

From: [Chris Sansoe](#)
To: [Venus D. Johnson](#); [Ryan Wagner](#); [Dan Cabral](#); [Kevin M Bell](#)
Subject: AB 2542 Motion to Compel Discovery - People v. Vargas et. al.
Date: Thursday, December 24, 2020 10:21:13 AM
Attachments: [Compel Disco - Notice & P&A.pdf](#)
[Proposed Order.pdf](#)
[Opposition to Motion to Amend Info.pdf](#)
[Dec.YHuang Re MTC Final w Exhibits.pdf](#)

Hello Everyone,

I am forwarding Ms. Huang's email to me this morning. Please let me know how to proceed given this demand for evidence of office policies, data, etc. .

Thank you ,

Chris

Begin forwarded message:

From: Yolanda Huang <yhuang.law@gmail.com>
Date: December 24, 2020 at 9:49:39 AM PST
To: Chris Sansoe <CSansoe@contracostada.org>, Evan Kuluk
<Evan.Kuluk@pd.cccounty.us>, Tony Brass <tony@brasslawoffice.com>, Chris
Martin <m305@icloud.com>
Subject: Please see attached

These will be filed today.

--

Yolanda Huang, Esq.

528 Grand Avenue • Oakland • CA • 94610 • Phone:510-329-2140 • Fax:510-580-9410

Confidentiality Notice: This electronic mail transmission is privileged and confidential and is intended only for the review of the party to whom it is addressed. If you have received this transmission in error, please immediately return it to the sender. Unintended transmission shall not constitute waiver of the attorney-client or any other privilege.

1 YOLANDA HUANG, SBN 104543

2 528 Grand Avenue

3 Oakland, CA 94610

4 Telephone: (510) 329-2140

5 Facsimile: (510) 5809410

6 Attorneys for Defendant

7 Azrael Vargas

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

9 **CONTRA COSTA COUNTY**

10
11 PEOPLE OF THE STATE OF CALIFORNIA,) Case No.: 5-192292-1
12)
13 Plaintiff,) **NOTICE OF MOTION**
14 vs.) **TO COMPEL DISCOVERY, POINTS AND**
15 AZRAEL VARGAS,) **AUTHORITIES IN SUPPORT,**
16 Defendant.) **DECLARATION OF YOLANDA HUANG**
17)
18) DATE: January 4, 2021
19)
20) TIME: 10:30 a.m.
21)
22) DEPT: 23
23)

24 TO THE HONORABLE JUDGE OF THE ABOVE-ENTITLED COURT, TO THE DISTRICT
25 ATTORNEY OF CONTRA COSTA COUNTY, AND TO ALL CO-DEFENDANTS:

26 PLEASE TAKE NOTICE that on January 4, 2020 in Department 23, at 10:30 a.m. or as soon
27 thereafter as the matter may be heard, the defendant will move that the court order Plaintiff in the
28 above-entitled case, to comply with the discovery requested. This motion is made pursuant to
pursuant to Penal Code section 1054.1, Murgia, and AB 2542 – California Racial Justice Act.

Dated: December 23, 2020

Respectfully submitted,

YOLANDA HUANG,
Attorney for Defendant Azrael Vargas

1 **SUMMARY**

2 Defendant submitted an informal request for written discovery pursuant to *Murgia v.*
3 *Municipal Court* (1975) 15 Cal.3d 286, 303-04; AB 2542, The California Racial Justice Act, and
4 Penal Code § 1054.1 (Attached as Exhibit A to the Declaration of Yolanda Huang) Deputy District
5 Attorney Christopher Sansoe, has stated that he will refuse to produce any discovery pursuant to
6 *Murgia* or AB 2542, and that all discovery under Penal Code ¶1054.1. (Attached as Exhibit B to the
7 Declaration of Yolanda Huang)

8 **STATEMENT OF FACTS**

9 1. Underlying Crime and Charges

10 On November 6, 2020, Defendant Azrael Vargas was charged – along with all three co-
11 defendants – by a complaint with a felony violation of Penal Code section 211/213(a)(1)(A) (home
12 invasion robbery in concert) along with an enhancement that a co-principal was armed with a firearm
13 pursuant to section 12022(a)(1). The crime was alleged to have occurred on November 3, 2019 in
14 Moraga, California. Three of the defendants, including Vargas are Black. One, Delgado-Cramagno,
15 is Hispanic.

16 The preliminary hearing was held on November 25-26, 2019 before the Honorable Teresa
17 Canepa. All defendants were held to answer. On December 3, 2019, the prosecution filed an
18 information with five charges against defendant Vargas and all co-defendants:

19 (1) Count One, a felony violation of Penal Code section 211/213(a)(1)(A) (home invasion
20 robbery in concert) along with an enhancement that a co-principal was armed with a firearm pursuant
21 to section 12022(a)(1), as a single count, along with three enhancements: (i) that a co-principal used a
22 firearm pursuant to section 12022.53(b); (ii) that defendants were armed with a metal baseball bat
23 pursuant to Section 12022(b)(1); and (iii) that said defendants were armed with a firearm, a
24 handgun pursuant to 12022(a)(1).;

25 (2) Counts Two through Four charge three felony violations of section 245(b) (assault with a
26 semi-automatic firearm upon Francesca Bigotti, Domenico Bigotti and Jane Doe), a felony violation
27 of Penal Code section 211/213(a)(1)(A) (home invasion robbery in concert) along one enhancement
28

1 in each count pursuant to Section 969(f) , that defendant Vargas, used a firearm within the meaning
2 of Sections 6657 and 1192.7.

3 (3) Count Five charges a felony violation of section 182 (conspiracy to commit home
4 invasion robbery.)

5 On November 12, 2020, the Deputy District Attorney Sansoe, moved to amend the
6 information to add an additional count of 211/213(a)(1)(A, so that Count 1 with three enhancements
7 was as to Francesca Bigotti, and Count 2 with three enhancements is as to Domenico Bigotti. With
8 the split of the former Count 1 into two separate counts, the proposed First Amended Information has
9 Seven counts.

10 2. AB 2542 – California Racial Justice Act.

11 AB 2542, the California Racial Justice Act was signed into law by Governor Newsom on
12 September 30, 2020, and goes into effect on January 1, 2021. The Racial Justice Act adds Section
13 745 to the California Penal Code, and permits a defendant to make both a prima facie case, requiring
14 a hearing, and to show by a preponderance of the evidence of racial disparity through the use of
15 aggregate data. Penal Code §745 (c)(1).

16 3. Racial Disparity in the Application of Justice in Contra Costa County

17 The Board of Supervisors of Contra Costa County acknowledged in 2016 that racial disparity
18 existed in Contra Costa County and created a Racial Justice Task Force on April 12, 2016. Two
19 years later, on July 24, 2018, the Task Force presented its Final Report and Final Recommendations.
20 The Final Report finds that racial disparities exist, with Black adults facing over three times the
21 number of arrests compared to whites for violent crimes, four times the number of arrests as
22 compared to whites for property crimes, and 2.5 times as many arrests for drug crimes. (Final report,
23 p. 4, attached as Exhibit C to the Dec. of Y. Huang). In addition, the Final Report states that different
24 local patterns and practices drive these disparities (Final Report, p. 5).

25 The Contra Costa County Board adopted the Task Force’s final recommendations except for
26 the last two, recommendation 18 and 19. Regarding data, the County Board adopted
27 Recommendation 5 as follows:
28

1 5) All Contra Costa County criminal justice agencies and local law enforcement agencies shall
2 collect individual-level data on all individual encounters with criminal and juvenile justice
3 systems and processes. In so doing, they should consult best practices to balance data needs
4 with confidentiality regulations.

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

8 b. All Contra Costa County criminal justice agencies and local law enforcement agencies
9 shall improve capacity for data collection and analysis including expanding staff with data
10 analysis capabilities.

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

13 On September 19, 2018, the County Board implemented a seven member Racial Justice
14 Oversight Board. On June 22, 2020, the County Board accepted a report from the W. Haywood
15 Burns Institute regarding the Racial Justice Oversight Board. The W. Haywood has also produced a
16 report on racial equity issues in Contra Costa County. This report, dated May, 2020 shows that Black
17 adults are more likely to be arrested in Contra Costa County, than White adults. The Burns Institute
18 report also shows that Black adults in Contra Costa County are also more likely than White adults to
19 have a complaint filed, following arrest. The Contra Costa County Racial Justice Task Force also
20 showed that in 2014 and 2015, Latino or Black defendants in Contra Costa County had a greater
21 proportion of cases with charge enhancements than cases with White defendants. (Ex. D, p. 6
22 attached to Dec. of Y. Huang)

23 4. Defendant Vargas' Specific Discovery Requests Under AB 2542.

24 In defendant Vargas' December 10, 2020 informal discovery requests, he requested the
25 following items pursuant to AB 2542:

26 Pursuant to Assembly Bill 2452 – California Racial Justice Act of 2020, the Defendant
27 request that you disclose to the following items:

28 Between January 2019 and today's date, in Contra Costa County:

1. Penal Code §211

a) the number of arrests in Contra Costa County for violation of Penal Code §211, by
zip code;

b) identification of the race or ethnicity of each of the perpetrator(s);

- c) identification of the race or ethnicity of each of the victim(s);
- d) identification of all cases in which enhancement(s) was filed;
- e) identification of the enhancement(s);
- f) whether there was injury involved;
- g) final disposition of each case identified herein.

2. Penal Code §245

- a) the number of arrests in Contra Costa County for violation of Penal Code §245 by zip code;
- b) identification of the race or ethnicity of each of the perpetrator(s);
- c) identification of the race or ethnicity of each of the victim(s);
- d) identification of all cases in which enhancement(s) was filed;
- e) identification of the enhancement(s);
- f) whether there was injury involved;
- g) final disposition of each case identified herein.

3. Use of a firearm

- a) the number of arrests in Contra Costa County for a felony violation for which use of a gun was involved;
- b) identification of the charges filed, including identification of all the enhancement(s) charged;
- c) identification of the race or ethnicity of each of the perpetrator(s);
- d) identification of the race or ethnicity of each of the victim(s);
- e) identification of all cases in which enhancement(s) was filed;
- f) whether there was injury involved;
- g) final disposition of each case identified herein.

4. Great Bodily Injury

- a) the number of arrests in Contra Costa County for a felony violation for which the victim sustained great bodily injury;

1 b) identification of the charges filed, including identification of all the
2 enhancement(s) charged;

3 c) identification of the race or ethnicity of each of the perpetrator(s);

4 d) identification of the race or ethnicity of each of the victim(s);

5 e) identification of all cases in which enhancement(s) was filed;

6 f) final disposition of each case identified herein.

7 5. Death

8 a) the number of arrests in Contra Costa County for a felony violation in which
9 someone died;

10 b) identification of the charges filed, including identification of all the
11 enhancement(s) charged;

12 c) identification of the race or ethnicity of each of the perpetrator(s);

13 d) identification of the race or ethnicity of each of the victim(s);

14 4. Defendant Vargas' Specific Discovery Requests Under Murgia.

15 In defendant Vargas' December 10, 2020 informal discovery requests, defendant requested
16 the following items pursuant to Murgia:

17 1. CONTRA COSTA COUNTY PROSECUTION POLICY STATEMENTS. All
18 statements of policy, from 2015 through 2020, however recorded, concerning the prosecution
19 of violations of Penal Code §211 occurring in Contra Costa county.

20 2. CONTRA COSTA COUNTY DISTRICT ATTORNEY'S TRAINING
21 MATERIALS: All training materials from 2015 through 2020, concerning the prosecution of
22 violations of Penal Code §211 occurring in Contra Costa county.

23 3. CONTRA COSTA COUNTY PROSECUTION POLICY STATEMENTS. All
24 statements of policy, from 2015 through 2020, however recorded, concerning the prosecution
25 of any and all crimes in which great bodily injury resulted, occurring in Contra Costa county.

26 4. CONTRA COSTA COUNTY DISTRICT ATTORNEY'S TRAINING
27 MATERIALS: All training materials from 2015 through 2020, concerning the prosecution of
28 any and all crimes in which great bodily injury resulted, occurring in Contra Costa county.

1 5. CONTRA COSTA COUNTY PROSECUTION POLICY STATEMENTS. All
2 statements of policy, from 2015 through 2020, however recorded, concerning the prosecution
3 of any and all crimes in which as a result of the crime, a death resulted, occurring in Contra
4 Costa county.

5 6. CONTRA COSTA COUNTY DISTRICT ATTORNEY'S TRAINING MATERIALS:
6 All training materials from 2015 through 2020, concerning the prosecution of any and all
7 crimes in which as a result of the crime, death(s) resulted, occurring in Contra Costa county.

8 7. CONTRA COSTA COUNTY PROSECUTION POLICY STATEMENTS. All
9 statements of policy, from 2015 through 2020, however recorded, concerning the prosecution
10 of any and all crimes in which use of a gun was involved, a death resulted, occurring in
11 Contra Costa county.

12 8. CONTRA COSTA COUNTY DISTRICT ATTORNEY'S TRAINING MATERIALS:
13 All training materials from 2015 through 2020, concerning the prosecution of any and all
14 crimes in in which use of a gun was involved, occurring in Contra Costa county.

15 9. CONTRA COSTA COUNTY PROSECUTION POLICY STATEMENTS. All
16 statements of policy, from 2015 through 2020, however recorded, concerning the use of
17 enhancements crimes in prosecuting felony crimes, occurring in Contra Costa county.

18 10. CONTRA COSTA COUNTY DISTRICT ATTORNEY'S TRAINING MATERIALS:
19 All training materials from 2015 through 2020, concerning the use of enhancements crimes in
20 prosecuting felony crimes, occurring in Contra Costa county.

21 11. COMMUNICATION URGING PROSECUTION. Any and all records, regardless of
22 format, of communication received by the Contra Costa County District Attorney urging
23 prosecution of Penal Code §211 crimes.

24 12. COMMUNICATION URGING PROSECUTION. Any and all records, regardless of
25 format, of communication received by the Contra Costa County District Attorney urging
26 prosecution of crimes involving guns or gun use.

1 13. COMMUNICATION URGING PROSECUTION. Any and all records, regardless of
2 format, of communication received by the Contra Costa County District Attorney urging
3 prosecution of crimes resulting in great bodily injury.

4 14. COMMUNICATION URGING PROSECUTION. Any and all records, regardless of
5 format, of communication received by the Contra Costa County District Attorney urging
6 prosecution of crimes resulting in death(s).

7 **ARGUMENT**

8 **I. DEFENDANT VARGAS HAS PRESENTED A PRIMA FACIE SHOWING OF**
9 **RACIAL DISPARITIES FACED BY BLACK ADULTS IN CONTRA COSTA**
10 **COUNTY.**

11 AB 2542 sets an initial standard for a prima facie showing of racial disparity. Defendant
12 Vargas has done so by the actions of the County Board of Supervisors in establishing first the Racial
13 Justice Task Force, then adopting the findings and recommendations of the Racial Justice Task Force,
14 and then in establishing the Racial Justice Oversight Board.

15 The Task Force and the W. Haywood Burns Institute presented clear evidence of racial
16 inequities suffered by Black adults in Contra Costa County. Furthermore, the County Board has
17 mandated that all County justice agencies and law enforcement agencies collect data on individual
18 contacts with “criminal justice systems and processes.” AB 2452 specifically states that the
19 legislative intent is to ensure that individuals have access to “all relevant evidence, including
20 statistical evidence regarding potential discrimination in seeking or obtaining convictions or imposing
21 sentences.” Based upon this evidence, defendant Vargas, under AB2542 is entitled to discovery on
22 the data requested.

23 **II. PENAL CODE §745 PROVIDES FOR THE DISCOVERY DEFENDANT IS**
24 **REQUESTING**

25 Penal Code §745 specifically provides that a defendant may file a motion to compel
26 disclosure “of all the evidence relevant to a potential violation of subdivision (a) in the possession or
27 control of the State.” Furthermore the statute provides that a defendant may request the disclosure of
28

1 “all evidence relevant to a potential violation of subdivision (a) in the possession or control of the
2 state.”

3 “In interpreting statutes, a court’s primary goal is to give effect to the Legislature’s intent in
4 enacting the law.” *Jurcoane v. Superior Court*, 93 Cal. App. 4th 886, 892, (2001) “The court turns
5 first to the words themselves for the answer.” *In re Littlefield* (1993) 5 Cal. 4th 122, 130. “If the
6 words of the statute are clear, the court should not add to or alter them to accomplish a purpose that
7 does not appear on the face of the statute or from its legislative history. [citations omitted]” *Jurcoane*
8 *v. Superior Court*, 93 Cal. App. 4th 886, 892, (2001).

9 In the present case, newly adopted Penal Code §745 is clear and specific. Defendant may
10 request the disclosure of “all evidence relevant to a potential violation of subdivision (a) in the
11 possession or control of the state,” and that defendant has done. Given the prosecution’s refusal to
12 provide any of the evidence requested, defendant’s motion to compel is proper and should be granted.

13 **III. THE PROSECUTION HAS A DUTY TO SEEK OUT DISCOVERABLE** 14 **MATERIAL THAT IS READILY ACCESSIBLE**

15 Pen. Code, §1054.1 reads in part: The prosecution shall disclose materials and information, if
16 it is in the possession of the prosecuting attorney or if the prosecuting attorney knows it to be in the
17 possession of the investigating agencies, including “[a]ny exculpatory evidence.” With the enactment
18 of AB 4252, evidence of potential discrimination is exculpatory.

19 Our Supreme Court has placed a much greater burden on the prosecution than just producing
20 evidence that is in its actual possession. The court in *In re Littlefield*, 5 Cal. 4th 122, 135, 19 Cal.
21 Rptr. 2d 248, 851 P.2d 42 (1993) restated the prosecutor’s burden.

22 “California courts long have interpreted the prosecutorial obligation to disclose
23 relevant materials in the possession of the prosecution to include information ‘within the
24 possession or control’ of the prosecution. [Cite omitted] In *Pitchess v. Superior Court*,
25 11 Cal. 3d 531, 113 Cal. Rptr. 897, 522 P.2d 305 (1974) , the court construed the scope
26 of prosecutorial possession and control as encompassing information ‘reasonably
27 accessible’ to the prosecution....We find no basis for petitioner’s assumption that, by
28 designating discoverable information under 1054.1 as that ‘in the possession’ of the

1 prosecution or its agencies, Proposition 115 was intended to abrogate this prior rule
2 precluding the prosecution from withholding information that is “reasonably accessible”
3 to it.... We find no basis for [assuming] that, by designating discoverable information
4 under 1054.1 as that in the possession of the prosecution or its agencies, Proposition
5 115 was intended to abrogate this prior rule precluding the prosecution from withholding
6 information that is reasonably accessible to it. In re Littlefield, supra. at 135

7 A broader duty also arises from the United States Constitution. The Supreme Court has held
8 that the prosecutor has a duty to learn of any favorable evidence known to the others acting on the
9 government's behalf in the case, including the police (*Kyles v. Whitley*, 514 U.S. 419, 437 (1995); see
10 also *Strickler v. Greene*, 527 U.S. 263 (1999)).

11 While the prosecution has no general duty to seek out, obtain, and disclose all evidence that
12 might be beneficial to the defense (*People v. Panah*, 35 Cal. 4th 395, 460 (2005)), an affirmative duty
13 arises, when law enforcement (or the prosecutor) has reason to believe exculpatory evidence exists.
14 [A] bad faith failure to collect potentially exculpatory evidence would violate the due process clause
15 [in] cases in which the police by their conduct indicate the evidence could form the basis for
16 exonerating the defendant (*Miller v. Vasquez*, 868 F.2d 1116, 1120¹1121 (9th Cir. 1989); see also
17 *People v. Velasco*, 194 Cal. App. 4th 1258, 1264¹1265, 124 Cal. Rptr. 3d 238 (6th Dist. 2011)).

18 **IV. THE PROSECUTION HAS A DUTY TO IMMEDIATELY PROVIDE** 19 **DISCOVERY ONCE IT OBTAINS THE INFORMATION**

20 The prosecution's duty to provide discovery to the defense applies as soon as the prosecution
21 obtains the information. The California Supreme Court has ruled that the prosecution violates its duty
22 under Pen. Code, § 1054.1 of the reciprocal-discovery statutes, when it fails immediately [to] disclose
23 discoverable material that comes into its possession (*People v. Verdugo*, 50 Cal. 4th 263, 284, 113
24 Cal. Rptr. 3d 803, 236 P.3d 1035 (2010) (prosecution violates its duty under Pen. Code, § 1054.1
25 when it fails immediately [to] disclose interview notes of a witness obtained one week earlier)).
26
27
28

1 **V. DUE PROCESS MANDATES DISCLOSURE OF EVIDENCE THAT IS**
2 **FAVORABLE TO THE DEFENDANT**

3 In the landmark case of *Brady v. Maryland*, 373 U.S. 83, 87 (1963), the United States
4 Supreme Court held that the suppression of material evidence favorable to the defendant violates the
5 guarantees of due process. “We now hold that the suppression by the prosecution of evidence
6 favorable to an accused upon request violates due process where the evidence is material either to
7 guilt or to punishment, irrespective of the good faith or bad faith of the prosecution.” *Brady v.*
8 *Maryland*, 373 U.S. 83, 87 (1963)

9 While the prosecution has no general duty to seek out, obtain, and disclose all evidence that
10 might be beneficial to the defense (People v. Panah, 35 Cal. 4th 395, 460, 25 Cal. Rptr. 3d 672, 107
11 P.3d 790 (2005)), the prosecution in Contra Costa County does have an affirmative duty due to the
12 specific findings of the County Board, reports by the Board’s duly formed Racial Justice Task Force
13 and the superseding Racial Justice Oversight Board which show that racial disparities exist in Contra
14 Costa County. The County Board of Supervisors has mandated that this data be collected. These
15 racial disparities documented by government task forces, squarely fall within the definitions and
16 legislative purposes articulated in AB 2542. The prosecution’s knowledge of this documented racial
17 disparity within its county, where Black adults are more often arrested, more often prosecuted, and
18 whose prosecutions involve a larger number of enhancements, comes at minimum, a concurrent
19 obligation to turn over the data defendants have requested. The prosecutor also has an obligation, in
20 addition to providing its own data, to obtain this data from its County justice and prosecution
21 partners. This data and evidence could form the basis for, if not exonerating the defendant,
22 potentially reducing the charges and any potential sentence. (*Miller v. Vasquez*, 868 F.2d 1116, 1120,
23 1121 (9th Cir. 1989); see also *People v. Velasco*, 194 Cal. App. 4th 1258, 1264, 1265, (6th Dist.
24 2011)).

25 **VI. THE MURGIA DISCOVERY IS RELATED TO AB 2542 OBJECTIVES.**

26 AB 2542 applies to both explicit and implicit bias. In the present case, the data shows that
27 Black Adults faced not just greater incidents of arrest, but greater incidents of prosecution with more
28

1 severe charges in the form of more enhancements than White Adults. Charging decisions are
2 conscious choices. The heavier punishment sought against Black Adults, could be the result of
3 unconscious bias, but it could also be the result of explicit bias. The Murgia discovery, with its focus
4 on explicit bias, can now be said, tha with AB 2542, when race, ethnicity or national origin is
5 involved, folds into AB 2542 discovery. For these reasons, defendant is entitled to the discovery not
6 only of implicit or unconscious bias, but also any evidence regarding explicit bias.

7
8 **VII. CALIFORNIA STATUTORY DISCOVERY OBLIGATIONS ARE BROADER**
9 **THAN THE CONSTITUTIONAL REQUIREMENTS OF DUE PROCESS AND**
10 **DO NOT REQUIRE A SHOWING OF MATERIALITY**

11 A claim of nondisclosure under Brady differs from a request for Brady material in discovery.
12 There are three components of a true Brady violation: The evidence at issue must be favorable to the
13 accused, either exculpatory, or impeaching; that evidence must have been suppressed by the State,
14 either willfully or inadvertently; and prejudice must have ensued (*Strickler v. Greene*, 527 U.S. 263,
15 281, 282, 119 S. Ct. 1936, 144 L. Ed. 2d 286 (1999)).

16 However, Pen. Code, § 1054.1(e), compels the prosecution to disclose [a]ny exculpatory
17 evidence. This statutory requirement is both different and broader than what is required under the
18 United States Constitution to establish a due process violation for nondisclosure under Brady. Our
19 appellate courts have held this statutory language requires the prosecution to disclose [a]ny
20 exculpatory evidence, not just material exculpatory evidence.

21 Penal Code § 1054.1(e), requires the prosecution to disclose [a]ny exculpatory evidence, not
22 just material exculpatory evidence. To prevail on a claim that the prosecution violated this duty,
23 defendants challenging a conviction would have to show materiality, but they do not have to make
24 that showing just to be entitled to receive the evidence before trial (*Barnett v. Superior Court*, 50 Cal.
25 4th 890, 901 (2010)).

26 **VIII. THE DEFENDANT NEED NOT ESTABLISH THAT THE REQUESTED**
27 **INFORMATION WILL BE ADMISSIBLE**

28 The defense is entitled to the discovery of relevant information and need not establish its
admissibility (*Pierre C. v. Superior Court*, 159 Cal. App. 3d 1120, 1122, 1123, (1st Dist. 1984)). In

1 order to be discoverable, the defendant need not show that the evidence sought to be produced would
2 be admissible at trial, but only that it may reasonably lead to admissible evidence (*People v. Cooper*,
3 53 Cal. 2d 755, 770 (1960)).

4 **IX. PRE-PROPOSITION 115 CASES RELATING TO DISCOVERY**
5 **PROCEDURES ARE CONTROLLING AUTHORITY**

6 The Supreme Court in *In re Littlefield*, 5 Cal. 4th 122, 135 (1993), reasoned that the language
7 of Proposition 115 does not indicate any intent to abrogate the prior rule precluding the prosecution
8 from withholding information that is reasonably accessible to it. The significance of this holding, in
9 addition to reaffirming the prosecution's duty to obtain information readily obtainable by it, is that
10 pre-Proposition 115 appellate decisions which prescribe discovery procedures and the type of items
11 that remain discoverable, including all exculpatory evidence under Proposition 115, are still
12 controlling authority.

13 The discovery process is through informal request and that procedure holds in the present
14 case. Defendant has made the informal request. The prosecutor has clearly articulated his refusal to
15 provide any discovery.

16 **X. CONCLUSION**

17 Based upon the law cited herein, defendant is entitled to the discovery previously requested,
18 and the Court should order the prosecutor to comply with the requests.

19 Respectfully submitted,

20
21 December 23, 2020

LAW OFFICE OF YOLANDA HUANG

22
23 

24 By: _____

25 YOLANDA HUANG,
26 Attorney for Defendant Azrael Vargas
27
28

PROOF OF SERVICE – CCP } 1013(a), F.R.C.P. } 5

I, the undersigned, declare: I am employed in the County of ALAMEDA, California. I am over the age of eighteen (18) and not a party to the within action. My business address is PO Box 5475, Berkeley, CA 94612

On dated listed below I served a true and correct copy of the following documents:
NOTICE OF MOTION AND MOTION TO COMPEL DISCOVERY, DECLARATION OF YOLANDA HUANG, [Proposed] ORDER, OPPOSITION TO PROSECUTION’S MOTION TO AMEND INFORMATION

On the following parties by email as indicated below.

Contra Costa County District Attorney’s Office
Diane Becton, District Attorney
Christopher Sansoe, Deputy District Attorney; email: CSansoe@contracostada.org
900 Ward Street
Martinez, CA 94553

Tony Brass, email: Tony@brasslawoffice.com
Counsel for Domenico Delgado-Caramagno

Chris Martin, email: m305@icloud.com
Counsel for Emarieay Prescott

ALTERNATE DEFENDER OFFICE, Contra Costa County
Elizabeth K. Barker, Assistant Public Defender
Evan Kuluk, email: Evan.Kuluk@pd.cccounty.us
Counsel for Thomas Lloyd, III
627 Ferry Street,
Martinez, CA 94553

☒ By Electronic Service: By sending electronically no later than 5pm on to the electronic notification address of the person served, evidenced by a transmission report available upon request.

I declare under penalty of perjury under the laws of the State of California that the above statements are true.

Executed December 24, 2020 at Berkeley, California.



YOLANDA HUANG

YOLANDA HUANG, SBN 104543
528 Grand Avenue
Oakland, CA 94610
Telephone: (510) 329-2140
Facsimile: (510) 5809410

Attorneys for Defendant
Azrael Vargas

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
CONTRA COSTA COUNTY**

PEOPLE OF THE STATE OF CALIFORNIA,	)	Case No.: 5-192292-1
Plaintiff,	)	DECLARATION OF YOLANDA HUANG
vs.	)	IN SUPPORT OF DEFENDANT AZRAEL
AZRAEL VARGAS,	)	VARGAS' MOTION TO COMPEL
Defendant.	)	DISCOVERY
	)	DATE: January 4, 2021
	)	TIME: 10:30 a.m.
	)	DEPT: 23

I, YOLANDA HUANG, declare:

1. I make this declaration based upon my personal knowledge. If called to testify, I can and will testify as stated herein.
2. I am an attorney licensed to practice in the State of California. I am the attorney of record for Azrael Vargas.
3. Attached as Exhibit A is a true and correct copy of the informal discovery request, I served on Deputy District Attorney Christopher Sansoe, on December 10, 2020.
4. Attached as Exhibit B is a true and correct copy of the email I received from Deputy District Attorney Christopher Sansoe stating that he was refusing to provide discovery.

5. Attached as Exhibit C is a true and correct copy of the Final Report (with Appendix B – Data reviewed by RJTF) presented to the Contra Costa Board of Supervisors by the Contra Costa County Racial Justice Task Force, on July 24, 2018.

6. The Final Report finds that racial disparities exist for Black youth and adults “across Contra Costa County” in “justice system involvement and outcomes”, with Black adults facing over three times the number of arrests compared to whites for violent crimes, four times the number of arrests as compared to whites for property crimes, and 2.5 times as many arrests for drug crimes. See p. 4. The Final Report states that different local patterns and practices drive these disparities. In the City of El Cerrito, with a higher proportion of a white population, the arrests of Black Adults was disproportionate (See p. XX), compared to arrests in the City of Antioch or Richmond.

7. Defendant Vargas’ request for discovery is tailored to these different local patterns and practices. Defendant finds it significant that the four defendants in this case are all young men of color, three of whom are Black, while the alleged victims are white, and reside in a predominantly white community. Defendant surmises that the significant number of enhancements and the multiple charges arising out of a single fact pattern may be attributable to charging decisions which are significantly different when incidents take place in communities which are predominantly white and in which the defendants are Black or Brown and not white, indicative of racial disparities. The objective of the discovery is to ascertain the background data for evaluation.

8. The Contra Costa County Board adopted the Task Force’s final recommendations except for the last two, recommendations 18 and 19. Attached as Exhibit D is a true and correct copy of the Task Force’s final recommendations. Attached as Exhibit E is a true and correct copy of the County website indicating that these were adopted by the County Board of Supervisors.

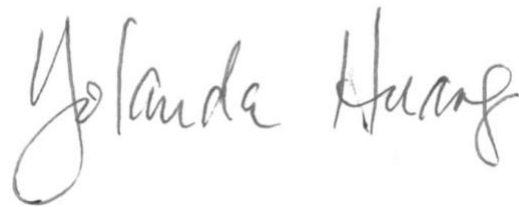
9. Attached as Exhibit F is a true and correct copy of the C. Haywood Burns report powerpoint, which was released in May, 2020. This powerpoint was presented to the Contra Costa Data Subcommittee. The C. Haywood Burns Institute has been working in tandem with the Contra Costa Racial Justice Oversight Board. The powerpoint, which is the basis of a presentation made by the C. Haywood Burns Institute shows that Black adults are more likely to be arrested in Contra Costa

1 County, than White adults. The Burns Institute report also shows that Black adults in Contra Costa
2 County are also more likely than White adults to have a complaint filed, following arrest.

3 10. I have spoken with the author of this power point, Clarence Ford. Mr. Ford indicated that the C.
4 Haywood Burns Institute was retained to assist the Contra Costa Racial Justice Oversight Board in its
5 assigned tasks. The report of the Burns Institute to the Board of Supervisors is on the County
6 website: [https://www.contracosta.ca.gov/DocumentCenter/View/67598/RJOB-Status-Report-to-](https://www.contracosta.ca.gov/DocumentCenter/View/67598/RJOB-Status-Report-to-PPC-06222020-FINAL-PDF)
7 [PPC-06222020-FINAL-PDF](https://www.contracosta.ca.gov/DocumentCenter/View/67598/RJOB-Status-Report-to-PPC-06222020-FINAL-PDF).

8 I make this declaration under penalty of perjury under the Laws of the State of California,
9 executed this 22nd day of December, 2020 in Berkeley, California.

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YOLANDA HUANG

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EXHIBIT A

Informal Request for Discovery

YOLANDA HUANG

ATTORNEY AT LAW

Date: November 12, 2020

Diane Becton, District Attorney
Christopher Sansoe, Deputy District Attorney
900 Ward Street
Martinez, CA 94553

Via Email Only: CSansoe@contracostada.org

Re: Peo v. Vargas, No. 05-192292-1

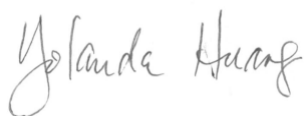
Dear Mr. Sansoe:

This is an informal discovery request pursuant to PC 1054.1

- 1) Referenced in the CAD/Radio report, any and all responses to unit 16Z32's requests at 21:29:53 and at 21:30:22 on plate number 6GBN422.
- 2) Referenced in the CAD/Radio report, text messages referenced: 991911040530003384 and 991911040534003424.
- 3) All recordings, records of any and all communications between unit 16Z32's and dispatch including tapes, associates logs and tapes, and emergency comms texts.
- 4) Any and all documents regarding any and all investigations, inquiries, research or examination made by Moraga Police Department on plate number 6GBN422 on the night of the incident.

Thank-you.

Sincerely,



Yolanda Huang

Cc: Tony Brass, Evan Kuluk, Chris Martin,

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EXHIBIT B

Prosecutor’s Response to Request for Discovery

CORRECTION: RE: People vs. Vargas (05-192292-1)

Chris Sansoe <CSansoe@contracostada.org>

Mon, Dec 14, 2020 at 8:39 AM

To: Yolanda Huang <yhuang.law@gmail.com>

Cc: Kevin M Bell <KBell@contracostada.org>, Dan Cabral <DCabral@contracostada.org>

Counsel,

I have had a chance to review your discovery request. I will address it point by point in this email.

- A. **Murgia related discovery:** This request is overbroad. This is not a murder case, or a case where GBI was inflicted. I have looked to see if we have written policies regarding the filing and prosecution of robbery, assault, and gun offenses/enhancements. I do not have any training materials/ policy statements to provide to you. The only tool/policy used for filing of this case, and others, is the Penal Code.

- B. **AB 2542 Discovery:** This is not actually law yet. I assume this requests is an attempt to request the materials prior to AB2542 becoming law as Penal Code section 745 on January 1, 2021. The request you have made is broad and not factually tailored to our case. At this time I will not be providing any of the requested statistics.

- C. **1054.1 Disclosures:** I do not have any disclosures for you. The prior two attorneys have already been provided with discovery for Anthony Bigotti's ongoing case. You also personally signed for discovery pertaining to that case. The discovery you picked up was a cd with body camera, photos, 911 calls, and dispatch recordings. This cd was made available for you on May 27, 2020. You did not date the discovery receipt when you picked up the evidence.

Thank you,

Chris Sansoe

[Quoted text hidden]

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EXHIBIT C

Contra Costa Racial Justice Task Force FINAL REPORT

Dated: July 24, 2018



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

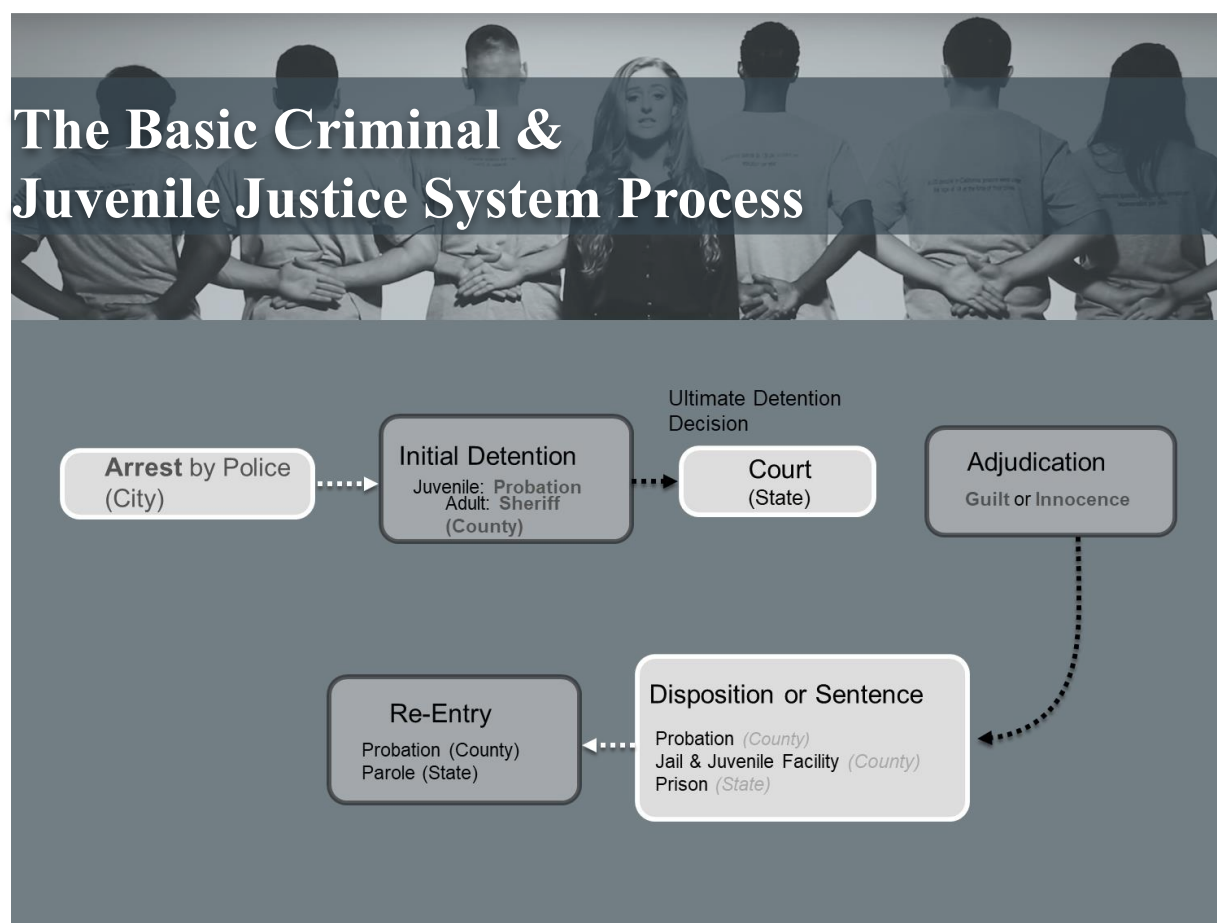
The criminal and juvenile justice systems are comprised of a wide array of agencies and organizations that have different statutory responsibilities and authority and operate in different jurisdictions (Figure 1). As the RJTF began its work, the group had to grapple with two key considerations related 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

**Contra Costa County***Racial Justice Task Force – Final Report and Recommendations*

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.

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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:

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Law Enforcement Disparities

Finding 1. Higher arrest rates for Black youth and adults across Contra Costa County drive disparities in justice system involvement and outcomes.

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.

Figure 2. Contra Costa County, 2014 Adult Arrests per 1,000

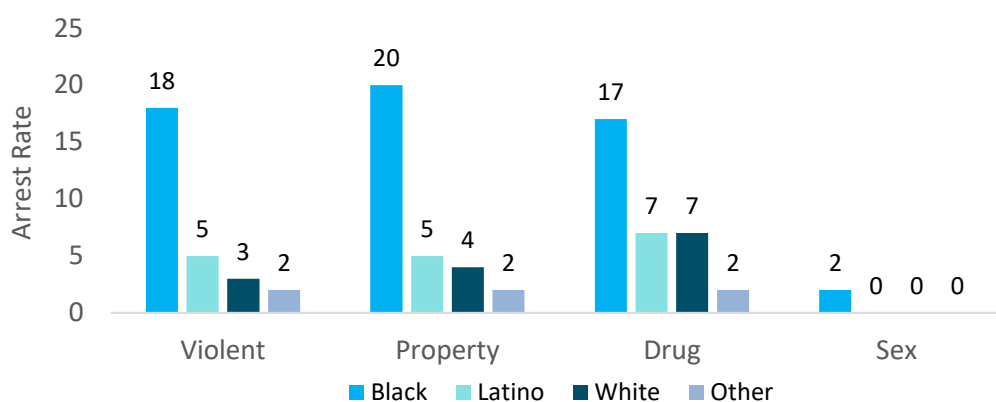
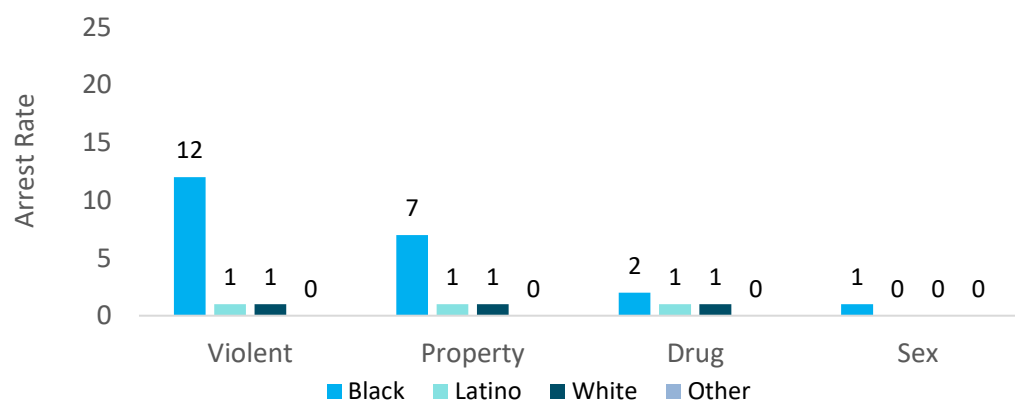


Figure 3. Contra Costa County, 2014 Juvenile Arrests per 1,000



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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 as “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.

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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.

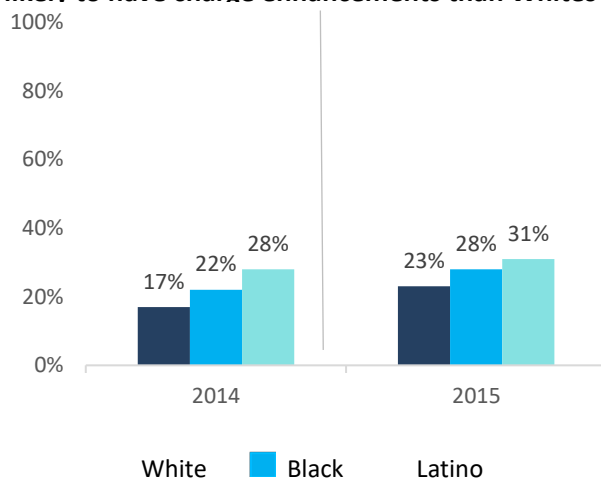
Among youth who are adjudicated delinquent, Black and Latino youth are more likely to receive a disposition that involved secure confinement, including either the Orin Allen Youth Rehabilitation Facility (“the Ranch”) or the California Department of Juvenile Justice (DJJ). According to Probation data 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 than 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.

Figure 4. Black and Latino defendants are more likely to have charge enhancements than Whites



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

**Contra Costa County****Racial Justice Task Force – Final Report and Recommendations**

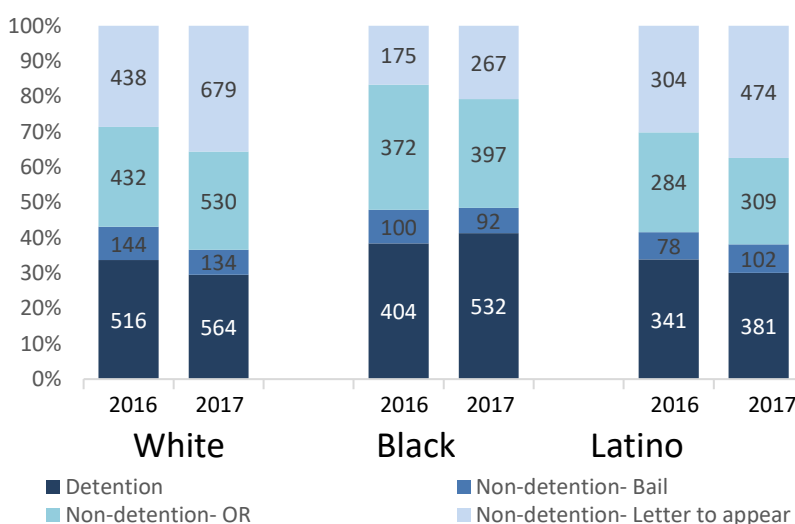
pattern is nonetheless important in light of a growing body of research showing that both kinds of enhancements are a major driver of disparities in imprisonment.ⁱ In particular, research has shown that Blacks are more likely to live in “drug free zones,” increasing the likelihood that they will be eligible 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.^{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.

Figure 5. Black defendants are most likely to be detained pretrial



Finding 9. Changes to County jury selection processes have increased disparities in who services 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.

**Contra Costa County****Racial Justice Task Force – Final Report and Recommendations**

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.

**Contra Costa County*****Racial Justice Task Force – Final Report and Recommendations***

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.^{iv v}

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

- 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.

**Contra Costa County*****Racial Justice Task Force – Final Report and Recommendations***

- 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 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 should consult best practices to balance data needs with confidentiality regulations.
 - a. Office of Reentry and Justice shall publish race-specific data online on all of the above to create greater transparency and accountability of the County criminal justice agencies and local enforcement agencies.
 - b. 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.
 - c. Office of Reentry and Justice shall support analysis of interventions implemented through the RJTF to measure efficacy and assess impact on racial disparities.

**Contra Costa County*****Racial Justice Task Force – Final Report and Recommendations***

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 Contra Costa County 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

**Contra Costa County*****Racial Justice Task Force – Final Report and Recommendations***

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 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.

- 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 RJOB 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



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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, where^{vi} 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.^{vii} 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.¹ 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 Pre-trial 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 appearances and is intended to increase the likelihood that appropriate defendants will be released on

¹ The RJTF considered but did not ultimately support a recommendation to limit the use of sentence enhancements.



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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 this pilot. 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 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

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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.

ⁱ Nazgol Ghandnoosh. “Black Lives Matter: Eliminating Racial Inequity In The Criminal Justice System,” *The Sentencing Project*. 2015.

ⁱⁱ Ibid.

ⁱⁱⁱ John MacDonald and Steven Raphael. “An Analysis of Racial and Ethnic Disparities in Case Dispositions and Sentencing Outcomes for Criminal Cases Presented to and Processed by the Office of the San Francisco District Attorney.” (2017).

^{iv} Ryan C. Wagoner, Carol A. Schubert, and Edward P. Mulvey, “Probation Intensity, Self-Reported Offending, and Psychopathy in Juveniles on Probation for Serious Offenses,” *Journal of the American Academy of Psychiatry and the Law Online* 43, no. 2 (June 1, 2015): 191–200.

^v Youth.Gov: Points of Intervention. (2017). Retrieved December 15, 2017 from <https://youth.gov/youth-topics/juvenile-justice/points-intervention>

^{vi} <http://www.cc-courts.org/jury/general.aspx>

^{vii} <http://www.courts.ca.gov/documents/jurysys.pdf>

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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 #1¹

- 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 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.

**Contra Costa County***Racial Justice Task Force – Final Report and Recommendations***Vote by Members**

Vote	Members	Total
Support	Bisa French, Todd Billeci, Leslie Takahashi, Venus Johnson, John Lowden, Marcus Walton, William Walker, Cardenas Shackelford, Tamisha Walker, Stephanie Medley, Harlan Grossman, Dennisha Marsh, Debra Mason, Robin Lipetzky	14
Do Not Support		0
Oppose		0
Abstain		0

Result: Passed**Recommendation #1a**

- 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.

Vote by Members

Vote	Members	Total
Support	Bisa French, Todd Billeci, Leslie Takahashi, Venus Johnson, John Lowden, Marcus Walton, William Walker, Cardenas Shackelford, Tamisha Walker, Stephanie Medley, Harlan Grossman, Dennisha Marsh, Debra Mason, Robin Lipetzky	14
Do Not Support		0
Oppose		0
Abstain		0

Result: Passed**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.



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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

Vote	Members	Total
Support	Bisa French, Todd Billeci, Leslie Takahashi, Venus Johnson, Marcus Walton, William Walker, Tamisha Walker, Stephanie Medley, Harlan Grossman, Dennisha Marsh, Debra Mason, Robin Lipetzky	12
Do Not Support		0
Oppose		0
Abstain	John Lowden, Cardenas Shackelford	2

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*

Vote	Members	Total
Support		0
Do Not Support		0
Oppose		0
Abstain		0

* 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*

Vote	Members	Total
Support		0
Do Not Support		0
Oppose		0
Abstain		0

* Members did not vote as Revised Recommendation #2 passed



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Result: Failed

Recommendation #2b

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

Vote by Members*

Vote	Members	Total
Support		0
Do Not Support		0
Oppose		0
Abstain		0

* 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 and services for youth and adults. Inability to pay shall not prohibit participation in diversion programs.

Vote by Members*

Vote	Members	Total
Support		0
Do Not Support		0
Oppose		0
Abstain		0

* Members did not vote as Revised Recommendation #2 passed

Result: Failed

Recommendation #3a

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

Vote by Members*

Vote	Members	Total
Support		0
Do Not Support		0
Oppose		0
Abstain		0

* Members did not vote as Revised Recommendation #2 passed



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Result: Failed

Recommendation #4

Expand the use of crisis intervention teams, mobile crisis teams, and behavioral health assessment teams so they are available across the County.

Vote by Members

Vote	Members	Total
Support	Bisa French, Todd Billeci, Leslie Takahashi, Venus Johnson, John Lowden, Marcus Walton, William Walker, Cardenas Shackelford, Tamisha Walker, Stephanie Medley, Harlan Grossman, Dennisha Marsh, Debra Mason, Robin Lipetzky	14
Do Not Support		0
Oppose		0
Abstain		0

Result: Passed

Recommendation #5

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

Vote by Members

Vote	Members	Total
Support	Bisa French, Todd Billeci, Leslie Takahashi, Venus Johnson, John Lowden, Marcus Walton, William Walker, Cardenas Shackelford, Tamisha Walker, Stephanie Medley, Dennisha Marsh, Debra Mason, Robin Lipetzky	13
Do Not Support		0
Oppose		0
Abstain	Harlan Grossman	1

Result: Passed

**Contra Costa County***Racial Justice Task Force – Final Report and Recommendations***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

Vote	Members	Total
Support	Bisa French, Leslie Takahashi, Venus Johnson, John Lowden, Marcus Walton, William Walker, Cardenas Shackelford, Tamisha Walker, Stephanie Medley, Harlan Grossman, Dennisha Marsh, Debra Mason, Robin Lipetzky	13
Do Not Support		0
Oppose		0
Abstain	Todd Billeci	1

Result: Passed

Recommendation #6a

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

Vote by Members

Vote	Members	Total
Support	Bisa French, Todd Billeci, Leslie Takahashi, Venus Johnson, John Lowden, Marcus Walton, William Walker, Cardenas Shackelford, Tamisha Walker, Stephanie Medley, Harlan Grossman, Dennisha Marsh, Debra Mason, Robin Lipetzky	14
Do Not Support		0
Oppose		0
Abstain		0

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

Result: Passed

**Contra Costa County***Racial Justice Task Force – Final Report and Recommendations***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

Vote	Members	Total
Support	Leslie Takahashi, Venus Johnson, Marcus Walton, William Walker, Cardenas Shackelford, Tamisha Walker, Stephanie Medley, Harlan Grossman, Dennisha Marsh, Debra Mason, Robin Lipetzky	11
Do Not Support		0
Oppose		0
Abstain	Bisa French, Todd Billeci, John Lowden,	3

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 whole heartedly 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

Vote	Members	Total
Support	Bisa French, Todd Billeci, Leslie Takahashi, Venus Johnson, John Lowden, Marcus Walton, William Walker, Cardenas Shackelford, Tamisha Walker, Stephanie Medley, Harlan Grossman, Dennisha Marsh, Debra Mason, Robin Lipetzky	14
Do Not Support		0
Oppose		0
Abstain		0

Result: Passed

**Contra Costa County***Racial Justice Task Force – Final Report and Recommendations***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

Vote	Members	Total
Support	Bisa French, Marcus Walton, Tamisha Walker	3
Do Not Support	Leslie Takahashi, Stephanie Medley	2
Oppose	Todd Billeci, Venus Johnson, John Lowden, William Walker, Cardenas Shackelford, Harlan Grossman, Dennisha Marsh, Robin Lipetzky	8
Abstain	Debra Mason	1

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

Vote	Members	Total
Support	Bisa French, Todd Billeci, Leslie Takahashi, Venus Johnson, John Lowden, Marcus Walton, William Walker, Cardenas Shackelford, Tamisha Walker, Stephanie Medley, Harlan Grossman, Dennisha Marsh, Debra Mason, Robin Lipetzky	14
Do Not Support		0
Oppose		0
Abstain		0

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.



**Contra Costa County***Racial Justice Task Force – Final Report and Recommendations***Vote by Members**

Vote	Members	Total
Support	Bisa French, Todd Billeci, Leslie Takahashi, Venus Johnson, John Lowden, Marcus Walton, William Walker, Cardenas Shackelford, Tamisha Walker, Stephanie Medley, Harlan Grossman, Dennisha Marsh, Debra Mason, Robin Lipetzky	14
Do Not Support		0
Oppose		0
Abstain		0

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

Vote	Members	Total
Support	Bisa French, Todd Billeci, Leslie Takahashi, Venus Johnson, John Lowden, Marcus Walton, William Walker, Cardenas Shackelford, Tamisha Walker, Stephanie Medley, Harlan Grossman, Dennisha Marsh, Debra Mason, Robin Lipetzky	14
Do Not Support		0
Oppose		0
Abstain		0

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.

**Contra Costa County***Racial Justice Task Force – Final Report and Recommendations***Vote by Members**

Vote	Members	Total
Support	Bisa French, Leslie Takahashi, John Lowden, Marcus Walton, William Walker, Cardenas Shackelford, Tamisha Walker, Stephanie Medley, Harlan Grossman, Dennisha Marsh, Debra Mason, Robin Lipetzky	12
Do Not Support		0
Oppose		0
Abstain	Todd Billeci, Venus Johnson	2

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

Vote	Members	Total
Support	Bisa French, Leslie Takahashi, Venus Johnson, John Lowden, Marcus Walton, William Walker, Cardenas Shackelford, Tamisha Walker, Stephanie Medley, Harlan Grossman, Dennisha Marsh, Debra Mason, Robin Lipetzky	13
Do Not Support		0
Oppose		0
Abstain	Todd Billeci	1

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.

- 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).
- Requiring school districts to create partnerships with culturally specific organizations to routinely train faculty and staff on the issues facing communities of color.

**Contra Costa County***Racial Justice Task Force – Final Report and Recommendations***Vote by Members**

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

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

Vote	Members	Total
Support	Bisa French, Todd Billeci, Leslie Takahashi, Venus Johnson, John Lowden, Marcus Walton, William Walker, Cardenas Shackelford, Tamisha Walker, Stephanie Medley, Harlan Grossman, Dennisha Marsh, Debra Mason, Robin Lipetzky	14
Do Not Support		0
Oppose		0
Abstain		0

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 contract with the County and provide services to reentry clients.

**Contra Costa County***Racial Justice Task Force – Final Report and Recommendations***Vote by Members**

Vote	Members	Total
Support	Bisa French, Todd Billeci, Leslie Takahashi, Venus Johnson, John Lowden, Marcus Walton, William Walker, Cardenas Shackelford, , Stephanie Medley, Harlan Grossman, Dennisha Marsh, Debra Mason, Robin Lipetzky	13
Do Not Support		0
Oppose		0
Abstain	Tamisha Walker	1

Result: Passed**Recommendation #15**

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

Vote by Members

Vote	Members	Total
Support	Leslie Takahashi, Venus Johnson, John Lowden, Marcus Walton, William Walker, Cardenas Shackelford, Tamisha Walker, Stephanie Medley, Harlan Grossman, Dennisha Marsh, Debra Mason, Robin Lipetzky	12
Do Not Support	Todd Billeci	1
Oppose		0
Abstain	Bisa French	1

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

Vote	Members	Total
Support	Bisa French, Todd Billeci, Leslie Takahashi, Venus Johnson, John Lowden, Marcus Walton, William Walker, Cardenas Shackelford, Tamisha Walker, Stephanie Medley, Harlan Grossman, Dennisha Marsh, Debra Mason, Robin Lipetzky	14
Do Not Support		0
Oppose		0
Abstain		0

Result: Passed

**Contra Costa County***Racial Justice Task Force – Final Report and Recommendations***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

Vote	Members	Total
Support	Leslie Takahashi, Venus Johnson, Cardenas Shackelford, Tamisha Walker, Stephanie Medley, Robin Lipetzky	5
Do Not Support	John Lowden, Harlan Grossman, Dennisha Marsh, Debra Mason	4
Oppose		0
Abstain	Bisa French, Todd Billeci, , Marcus Walton, William Walker,	5

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

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

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. . Depending 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

**Contra Costa County***Racial Justice Task Force – Final Report and Recommendations***Recommendation #18a**

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

Vote by Members

Vote	Members	Total
Support	Bisa French, Leslie Takahashi, Venus Johnson, Marcus Walton, William Walker, Cardenas Shackelford, Tamisha Walker, Stephanie Medley, Harlan Grossman, Dennisha Marsh, Debra Mason, Robin Lipetzky	12
Do Not Support		0
Oppose		0
Abstain	Todd Billeci, John Lowden	2

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

Vote	Members	Total
Support	Bisa French, Leslie Takahashi, Marcus Walton, William Walker, Cardenas Shackelford, Tamisha Walker, Stephanie Medley, Dennisha Marsh, Debra Mason, Robin Lipetzky	10
Do Not Support		0
Oppose	Harlan Grossman	1
Abstain	Todd Billeci, Venus Johnson, John Lowden	3

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.

Result: Passed

**Contra Costa County***Racial Justice Task Force – Final Report and Recommendations***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

Vote	Members	Total
Support	Todd Billeci, Leslie Takahashi, Venus Johnson, John Lowden, Marcus Walton, William Walker, Cardenas Shackelford, Tamisha Walker, Stephanie Medley, Harlan Grossman, Dennisha Marsh, Debra Mason, Robin Lipetzky	13
Do Not Support		0
Oppose		0
Abstain	Bisa French	1

Result: Passed

Recommendation #20

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

Vote by Members

Vote	Members	Total
Support	Bisa French, Todd Billeci, Leslie Takahashi, Venus Johnson, , Marcus Walton, William Walker, Cardenas Shackelford, Tamisha Walker, Stephanie Medley, Harlan Grossman, Dennisha Marsh, Robin Lipetzky	12
Do Not Support	John Lowden, Debra Mason	2
Oppose		0
Abstain		0

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 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.

Vote by Members

**Contra Costa County***Racial Justice Task Force – Final Report and Recommendations*

Vote	Members	Total
Support	Leslie Takahashi, Venus Johnson, , Marcus Walton, William Walker, Cardenas Shackelford, Tamisha Walker, Stephanie Medley, Harlan Grossman, Dennisha Marsh, Robin Lipetzky	10
Do Not Support	Todd Billeci, Debra Mason	2
Oppose	John Lowden	1
Abstain	Bisa French	1

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 complains if one is not satisfied with the Sherriff's process.

Result: Passed

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

Vote	Members	Total
Support	Bisa French, Leslie Takahashi, Venus Johnson, , Marcus Walton, William Walker, , Tamisha Walker, Stephanie Medley, Harlan Grossman, Dennisha Marsh, Debra Mason, Robin Lipetzky	11
Do Not Support		0
Oppose	Todd Billeci, John Lowden	2
Abstain	Cardenas Shackelford	1

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

Added Recommendation**Recommendation #23**

All County staff shall participate and complete implicit bias training.



**Contra Costa County***Racial Justice Task Force – Final Report and Recommendations***Vote by Members**

Vote	Members	Total
Support	Bisa French, Venus Johnson, John Lowden, Marcus Walton, William Walker, Cardenas Shackelford, Tamisha Walker, Stephanie Medley, Harlan Grossman, Dennisha Marsh, Debra Mason, Robin Lipetzky	12
Do Not Support		0
Oppose		0
Abstain	Todd Billeci, Leslie Takahashi	2

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

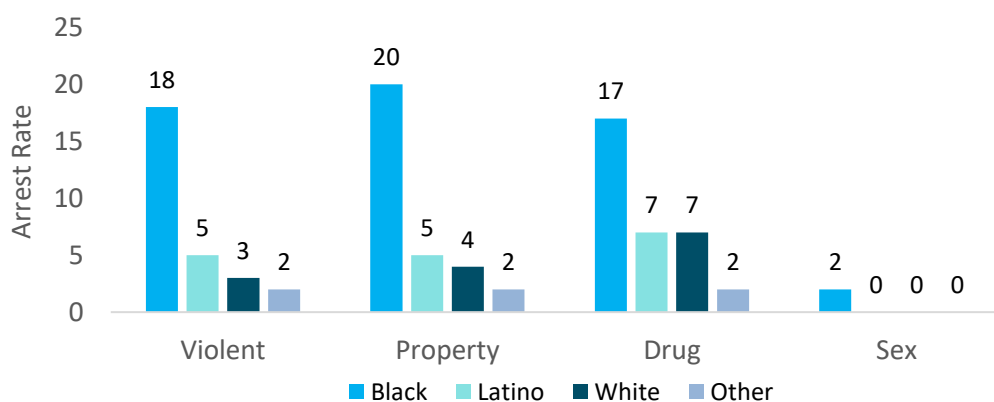


Figure . Illustrates countywide arrest trends among Black, Latino, White and Other adults. Black adults are 6 times more likely than White adults to be arrested for a violent offense, as well as 5 times more likely to be arrested for a property crime and over 2 times as likely to be arrested for a drug offense.

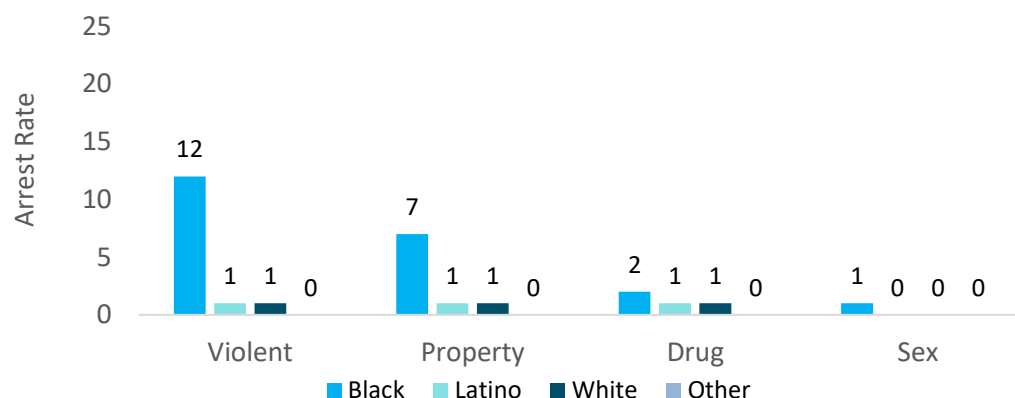
**Contra Costa County***Racial Justice Task Force – Final Report and Recommendations***Figure 2. Contra Costa County, Juvenile Arrests per 1,000**

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

Total Population: 24, 136

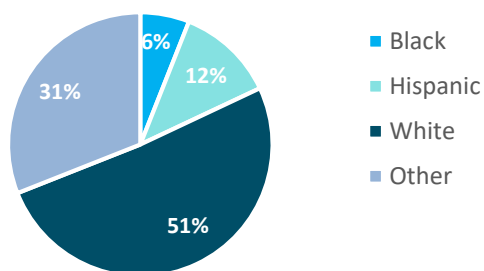
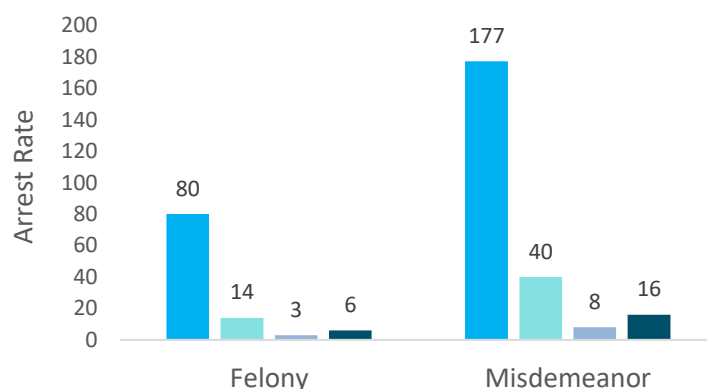
**Figure 4. El Cerrito Adult Arrest Rates per 1,000**

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.

**Contra Costa County***Racial Justice Task Force – Final Report and Recommendations***Figure 5. Richmond City Population**

Total Population: 106,469

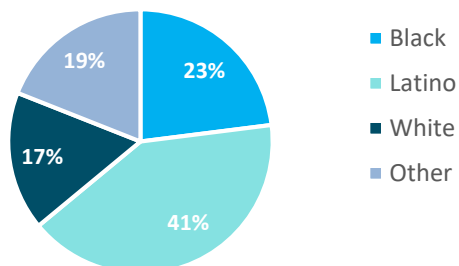
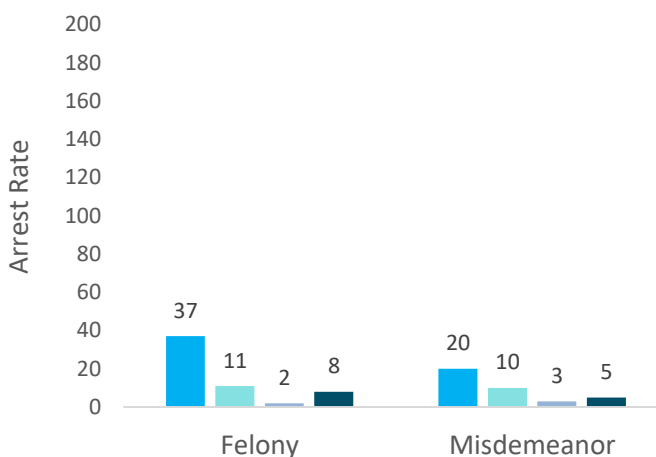
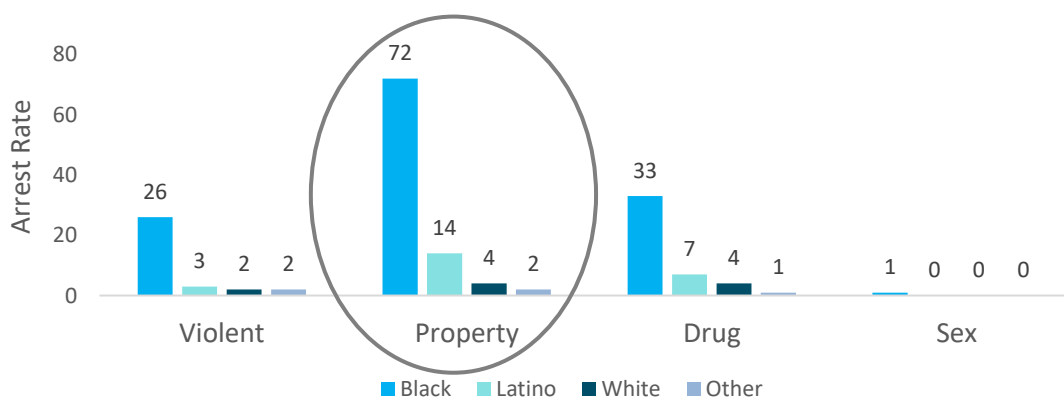
**Figure 6. Richmond Adult Arrests Rate per 1,000**

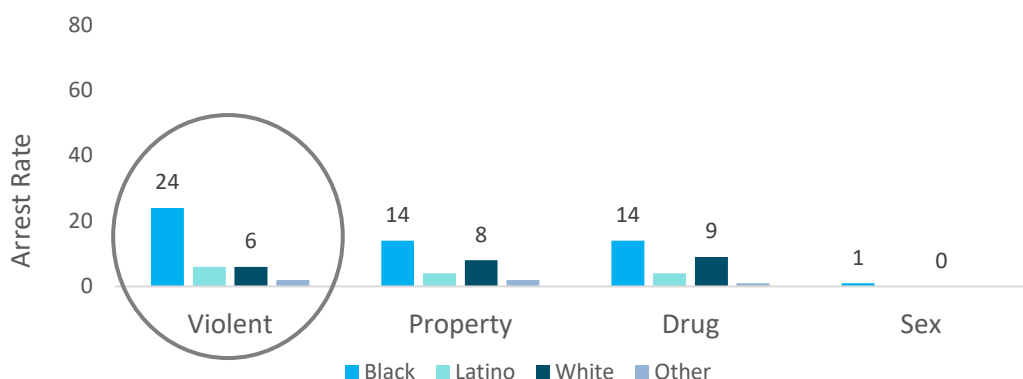
Figure 5. represents a breakdown of Richmond’s total population, which is a much larger city with a larger black population (23%) than El Cerrito. While the racial disparities are not as great as those in El Cerrito or smaller cities, disparities remain. As seen in Figure 6, Black adults are approximately 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.

**Contra Costa County***Racial Justice Task Force – Final Report and Recommendations***Figure 8. City of Antioch, Adult Arrest Rates per 1,000**

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.

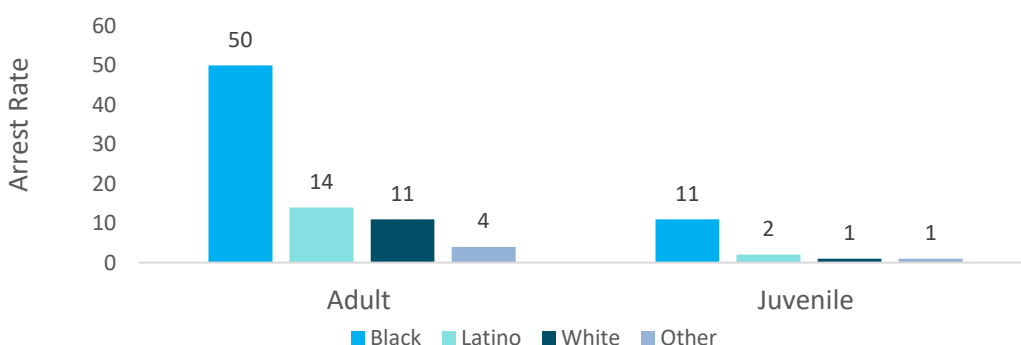
Figure 9. Contra Costa County, Felony Arrest Rates per 1,000

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.

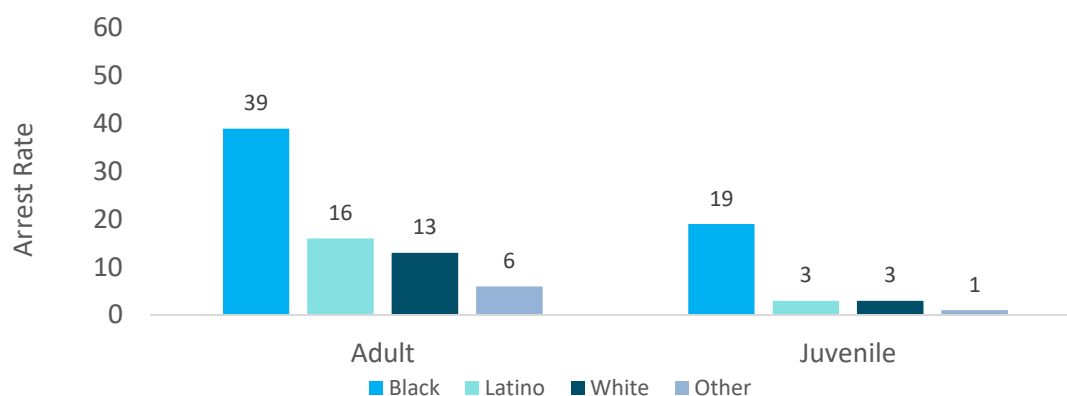
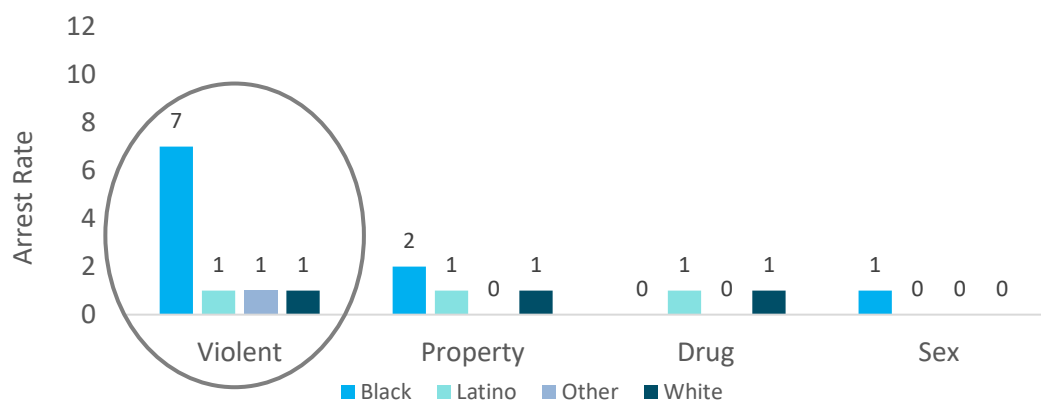
**Contra Costa County***Racial Justice Task Force – Final Report and Recommendations***Figure 10. Contra Costa County, Misdemeanor Arrest Rates per 1,000**

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

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.

**Contra Costa County***Racial Justice Task Force – Final Report and Recommendations***Figure 12. City of Pittsburg, Juvenile Arrest Rates per 1,000**

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.

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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

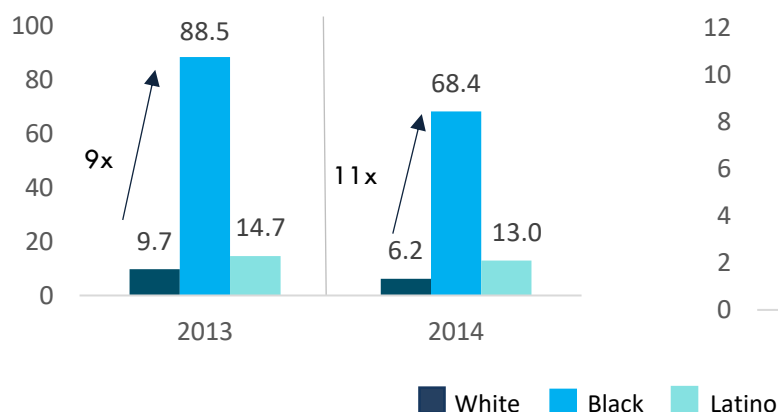


Figure 14. Referrals to Probation RRI, by Race

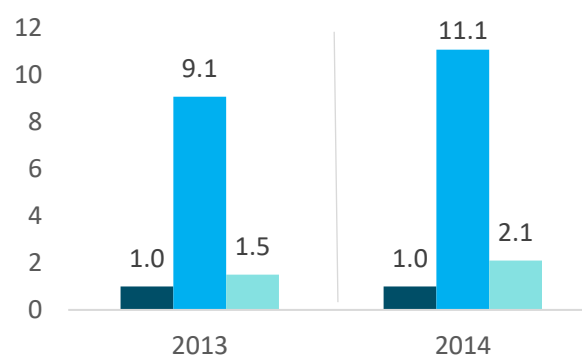


Figure 13 and Figure 14. Rated of Referral to Probation per 1,000 youth and Referrals to Probation RRI, illustrate overall, in 2013 and 2014, Black youth were 9 times more likely than White youth and 6 times more likely than Latino youth to be referred to Probation.

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

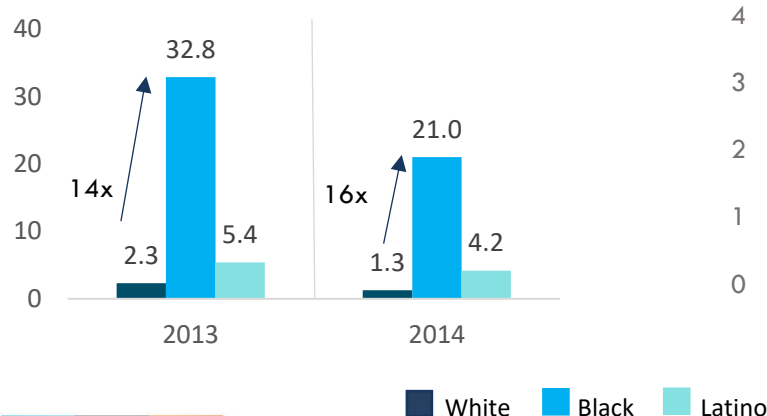
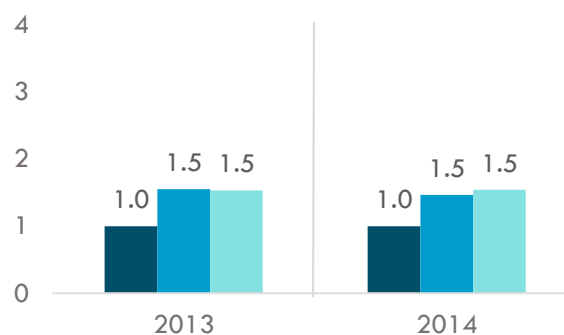


Figure 16. Pre-Adjudication Detention RRI, by Race



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

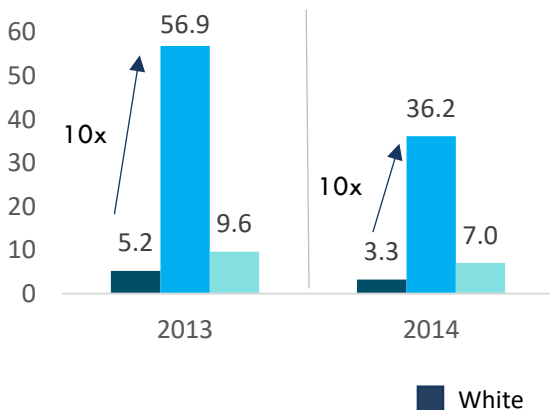
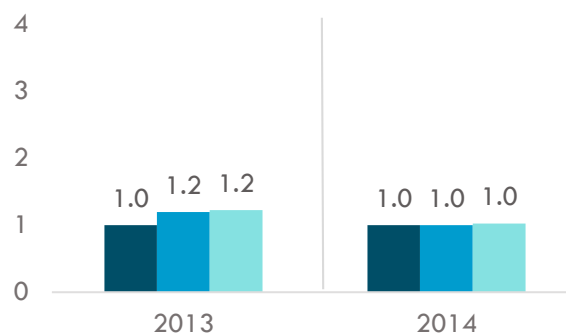


Figure 17. Pre-Adjudication Detention RRI, by Race



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

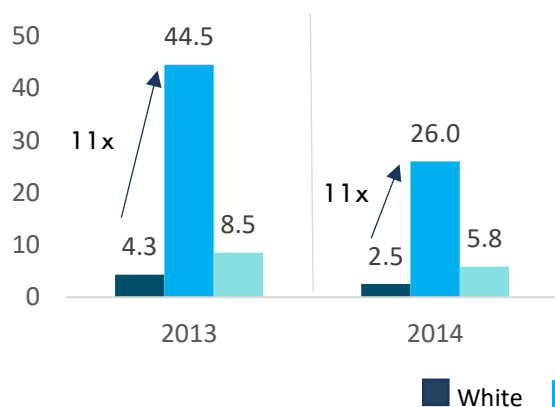
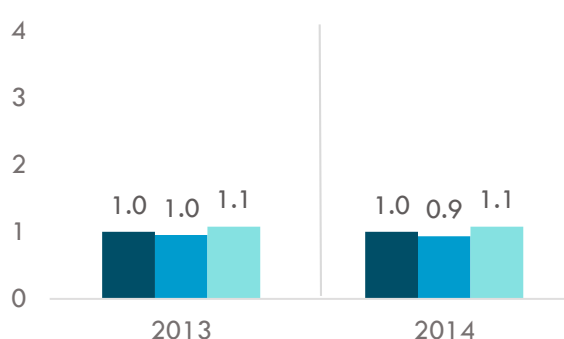


Figure 20. Petitions Filed RRI, by Race



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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.

Figure 21. Ward of the Court Rates per 1,000 by Race

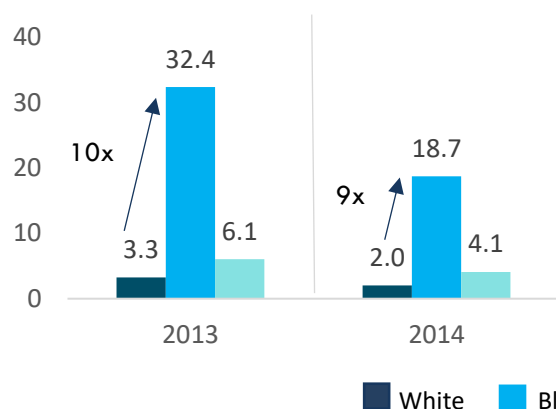
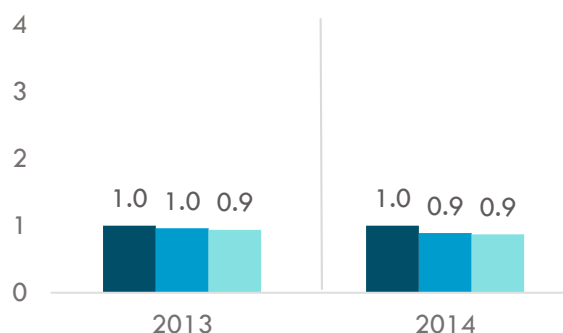


Figure 22. Ward of the Court RRI, by Race



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.

Figure 23. Placement Rates per 1,000 Youth, by Race

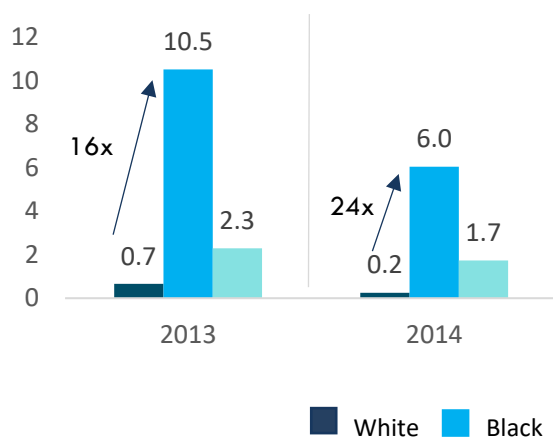
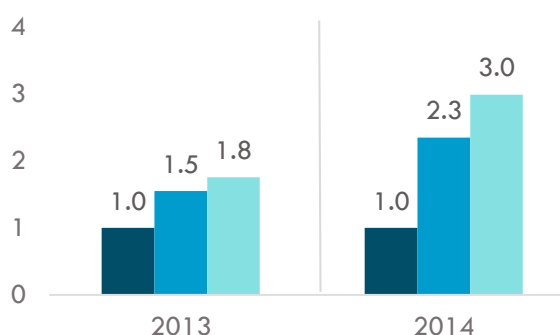


Figure 24. Placement RRI, by Race





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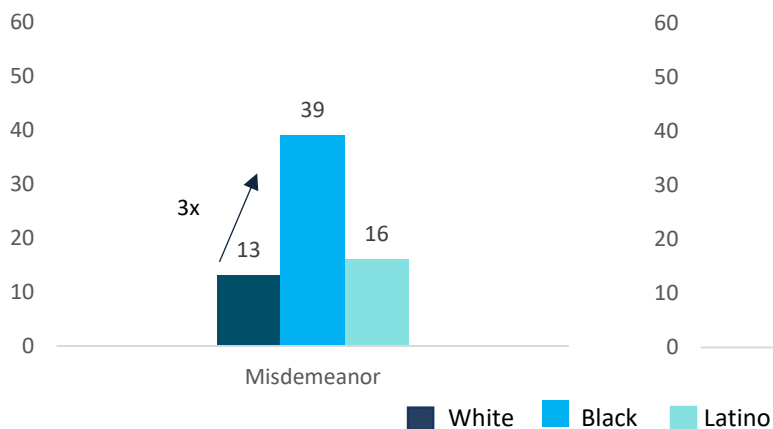
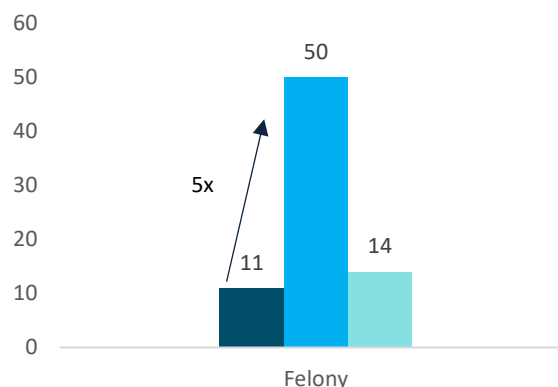
Among all youth who were made a ward of the court, Latino youth were 3 times more likely to be placed in secure confinement compared to White youth and Black youth were 2 times more likely to be placed in secure confinement compared to White youth.

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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.

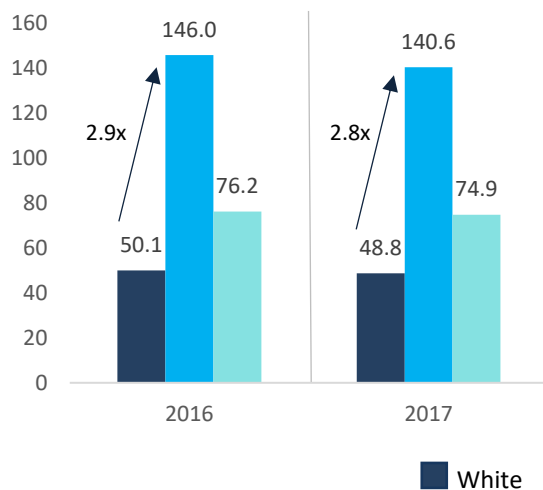
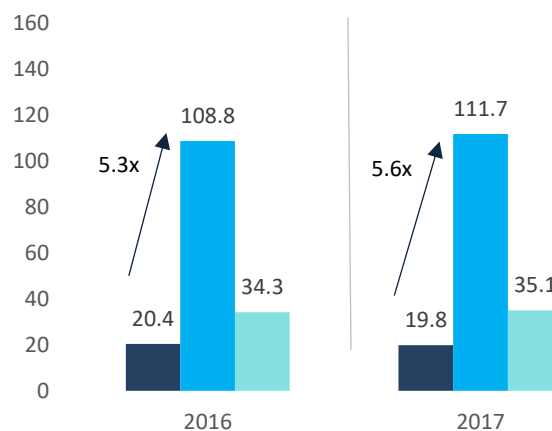
In 2014, compared to Whites, Black adults were more likely to be arrested for a misdemeanor and felony.

Figure 25. Misdemeanor Arrest Rates, by Race***Figure 26. Felony Arrest Rates, by Race***

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

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.

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***

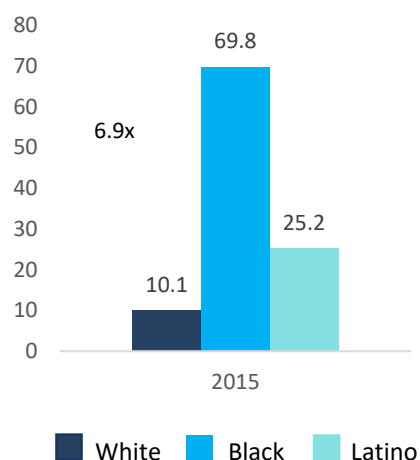
**Data from Contra Costa County Criminal Court*

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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.

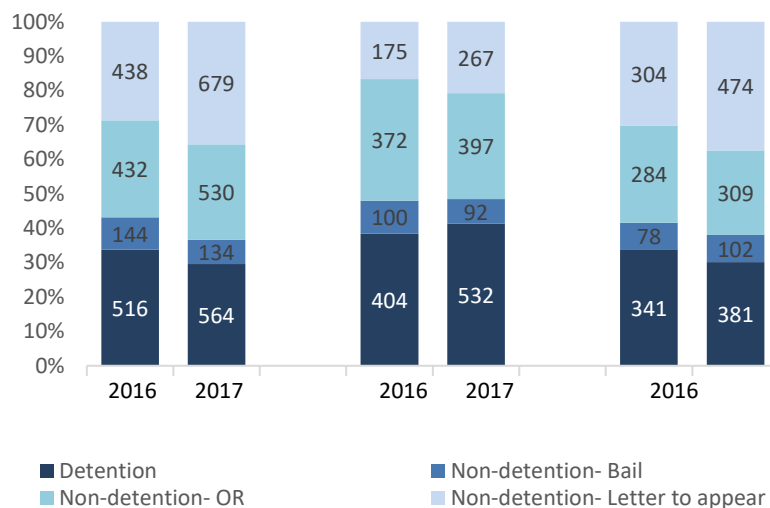
Black adults in Contra Costa County were more likely than Latino or White adults to be detained pre-trial.

Figure 29. Pre-Trial Detention Rates, by Race*



*Data is a snapshot of detained population on 7/9/2015
Contra Costa County Sheriff's Office

Figure 30. Pre-Trial Detention versus Non-Detention, by Race*



*Data from Contra Costa County Criminal Court

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.

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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*

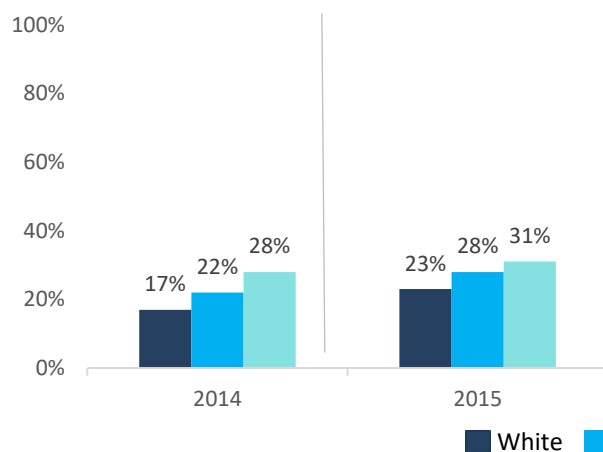
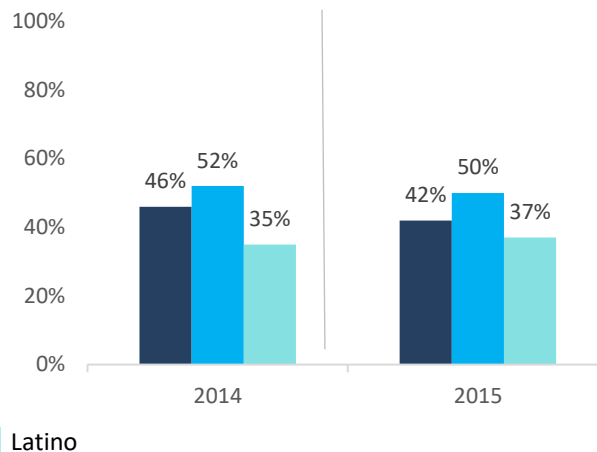


Figure 32. Proportion of Cases with Person Enhancements, by Race*



*Data from the Public Defender's Office

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*

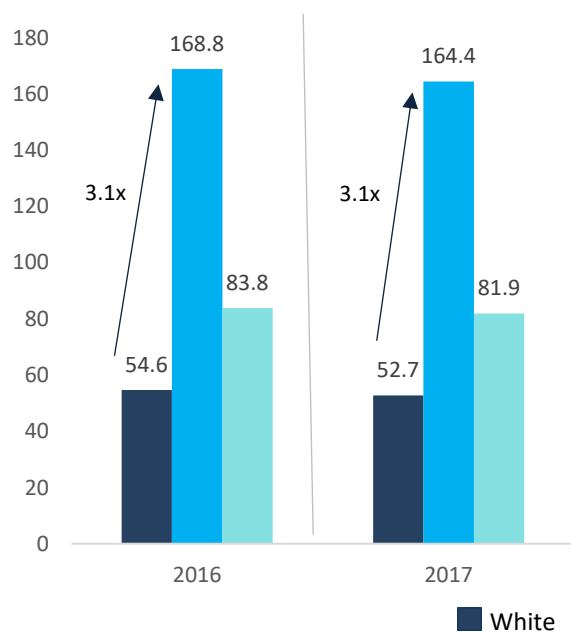
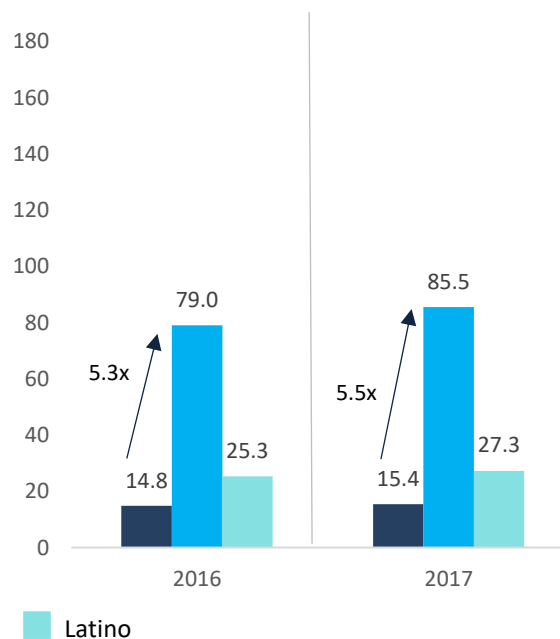


Figure 34. Felony Conviction Rates, by Race*



*Data from Contra Costa County Criminal Court



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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.

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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 1. Attendees per Location

Location	Number of Public Attendees
Concord	32
Danville	35
Pittsburg	34
Richmond	28
Antioch	25

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	Implicit & Explicit Bias	School to Prison Pipeline	Mistrust of Law Enforcement	County Processes
<ul style="list-style-type: none">•Lack of cultural competence/ awareness in schools and justice system agencies•Restorative justice•Need for increased mental health services	<ul style="list-style-type: none">•Need for cultural responsive implicit bias training for all justice stakeholders	<ul style="list-style-type: none">•Role of schools pushing youth of color into the justice system•Youth development	<ul style="list-style-type: none">•Sherriff's Office's relationship to ICE	<ul style="list-style-type: none">•Expand and standardize diversion programs, policies, and procedures.•Standardize data collection across the county•Reform bail cash system

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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

Location	Number of Public Attendees
Walnut Creek	59
Antioch	24
Richmond	28

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	Key Concerns	Gaps
<ul style="list-style-type: none">•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	<ul style="list-style-type: none">•Available funding and budget prioritization for recommendations•Misuse of publically available data•Buy-in from implementin partners such as education•Language accessibility for programs/ services	<ul style="list-style-type: none">•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

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EXHIBIT D

Contra Costa Racial Justice Task Force RECOMMENDATIONS

As Adopted by the Board of Supervisors



RJTF 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' 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

- 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.

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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 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 should consult best practices to balance data needs with confidentiality regulations.
 - a. Office of Reentry and Justice shall publish race-specific data online on all of the above to create greater transparency and accountability of the County criminal justice agencies and local enforcement agencies.
 - b. 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.
 - c. Office of Reentry and Justice shall 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 Contra Costa County should:
 - i. Ensure inclusion of de-escalation and behavioral health intervention trainings into local enforcement agency regional academy and/or department orientations

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- 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 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.
- 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 RJOB 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.

**Contra Costa County***Racial Justice Task Force – Final Report and Recommendations*

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

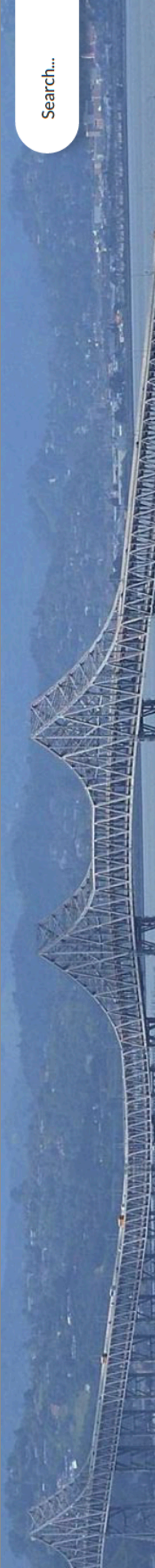
Other

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

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EXHIBIT E

Contra Costa County Website
Confirming Board Adoption
Of
Racial Justice Task Force Recommendations



County Home › Departments & Offices › Departments & Offices E-Z › Probation › Office of Reentry and Justice › Advisory Bodies › Racial Justice Oversight Body ▼ ▲ ▲

Racial Justice Task Force and Racial Justice Oversight Body

The creation of the 17-member Racial Justice Task Force (RJTF) was unanimously approved by the Board of Supervisors (BOS) on April 12, 2016. The mandate of the Task Force is as follows:

1. Research and identify consensus measures within the County to reduce racial disparities in the criminal justice system;
2. Plan and oversee implementation of the measures once identified; and
3. Report back to the Board of Supervisors on progress made toward reducing racial disparities within the criminal justice system.

On July 24, 2018, the Racial Justice Task Force presented its Final Report and Recommendations to the County Board of Supervisors. You can download what was presented to the Board:

[Racial Justice Task Force Final Report \(PDF\)](#)

[Racial Justice Task Force Summary of Final Recommendations \(PDF\)](#)

[Presentation to the Board of Supervisors - 7/14/18 \(PDF\)](#)

Task Force Agendas

RJTF meeting agendas and minutes are available [here](#).

Updates

July 24, 2018

The County Board of Supervisors considered the final recommendations from the Racial Justice Task Force and adopted all the recommendations except Recommendations #18 and #19.

September 18, 2018

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EXHIBIT F

C. Haywood Burns Institute
Powerpoint Presentation
To
Contra Costa Data Subcommittee

Contra Costa Data Subcommittee Meeting

May 28th, 2020

W. Haywood Burns Institute



The W. Haywood Burns Institute (BI)

- ❑ Promotes **equity** by working with stakeholders in justice agencies to deconstruct their decision-making and its impact on people of color.
- ❑ Promotes a **collaborative** and **inclusive process** that engages people directly and deeply impacted by systems to partner with system stakeholders to solve problems.
- ❑ Focuses on a **structural analysis** of the problem (and structural solutions) rather than on individual beliefs and behavior.
- ❑ Facilitates community and system stakeholders through a **data-driven process** to improve justice system decision-making.



Three Key Components to BI Technical Assistance

- 1. Collaboration, Governance Structure and Framing the Conversation**
- 2. Data Capacity and Utilization**
- 3. Community Engagement**



BI Strategy for Reducing Racial and Ethnic Disparities

1. Identify Disparities

- Identify whether and to what extent racial and ethnic disparities exist

2. Identify, Analyze and Strategize around a “Target Population”

- Identify target population to focus the work
- “Dig deeper” into target population to learn more about policy, practice, procedures, and/or other factors contributing to disparities
- Develop strategies
- Pilot or adopt policy change

Ongoing process

3. Measure Progress

- Monitor effectiveness of policy change
- Document changes in disparities



Defining the Problem:

Whether disparities exist vs. why disparities exist.

1. Whether Disparities exist:

Over-representation of people of color in the justice system

- Mathematical comparison of percentages or rates of justice system involvement for White adults compared to People of Color
- More referrals to probation for youth of color

2. Why Disparities exist:

Unnecessary entry into the justice system and/or deeper penetration into the justice system by people

of color

- Low level offenses
 - Status offenses
- Disparate treatment of people of color**
- Different treatment for similar behavior



BI's Metrics to Understand the Problem

- 1.) **Volume / Counts:** Number of people involved in justice system.
- 2.) **Proportions** – Looking at justice involvement by percentages compared to population
- 3.) **Rate per Capita:** Likelihood of system involvement compared to the population.
- 4.) **Disparity Gap (comparing per capita rates):** Ratio of rates or relative likelihood of system involvement for people of color per capita compared to White per capita.



Questions that will be answered

Adults

- Arrest trends from 2009-2018
- How many adults were arrested in Contra Costa County
- Arrests by offense type ie (felony, misdemeanor)
- Disparity rates in arrest for misdemeanor offenses and felony offenses
- Complaints sought by proportions and race & ethnicity

Youth

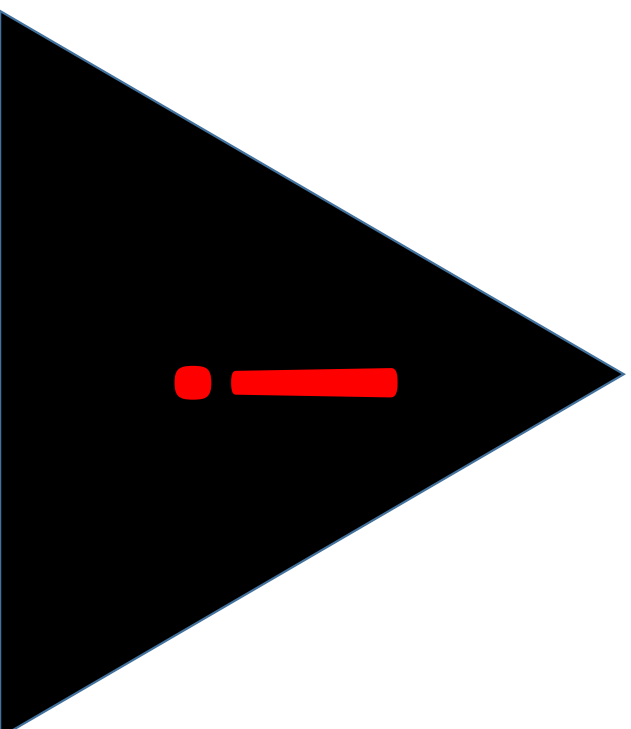
- Youth referred to probation trends from 2006-2018 by Race and Ethnicity
- Youth referred for Status offenses and Misdemeanors by Race and Ethnicity



Arrest Trends in Contra Costa County



Limitations to Adult Analysis



Analysis may solicit more questions than answers. You all will know your system better than I do. The following presentation is meant get everyone thinking about questions to curb justice involvement for individuals in Contra Costa County



Source

OPENJUSTICE

DATA STORIES
DATA EXPLORATION
DATA PORTAL
RESOURCES
COMMUNITY

Crime Statistics

- Adult Probation
- Arrest Dispositions
- Arrests
- Crimes & Clearances
- Criminal Justice Personnel
- Domestic Violence
- Boys Stop Data
- Boys Stop Data Glossary

OPEN JUSTICE

The California Department of Justice that publishes criminal justice data so we can hold ourselves accountable and improve public policy to make California safer.

DATA STORIES

Discover criminal justice topics contextually through visuals and narrative.

Enter

DATA EXPLORATION

Explore criminal justice data sets through various means.

Enter

DATA PORTAL

Explore the data sets used on our Data Stories and Data Exploration pages.

Enter

COMMUNITY

Use tools and tutorials built by the community.

Enter

ARREST DISPOSITIONS

Download Data

SEARCH ARREST DISPOSITIONS STATISTICS

Jurisdiction: Counties:

Central Costa County

Statistical Years: Choose a range or specific years:

2009 - 2018

-or-

Choose one or up to 10 different years

Type of Offense:

All

Type of Arrest Disposition:

Adults Complainant Sought

Submit

Age Ranges:

Choose age ranges

Gender:

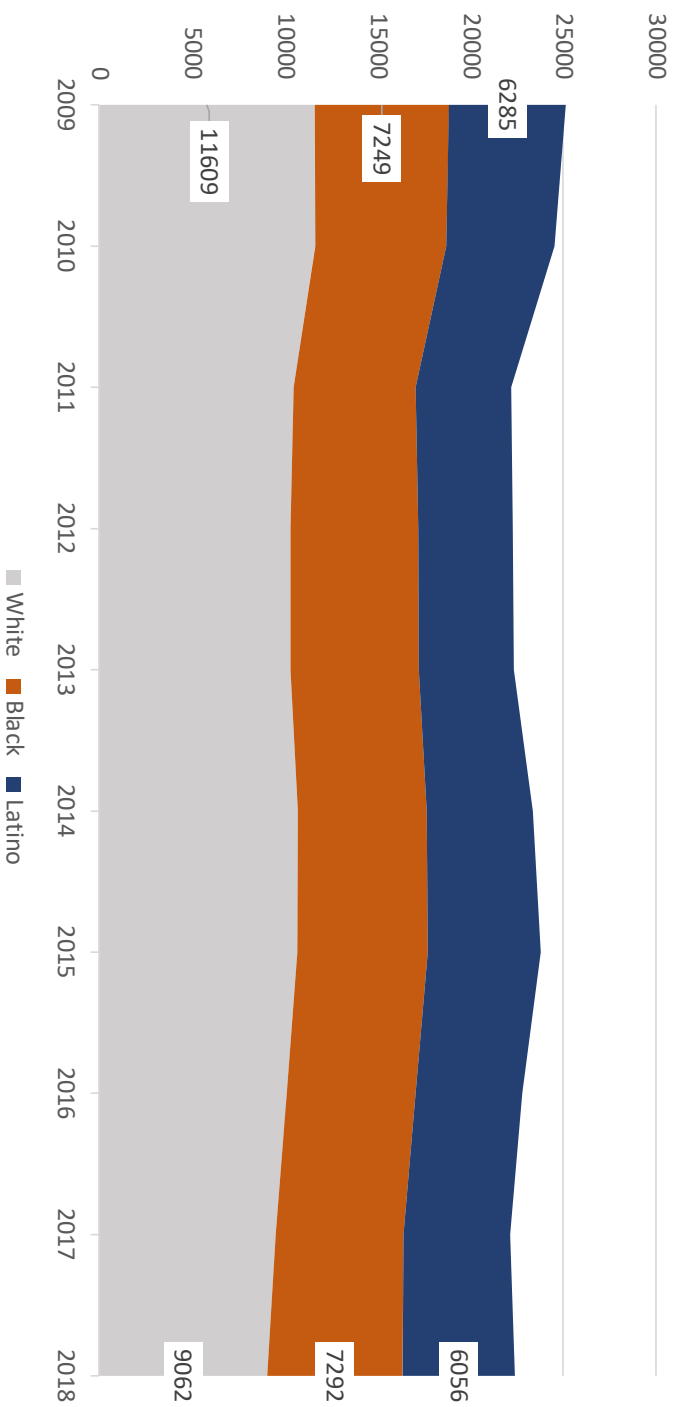
All

Ethnicities:

All



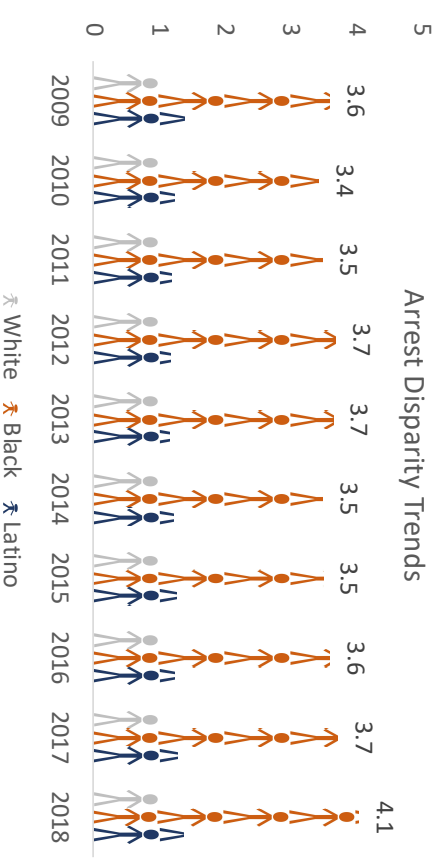
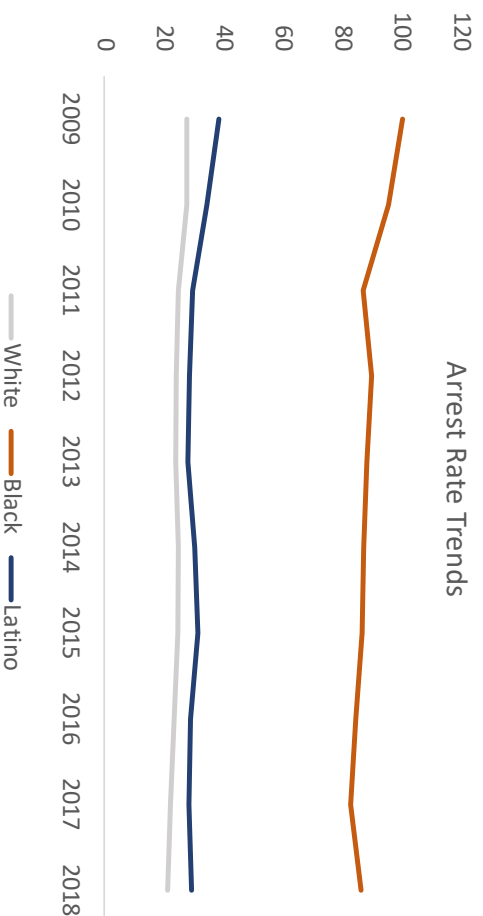
Arrest volume trends for adults in Contra Costa County 2009-2018



Total arrests have declined by 10% since 2009 (this includes others)



Arrests Rates and Disparities in Contra Costa County



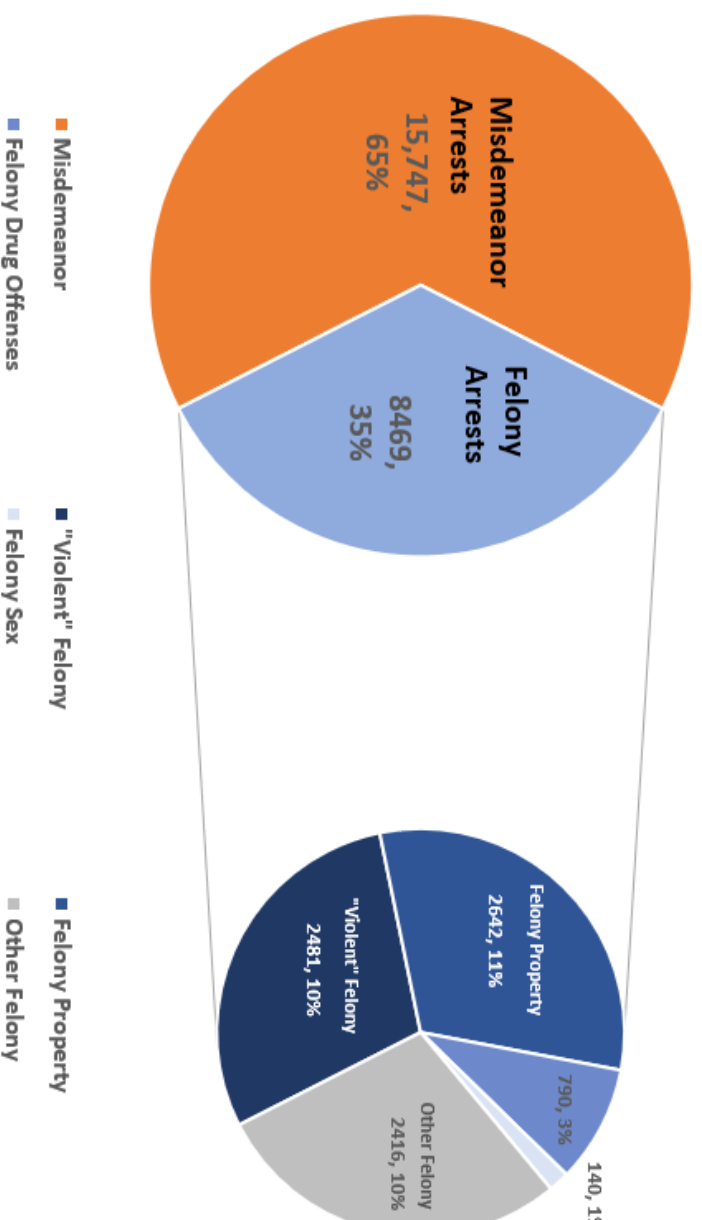
Key Takeaways

- Arrest rates have decreased by 21% from 2009-2018
- The decrease in arrest rate for White adults (-23%, from 27.8 per 1000 in 2009 to 21.4 per 1000 in 2018) outpaced that of Black adults (-14%, from 100.5 per 1000 adults in 2009 to 86.6 per 1000 in 2018) resulting in an increase in the relative likelihood of arrest or “disparity gap”

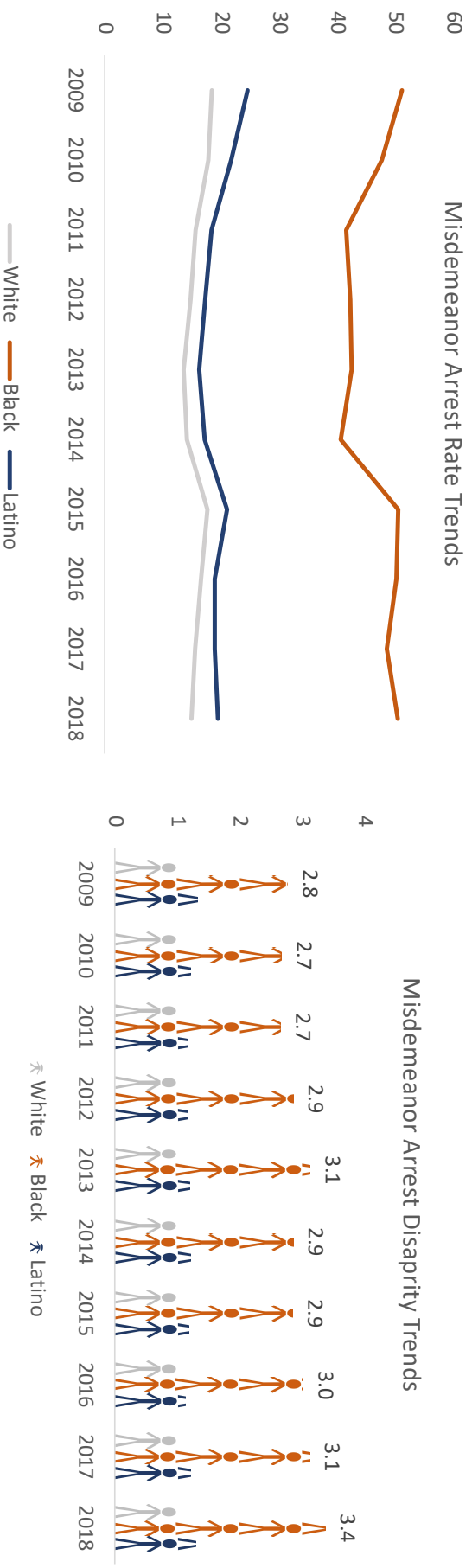


Felony and Misdemeanor Arrest by proportion in Contra Costa County 2018

Adult Arrests in Contra Costa County (2018)



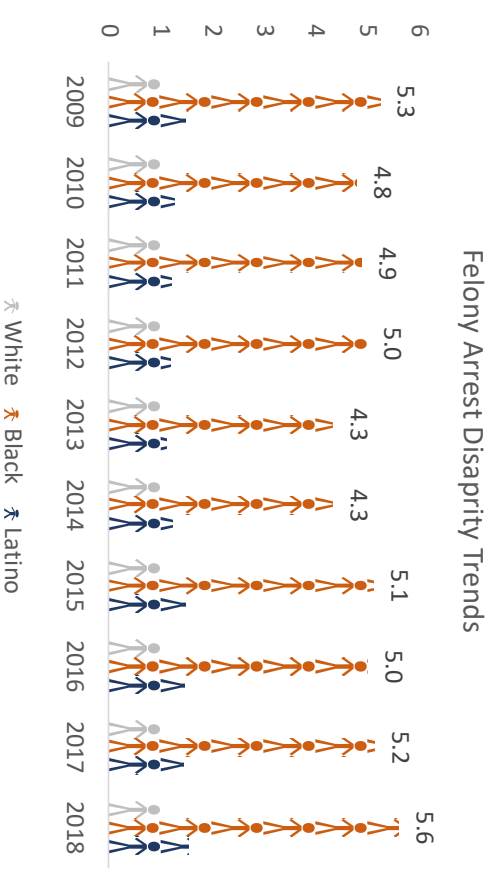
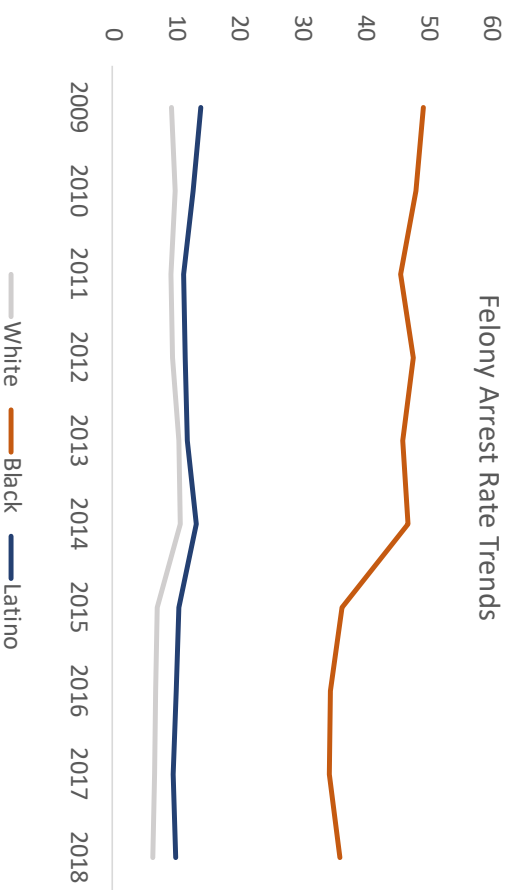
Misdemeanor Arrests Rates and Disparity trends



Key Takeaway

- Misdemeanor rates declined from 2009-2014. However between 2014-15 the misdemeanor arrest rate increased by 24% for Black adults. Moreover since 2009 there has been only a 1% reduction in misdemeanor arrest rates for Blacks

Felony Arrest rates and Disparity Trends

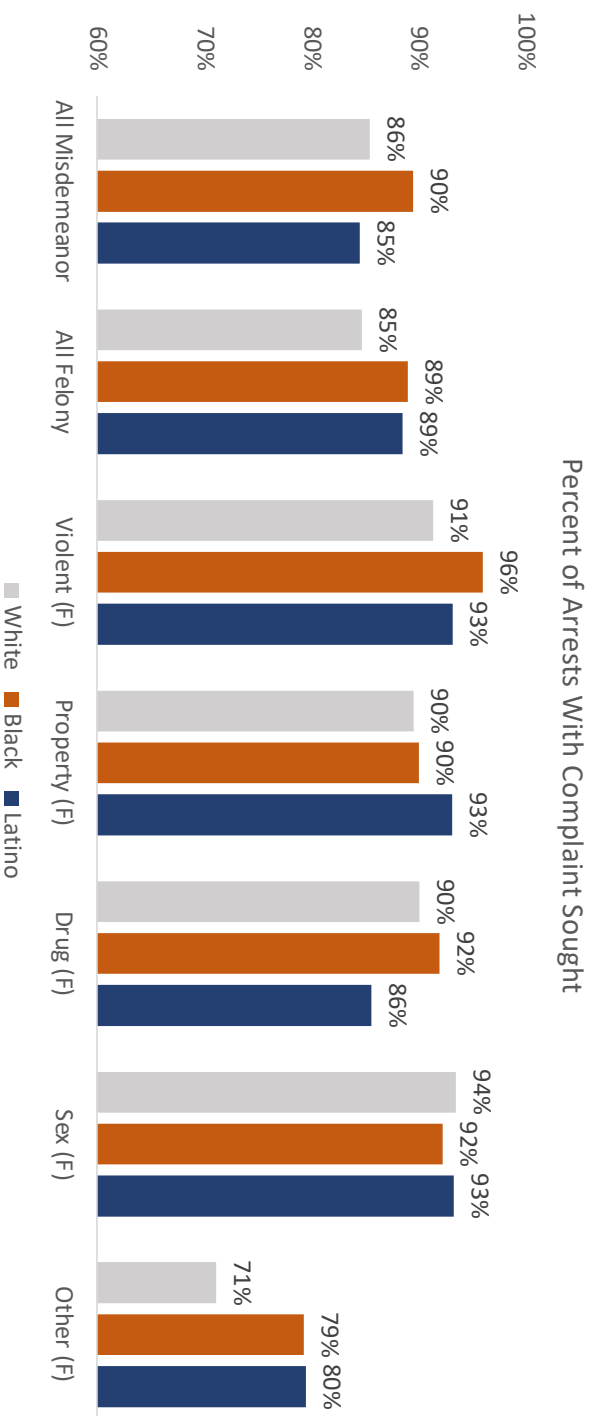


Key Takeaway

- Felony arrest rates decreased for W (31%) B(27%) and L (29%)
- Disparity decreased between 2009-2014, but then increased from 2014-2018



Percent of Arrests w/Complaint Sought 2018



Key Takeaway:

- For most offenses Black adults were more likely to have a complaint sought
- As noted there are significant disparities in arrest, once arrested Black adults are more likely to have a complaint sought

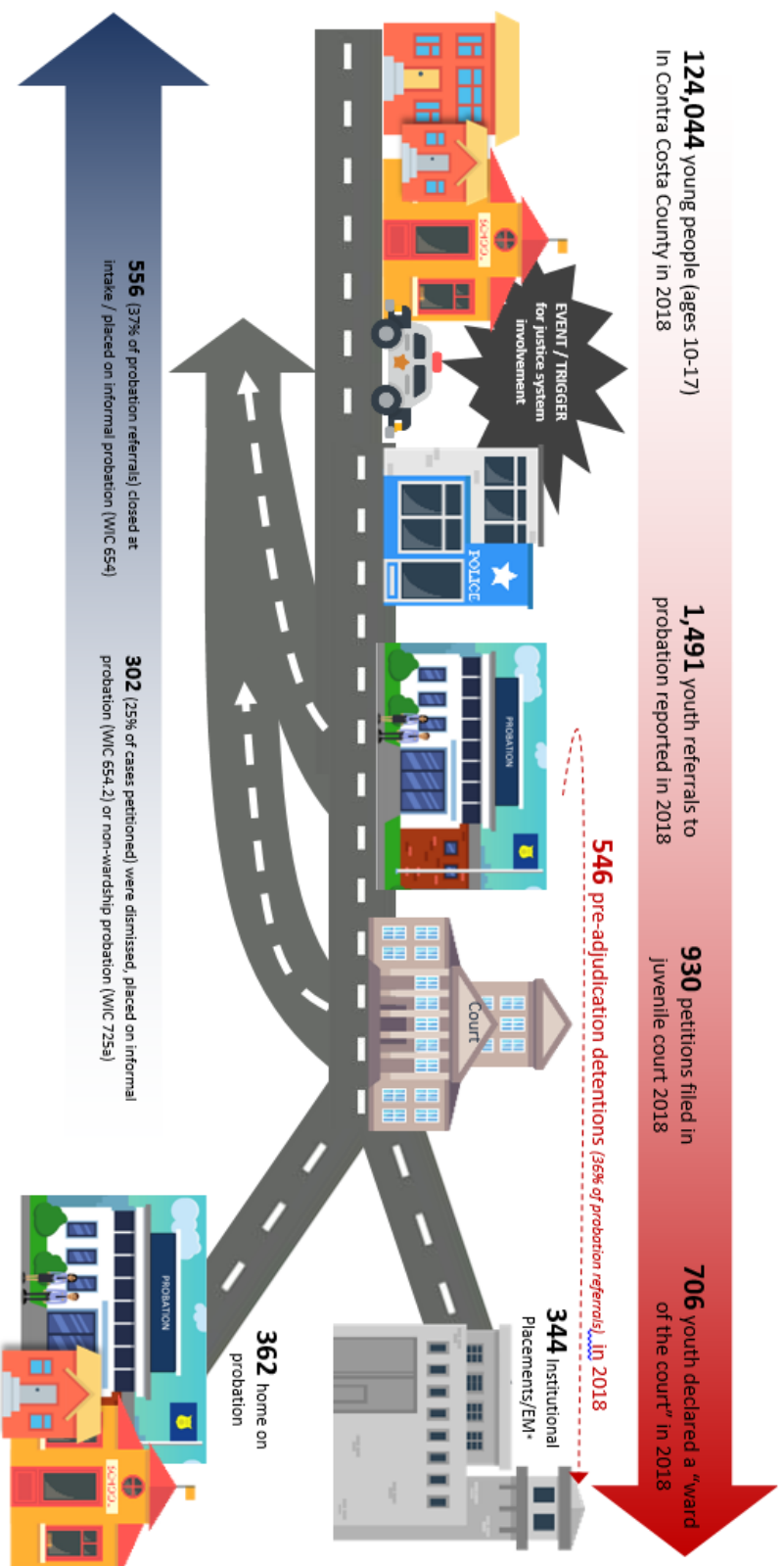


CA State of Disparities

Youth Justice in Contra Costa County



Youth Justice Flow: Contra Costa County (2018)

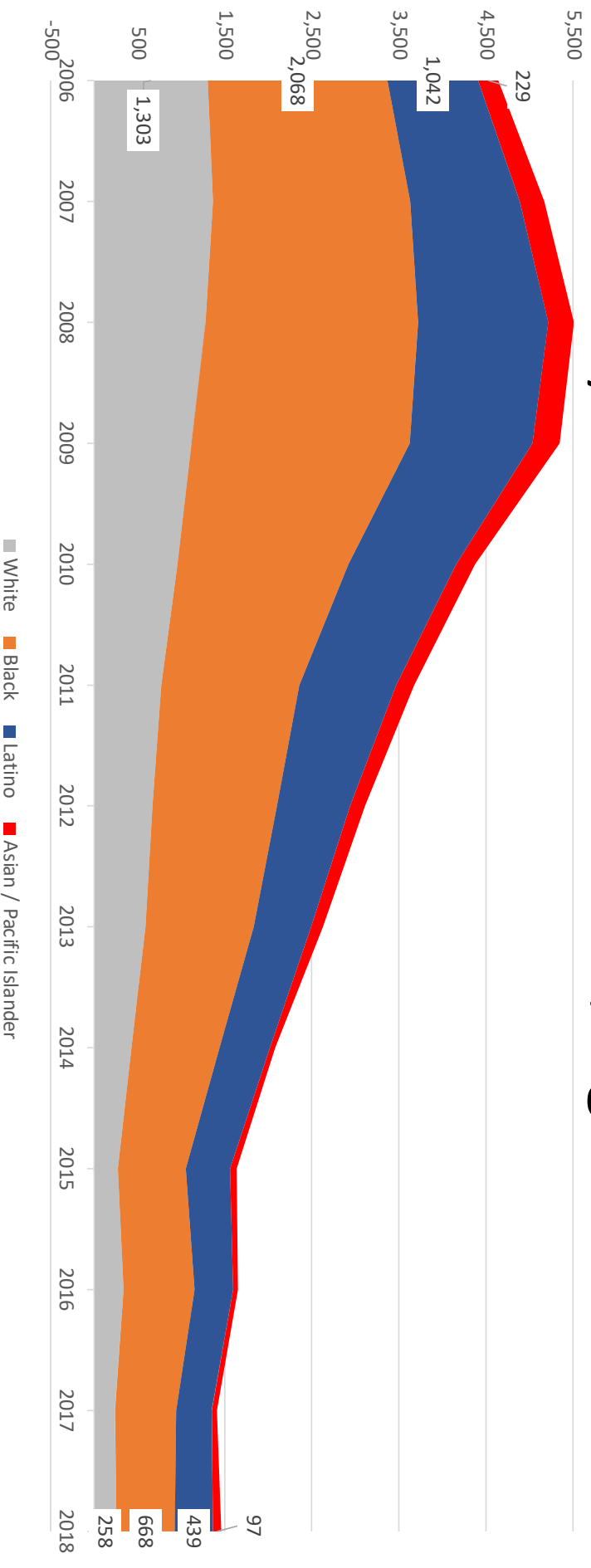


Source: Data were retrieved via public record request to the California Department of Justice (DOJ). DOJ collects data via the Juvenile Court and Probation Statistical System (JCPSS). The JCPSS database is designed to collect, compile and report statistical data on the administration of juvenile justice in California. It provides information on a juvenile's process through from probation intake to final case disposition. The JCPSS electronic files date from 2002 to the present and are submitted to DOJ by County Probation agencies. For more information see: <https://oag.ca.gov/cjpc/databases>.

* The California Department of Justice (DOJ) does not have a way to extract youth placed on EM from youth committed to county facilities in their data system. Therefore, this category can refer to youth who are made wards of the court and are on ankle monitors or placed in institutions.



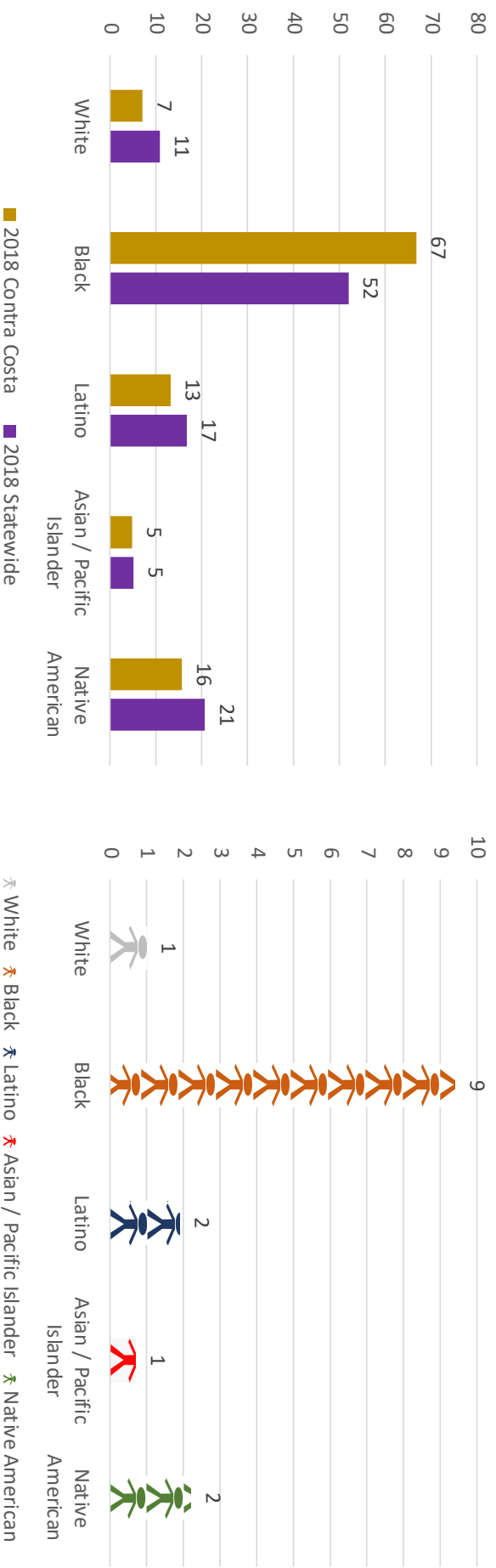
Youth Referred to Probation in Contra Costa County trends 2006-2018; Ages 10-17



Key Takeaway:
Since 2006 the number of referrals to probation have declined by 69%



Contra Costa Referrals to Probation by Race and Disparity 2018



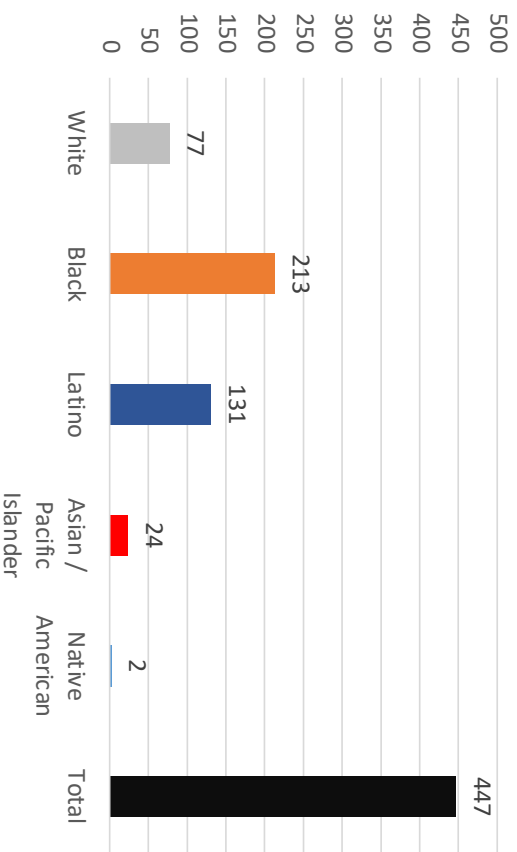
Key Takeaway:

- In 2018 Contra Costa referred Black youth referred to probation at a higher rate than the state.
- In Contra Costa, when compared to white youth Black youth were 9x, Latino 2x, and Native Americans 2x more likely to be referred to probation.

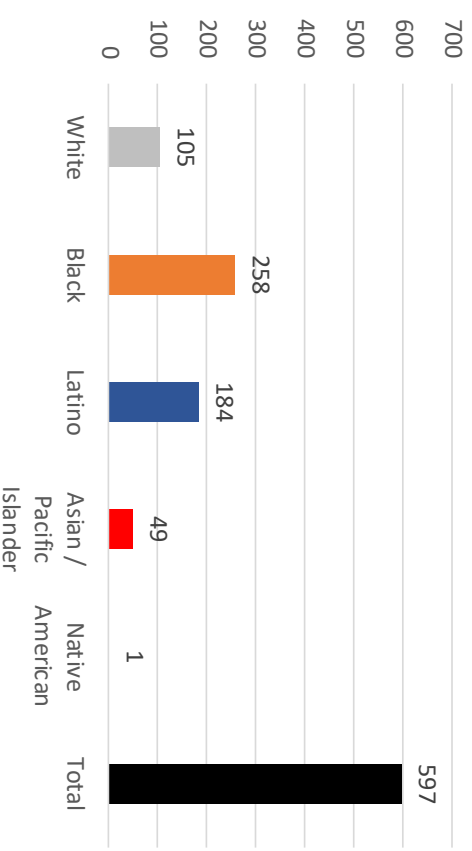


Low Level Offenses make up bulk of Referrals

Status Offenses 2018: Ages 10-17



Misdemeanors 2018: Ages 10-17



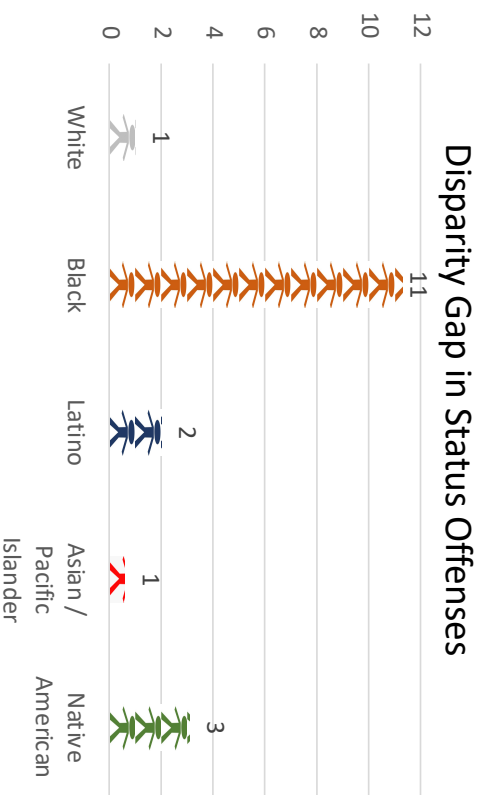
Key Takeaway:

More than two thirds (70%) of youth were referred to probation for status offenses and misdemeanors in 2018

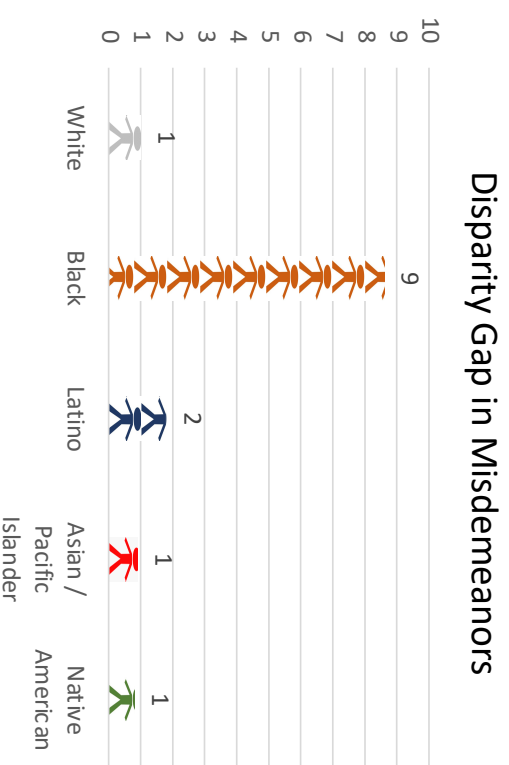


Disparity Gap in Status Offenses and Misdemeanors Ages 10-17 2018

Referrals to Probation



Referrals to Probation



Next Steps

(1) Identify Target Population:

Misdemeanors (Adults most frequent arrest)

- **High Volume of Arrest**
 - 65% (15747 of 24216) Misdemeanors make up bulk of arrests for adults.
- **Significant Racial and ethnic disparities**
 - Black adults 4x more times likely than White adults to be arrested
 - Black adults 3.5x more times likely than White adults to be arrested for misdemeanor offenses
 - Latino adults 1.5x more likely than White adults to be arrested.
 - Latino adults 1.5x more likely than White adults to be arrested for misdemeanors
- **What questions do you have about misdemeanors?**

Low level and Status Offenses

- **High Volume of Referrals**
 - 30% (447 of 1491) status offenses and 40% (597 of 1491) are misdemeanor offenses.
- **Significant Racial and ethnic disparities**
 - Black youth 11 times more likely than White youth to be referred to probation for status offense
 - Latino and Native American Youth 2 times more likely than White youth to be referred to probation for status offense
 - Black youth 9x times more likely than White youth to be referred for misdemeanor offenses
 - Latino youth 2x times more likely than White youth to be referred for misdemeanor offenses
- **What questions do you have about referrals?**



Digging Deeper

Data related

- Avoid analysis paralysis
- What is length of stay by race and ethnicity?
- Top offenses 10 offenses for admissions broken down by Race and Ethnicity?
- Top 10 most serious offenses?
- Top Booking agencies (Sheriff, City Police)
- What zip codes/neighborhoods are these individuals coming from?
 - Helps to see the demographic make up of the different communities?
- We strongly urge to collect qualitative data

Other things to Consider

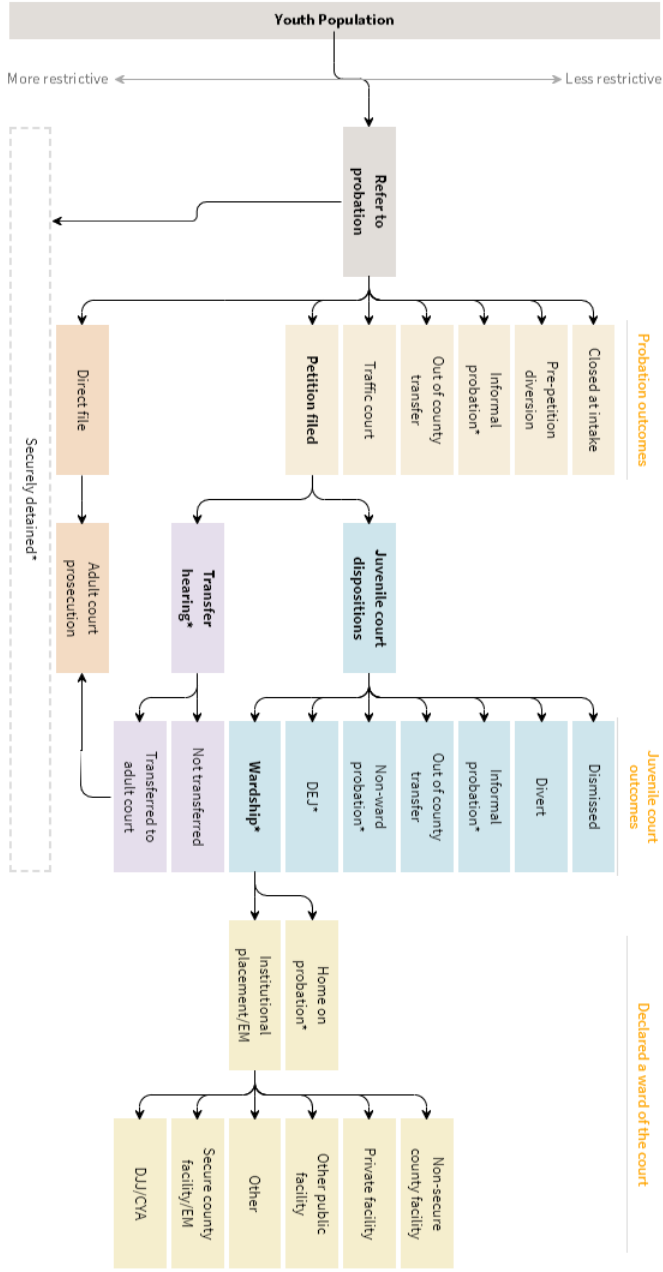
- What diversion programs already exist?
- What are eligibility criteria for diversion?
- What does probation do with youth that come in on a status offense? Violation?
- What can we learn from history and narratives to better understand the numbers?
- What are the needs of these youth and adults?
 - Mental health
 - Shelter
 - Employment



JUVENILE JUSTICE DECISION POINTS

☐ Select entire path

Select up to 6 boxes below to see data for those points. Check **Select entire path** to automatically select all the decisions that lead to that outcome.



* To view the WIC codes associated with these outcomes, see our Glossary.

Please select at least one decision point

Cancel

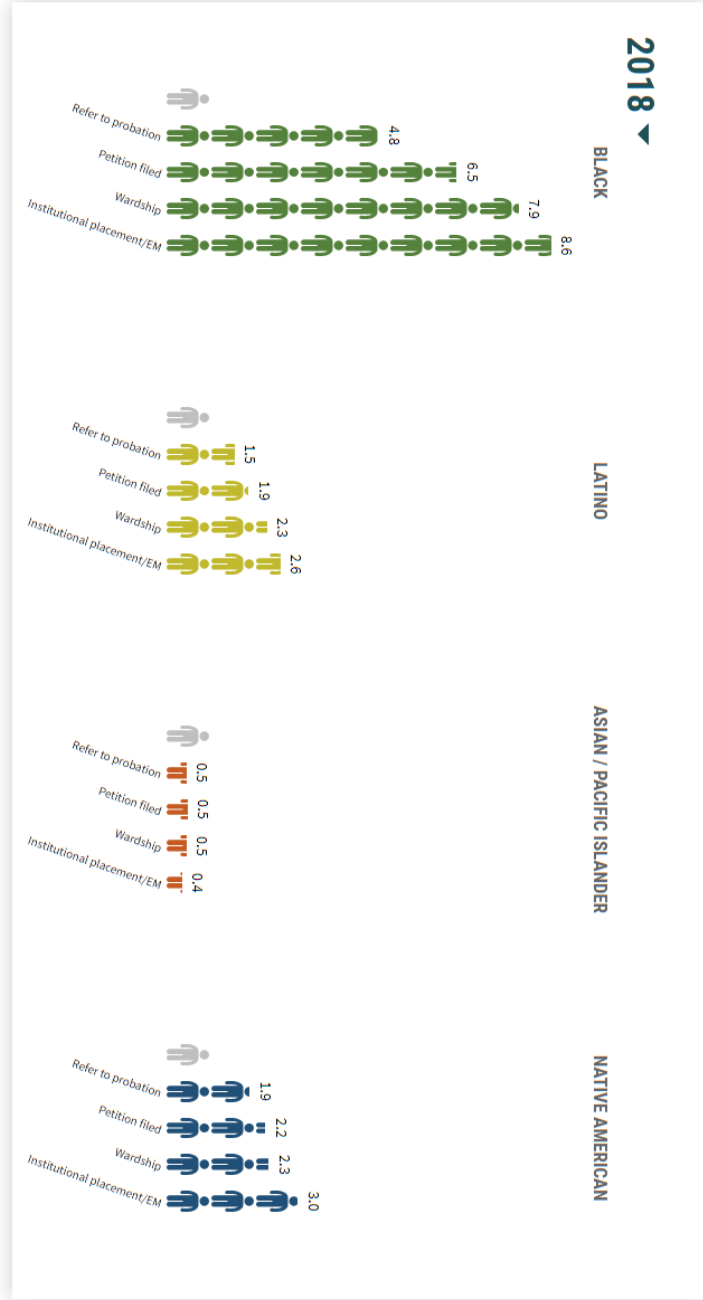
APPLY



California

Disparity gap per 1,000 youth†; All ages; All genders; All offenses;

 1 white youth



Other data hubs and Dashboards to consider

- [Alameda County Budget](#)
- [Alameda County Data Sharing Initiative](#)
- [San Francisco Juvenile Probation Department Publications](#)



1 YOLANDA HUANG, SBN 104543

2 528 Grand Avenue

3 Oakland, CA 94610

4 Telephone: (510) 329-2140

5 Facsimile: (510) 5809410

6 Attorneys for Defendant

7 Azrael Vargas

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

9 **CONTRA COSTA COUNTY**

11	PEOPLE OF THE STATE OF CALIFORNIA,	)	Case No.: 5-192292-1
12)	
13	Plaintiff,	)	OPPOSITION TO PROSECUTION'S
14		)	MOTION TO AMEND INFORMATION
15	vs.)	
16	AZRAEL VARGAS,	)	DATE: January 4, 2021
17)	
18	Defendant.	)	TIME: 10:30 a.m.
19)	
20		)	DEPT: 23
21)	

22 Defendant Azrael Vargas opposes the prosecution's request to amend the information on the
23 grounds that the effort to amend violates the California Racial Justice Act, in that the prosecution's
24 attempt to inflate and increase the charges represents at minimum an implicit bias.

25 Evidence of this implicit bias is contained in the Final Report of the Contra Costa County
26 Racial Justice Task Force, which is attached as Exhibit C to the Declaration of Yolanda Huang, filed
27 in support of defendant's Motion to Compel Discovery, pursuant to the California Racial Justice Act.

28 Defendant requests that the prosecution's request to amend be either denied without prejudice,
pending the production of discovery requested which is necessary to firmly document the racial bias
and disparity which exists, or in the alternative to stay the prosecution's motion until after the
discovery production, so that defendant can present the necessary evidence and data regarding racial
bias and disparity in prosecution per the California Racial Justice Act.

1 Respectfully submitted,

Yolanda Huang

2
3 Dated: December 23, 2020

YOLANDA HUANG

PROOF OF SERVICE – CCP } 1013(a), F.R.C.P. } 5

I, the undersigned, declare: I am employed in the County of ALAMEDA, California. I am over the age of eighteen (18) and not a party to the within action. My business address is PO Box 5475, Berkeley, CA 94612

On dated listed below I served a true and correct copy of the following documents:
OPPOSITION TO PROSECUTION'S MOTION TO AMEND INFORMATION

On the following parties by email indicated below.

Contra Costa County District Attorney's Office

Diane Becton, District Attorney
Christopher Sansoe, Deputy District Attorney; email: CSansoe@contracostada.org
900 Ward Street
Martinez, CA 94553

Tony Brass, email: Tony@brasslawoffice.com
Counsel for Domenico Delgado-Caramagno

Chris Martin, email: m305@icloud.com
Counsel for Emarieay Prescott

ALTERNATE DEFENDER OFFICE, Contra Costa County
Elizabeth K. Barker, Assistant Public Defender
Evan Kuluk, email: Evan.Kuluk@pd.cccounty.us
Counsel for Thomas Lloyd, III
627 Ferry Street,
Martinez, CA 94553

 x By Electronic Service: By sending electronically no later than 5pm on to the electronic notification address of the person served, evidenced by a transmission report available upon request.

I declare under penalty of perjury under the laws of the State of California that the above statements are true.

Executed December 24, 2020 at Berkeley, California.



YOLANDA HUANG

1 YOLANDA HUANG, SBN 104543

2 528 Grand Avenue

3 Oakland, CA 94610

4 Telephone: (510) 329-2140

5 Facsimile: (510) 5809410

6 Attorneys for Defendant

7 Azrael Vargas

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

9 **CONTRA COSTA COUNTY**

10
11 PEOPLE OF THE STATE OF CALIFORNIA,) Case No.: 5-192292-1
12)
13 Plaintiff,) **[Proposed] ORDER COMPELLING**
14) **DISCOVERY**
15 vs.) DATE: January 4, 2021
16 AZRAEL VARGAS,) TIME: 10:30 a.m.
17 Defendant.) DEPT: 23

18 Defendant Azrael Vargas' Motion to Compel Discovery, came on for hearing.

19 Good cause appearing,

20 IT IS HEREBY ORDERED that:

21 Fifteen days from the date of this order, the District Attorney shall produce to counsel for
22 Azrael Vargas the following:

- 23
- 24 1. CONTRA COSTA COUNTY PROSECUTION POLICY STATEMENTS. All statements of
25 policy, from 2015 through 2020, however recorded, concerning the prosecution of violations
26 of Penal Code §211 occurring in Contra Costa county.
27
28

2. CONTRA COSTA COUNTY DISTRICT ATTORNEY’S TRAINING MATERIALS: All training materials from 2015 through 2020, concerning the prosecution of violations of Penal Code §211 occurring in Contra Costa county.
3. CONTRA COSTA COUNTY PROSECUTION POLICY STATEMENTS. All statements of policy, from 2015 through 2020, however recorded, concerning the prosecution of any and all crimes in which great bodily injury resulted, occurring in Contra Costa county.
4. CONTRA COSTA COUNTY DISTRICT ATTORNEY’S TRAINING MATERIALS: All training materials from 2015 through 2020, concerning the prosecution of any and all crimes in which great bodily injury resulted, occurring in Contra Costa county.
5. CONTRA COSTA COUNTY PROSECUTION POLICY STATEMENTS. All statements of policy, from 2015 through 2020, however recorded, concerning the prosecution of any and all crimes in which as a result of the crime, a death resulted, occurring in Contra Costa county.
6. CONTRA COSTA COUNTY DISTRICT ATTORNEY’S TRAINING MATERIALS: All training materials from 2015 through 2020, concerning the prosecution of any and all crimes in which as a result of the crime, death(s) resulted, occurring in Contra Costa county.
7. CONTRA COSTA COUNTY PROSECUTION POLICY STATEMENTS. All statements of policy, from 2015 through 2020, however recorded, concerning the prosecution of any and all crimes in which use of a gun was involved, a death resulted, occurring in Contra Costa county.
8. CONTRA COSTA COUNTY DISTRICT ATTORNEY’S TRAINING MATERIALS: All training materials from 2015 through 2020, concerning the prosecution of any and all crimes in in which use of a gun was involved, occurring in Contra Costa county.
9. CONTRA COSTA COUNTY PROSECUTION POLICY STATEMENTS. All statements of policy, from 2015 through 2020, however recorded, concerning the use of enhancements crimes in prosecuting felony crimes, occurring in Contra Costa county.
10. CONTRA COSTA COUNTY DISTRICT ATTORNEY’S TRAINING MATERIALS: All training materials from 2015 through 2020, concerning the use of enhancements crimes in prosecuting felony crimes, occurring in Contra Costa county.

1 11. COMMUNICATION URGING PROSECUTION. Any and all records, regardless of format,
2 of communication received by the Contra Costa County District Attorney urging prosecution
3 of Penal Code §211 crimes.

4 12. COMMUNICATION URGING PROSECUTION. Any and all records, regardless of format,
5 of communication received by the Contra Costa County District Attorney urging prosecution
6 of crimes involving guns or gun use.

7 13. COMMUNICATION URGING PROSECUTION. Any and all records, regardless of format,
8 of communication received by the Contra Costa County District Attorney urging prosecution
9 of crimes resulting in great bodily injury.

10 14. COMMUNICATION URGING PROSECUTION. Any and all records, regardless of format,
11 of communication received by the Contra Costa County District Attorney urging prosecution
12 of crimes resulting in death(s).

13 15. Between January 2019 and today's date, in Contra Costa County:

14 a) the number of arrests in Contra Costa County for violation of Penal Code §211, by zip
15 code;

16 b) identification of the race or ethnicity of each of the perpetrator(s);

17 c) identification of the race or ethnicity of each of the victim(s);

18 d) identification of all cases in which enhancement(s) was filed;

19 e) identification of the enhancement(s);

20 f) whether there was injury involved;

21 g) final disposition of each case identified herein.

22
23 16. Penal Code §245 Arrests And Charges

24 a) the number of arrests in Contra Costa County for violation of Penal Code §245 by zip code;

25 b) identification of the race or ethnicity of each of the perpetrator(s);

26 c) identification of the race or ethnicity of each of the victim(s);

27 d) identification of all cases in which enhancement(s) was filed;

28 e) identification of the enhancement(s);

- 1 f) whether there was injury involved;
2 g) final disposition of each case identified herein.
3

4 17. Use of a firearm Arrests and Charges

- 5 a) the number of arrests in Contra Costa County for a felony violation for which use of a gun
6 was involved;
7 b) identification of the charges filed, including identification of all the enhancement(s)
8 charged;
9 c) identification of the race or ethnicity of each of the perpetrator(s);
10 d) identification of the race or ethnicity of each of the victim(s);
11 e) identification of all cases in which enhancement(s) was filed;
12 f) whether there was injury involved;
13 g) final disposition of each case identified herein.
14

15 18. Great Bodily Injury Arrests and Charges

- 16 a) the number of arrests in Contra Costa County for a felony violation for which the victim
17 sustained great bodily injury;
18 b) identification of the charges filed, including identification of all the enhancement(s)
19 charged;
20 c) identification of the race or ethnicity of each of the perpetrator(s);
21 d) identification of the race or ethnicity of each of the victim(s);
22 e) identification of all cases in which enhancement(s) was filed;
23 f) final disposition of each case identified herein.
24

25 19. Arrests in which the Felony Involved A Death

- 26 a) the number of arrests in Contra Costa County for a felony violation in which someone died;
27 b) identification of the charges filed, including identification of all the enhancement(s)
28 charged;

- 1 c) identification of the race or ethnicity of each of the perpetrator(s);
2 d) identification of the race or ethnicity of each of the victim(s).
3

4 Dated: _____, 2020
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7 JUDGE OF THE SUPERIOR COURT
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