforcement Monitoring shall provide staff assistance to the Committee.

(c) All Committee meetings shall be subject to the Brown Act, and all Committee records shall be subject to the California Public Records Act. Minutes of the
Committee meetings and all documents received and reports issued by a majority of the Committee shall be available on the County’s website.

(d) The Committee shall comply with all applicable laws. The Committee shall not obtain or review any confidential materials, except attorney-client communications provided by the County Counsel for the purpose of advising the Committee.

The Committee shall organize itself in accordance with Section 506 of the Charter. Procedures for the conduct of business not otherwise specified herein shall be contained in the bylaws of the Committee. The initial bylaws, and any amendments to the bylaws, following approval as to form and legality by County Counsel, shall be approved by the Board of Supervisors.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Clara, State of California, on ______________________ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

S. JOSEPH SIMITIAN, President
Board of Supervisors

ATTEST:

MEGAN DOYLE
Clerk of the Board of Supervisors

APPROVED AS TO FORM AND LEGALITY:

JAMES R. WILLIAMS
County Counsel

1733369

Ordinance NS-300.923 relating to Correction and Law Enforcement Monitoring