

## Jasmine Cuenco

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**From:** Doug MacMaster  
**Sent:** Sunday, February 22, 2015 12:20 PM  
**To:** Mark Peterson; Tom Kensok; Dan Cabral; Brian Feinberg; Paul Mulligan  
**Subject:** Mark Needs to Read This ASAP  
**Attachments:** the sentencing project report (2008) reducing racial disparity in the criminal justice system.pdf

Mark –

**You've run out of time and you cannot read this in its entirety. But please check out pp. 34-38, and note that we're already doing some of this stuff. (i.e., collaborative efforts to reduce crime ...)**

**Doug MacMaster**  
**Chief Assistant District Attorney**  
[REDACTED]



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**From:** Doug MacMaster  
**Sent:** Sunday, February 22, 2015 12:10 PM  
**To:** Mark Peterson; Tom Kensok; Dan Cabral; Brian Feinberg; Paul Mulligan  
**Subject:** Mark Needs to Read This ASAP

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**From:** Mark Peterson  
**Sent:** Friday, February 20, 2015 2:27 PM  
**To:** Doug MacMaster; Tom Kensok; Dan Cabral; Brian Feinberg; Paul Mulligan  
**Subject:** FW: TV show

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**From:** [REDACTED]  
**Sent:** Friday, February 20, 2015 1:49 PM  
**To:** Mark Peterson  
**Subject:** RE: TV show

[Link](#)Hi Mark: Here are some of the questions I will ask on the show. We just heard that Alicia Garza had to be in NYC so we have contacted Professor and Journalist Davey D may be on the show. We are still waiting for confirmation but I wanted to let you know. If he is on the show, I will let you know ASAP. We are still finalizing the script, so I will email you this weekend with any revisions.

Here is the video that will be shown during the introduction to the show. You won't be asked to comment on it, although we will discuss some of the issues and it statistics raises.

<https://www.youtube.com/watch?v=6w1tZlGKNpw>

I try to give each guest equal time. We do ask guests to keep their responses concise and not too long, since we want to a conversation between guests, and not individual speeches. I will make sure that you have time to answer any/all assertions that you would like to respond to.

Have a great weekend! Thanks!

Jeff

With us on Justice Matters today are **Kimberly Papillon** and **Mark Peterson**

**Kimberly Papillon** is a national expert on implicit bias, neuroscience and its effect on decision-making.

**Mark Peterson** is the Contra Costa County District Attorney.

**Kimberly**, is everyone a little bit racist?

Slide: African Americans make up 6 % of SF residents and 56 % of SF County Jail inmates

Slide: Federal sentences for black men are 20% longer than whites convicted of the same crimes (U.S. Sentencing Commission, data from 2007-2011)

**Mark**, Is justice colorblind? If so, why are so many black and brown men locked up?

**Kimberly**, what is the science behind implicit bias?

**Mark**, how do you ensure prosecutorial decisions are race-neutral?

**Kimberly**, how do you combat implicit bias when people, by definition, aren't aware they have it?

Slide: One in four black men between ages 18-24 report unfair treatment by police in the past month (Gallup, July 2013)

**Mark**, African American motorists describe being pulled over for "driving while black." Is traffic enforcement racially lopsided and does that lead to more black and Latino people caught in the justice system?

**Kimberly**: How does implicit bias play out when the police, prosecutors and judges are people of color?

Lady Justice may wear a blindfold, but our experience with—and faith in—the justice system often depends on our color. Justice statistics illustrate profound racial disparities. African American and Latino teens are more likely to be tried as adults or kept in locked facilities while their parents are more likely to be pulled over, have their vehicles searched, and be arrested instead of warned. The numbers add up to a system that badly needs scrutiny and reform.

I want to thank our guests, Kimberly Papillon and Mark Peterson, for being here today. See you next time on Justice Matters.

From: Mark Peterson [REDACTED]  
To: [REDACTED]  
Date: 02/20/2015 12:33 PM  
Subject: RE: TV show

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Jeff

If there a video that will be played?

What are the questions?

What is the format? For example, since there are 2 other speakers who may have views contrary to my own, do I still get equal time? Or do I answer a question and then they both get to respond?

Mark

**From:** [REDACTED]  
**Sent:** Thursday, February 19, 2015 5:26 PM  
**To:** Mark Peterson  
**Cc:** [REDACTED]  
**Subject:** RE: TV show

Hi Mark - I hope you are well. We have two guests: Kimberly Papillon, who is an attorney and expert on legal decision making. We have also invited Alicia Garza, who has worked for the National Domestic Workers Alliance and has been involved in efforts to reduce racism in the criminal justice system. Their bios are included below. We will send you the questions tomorrow morning so you can review them. Of course, feel free to suggest any other questions or revisions once you receive them.

I am looking forward to meeting you and thanks again for being on the show!

Best, Jeff Adachi

**Kimberly Papillon** is a nationally recognized expert on medical, legal and judicial decision-making. She has served as regular faculty at the National Judicial College since 2005. She has delivered over 100 lectures nationally and internationally on the implications of neuroscience, psychology and implicit association in the analysis of decision-making in the fields of business, medicine, education and the law. She has lectured to medical students and faculty, as well as physicians nationwide and in Australia on the neuroscience of decision-making in differential diagnosis and treatment. She has been appointed to the Georgetown University National Center for Cultural Competence's "think tank" for physician education.

She has provided presentations to the judges of the High Court of New Zealand, the National Council of Chief Judges of the State Courts of Appeal, the U.S. District Court for the Eastern District of California, the D.C. Court of Appeals, the National Council of Juvenile and Family Court Judges, and numerous other national judicial organizations. She has delivered lectures to the United States Department of Justice, the United States Department of Education and the judiciaries of Vermont, Washington, Ohio, Nebraska, Texas, Idaho, Arkansas, Indiana, Tennessee, New Jersey, Arizona and New Mexico. She regularly lectures to attorneys in private firms and corporations as well as district attorneys and public defenders. She lectures to state and local bar associations nationwide including the California State Bar and Michigan State Bar Associations.

She has been appointed to the National Center for State Courts, National Training Team on Implicit Bias a "think tank" for national judicial education. She has produced documentaries on neuroscience and judicial decision-making which have received national recognition. She is a member of the Cognitive Neuroscience Society. Her most recent academic article on neuroscience and decision-making was published in *Court Review*, the peer-reviewed journal of the American Judges Association.

Ms. Papillon is an attorney who previously served as California's Statewide Fairness Education Project Manager and Senior Education Specialist for the California Judicial Council's Administrative Office of the Courts. Prior to that she worked as an attorney in large law firms representing Fortune 500 Companies, government entities and tech start-ups. Kimberly has a BA degree from U.C. Berkeley and a JD degree from Columbia University School of Law.

**Alicia Garza** is the Special Projects Director for the National Domestic Workers Alliance. She has been the recipient of multiple awards for her organizing work in Black and Latino communities, receiving the Local Hero award from the San Francisco Bay Guardian and the Jeanne Gauna Communicate Justice award from the Center for Media Justice in 2008. She has twice been honored by the Harvey Milk Democratic Club with the Bayard Rustin Community Activist award for her work fighting gentrification and environmental racism in San Francisco's largest remaining Black community.

Alicia comes to NDWA after serving as Executive Director of People Organized to Win Employment Rights (POWER) in San Francisco since 2009. Under her leadership, POWER won free local public transportation for youth; fought for a seat at the table in some of the most important land use decisions affecting working-class families; beat back regressive local policies targeting undocumented people; organized against the chronic police violence in Black neighborhoods; and shed light on the ongoing wave of profit-driven development that contribute to a changing San Francisco.

In 2013, Alicia co-founded #BlackLivesMatter, an online platform developed after the murder of Trayvon Martin, designed to connect people interested in learning more about and fighting back against anti-Black racism.

Alicia currently serves on the Board of Directors for the School of Unity and Liberation (SOUL) in Oakland, California, and is a contributing writer for WarTimes magazine. She serves as trusted counsel for organizations across the country looking to build their capacity to lead and win organizing campaigns. When she's not working as an organizer, Alicia enjoys dancing, reading and writing.

From: Mark Peterson [REDACTED]  
To: [REDACTED]  
Date: 02/19/2015 05:18 PM  
Subject: RE: TV show

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Jeff -

As we discussed, can you please tell me who is the other guest on our show Monday?

Will there be a videotape played prior or during the show?

What are the questions you will be asking?

Thank you.

Mark

[REDACTED]  
**Sent:** Wednesday, January 07, 2015 9:30 AM

**To:** Mark Peterson

**Subject:** Re: TV show

Hi Mark,

We do not edit the show, as it runs 30 minutes straight through. So your comments would be as you made them during the program.

Of course I can provide you with any video shown during the show. I'd imagine we'd also present some statistics, which we could provide you in advance.

We are planning to shoot the show on February 5. The title will be "Is there Racism in the Criminal Justice System?"

We haven't booked the other guests yet, but we would try and bring in a former judge and an expert in the field of implicit bias. As you saw from the program on bail, it's more of a discussion between myself, as the host who asks questions, and the guests who answer the questions and interact with each other. I'd call it "friendly fire."

I hope you are able to be on the show. I think it would be very informative.

Best, Jeff

From: Mark Peterson [REDACTED]  
To: [REDACTED]  
Date: 01/06/2015 03:49 PM  
Subject: TV show

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Jeff

Thank you for your response. I am aware of some of the studies on implicit bias, and I would agree it does exist amongst all of us.

Despite that fact, I don't know that there is any empirical evidence that such implicit bias has actually affected charging, plea bargaining, or sentencing.

Regarding your TV show, I have a few questions:

Do you edit any of the program after it is filmed?

I would want to see any video you would intend on playing during the show, before the show.

If I did appear, what would the topic be and who would be the other guests?

Mark