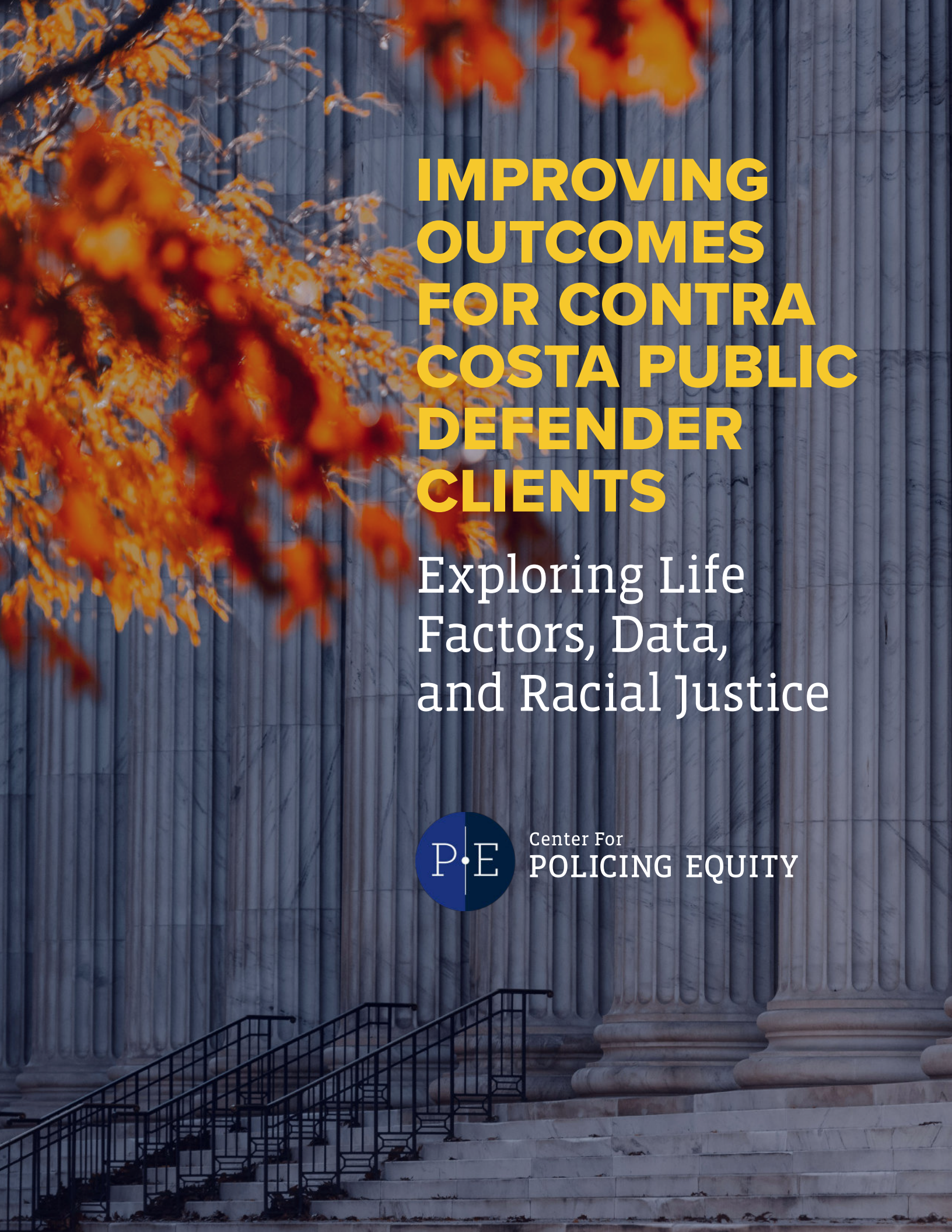


IMPROVING OUTCOMES FOR CONTRA COSTA PUBLIC DEFENDER CLIENTS

Exploring Life Factors, Data, and Racial Justice

Center For POLICING EQUITY

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Introduction

The Contra Costa County Public Defenders (CCPD) engaged the Center for Policing Equity (CPE) to help them gain a deeper understanding of the life factors – including housing, employment, health, and transportation access – their clients are experiencing when they come into contact with law enforcement and the criminal legal system, and the impact of system involvement on those life factors. In partnership, CCPD, CPE, and Measures for Justice (MFJ) – a nonpartisan nonprofit helping communities, including the institutions that serve them, using data to reshape the criminal legal system – undertook a multifaceted research project to explore how CCPD can improve its client services and local-level advocacy for systems change.

> This was a first-of-its-kind project for CPE in that it focused on data downstream...{and} helped to fill a gap in understanding CCPD client perspectives by uplifting their experiences, challenges, and struggles.

To ensure the experiences and perspectives of CCPD clients were at the center of the project, CPE conducted 41 one-on-one interviews with CCPD clients, 35 of whom were at the arraignment stage and six of whom were participating in a program for people convicted of misdemeanor domestic violence charges. CPE and MFJ also surveyed CCPD staff about their specific research questions and performed a data gap analysis to identify what information would be needed to answer those questions, if that information exists within the CCPD office, and ways for CCPD to collect and track data more effectively.

As this work was underway, CCPD was also embracing new opportunities and confronting new demands resulting from the passage of California's Racial Justice Act (RJA). The passage of the RJA allowed statistical analysis to be used to demonstrate bias, prior to this law the accused had to show that bias was purposeful.

These hurdles eliminated the opportunity to introduce implicit and systemic bias as significant factors in the arrest, charging and sentencing phases of the criminal legal system. The RJA allows people to seek legal remedies when they can show sufficient evidence of implicit and/or explicit racial bias among legal system actors or racial disparities in charging or sentencing. CCPD requested CPE's assistance in using newly publicly available prosecutorial data and academic literature to demonstrate systemic racial bias and litigate RJA cases successfully. Through many discussions to understand attorneys' needs and priorities regarding RJA cases, CPE developed an RJA toolkit, including:

- **RJA DATA TOOL –** an interactive dashboard that allows attorneys to identify cases that meet legal guidelines for RJA motions, and provides visualizations on racial disparities in criminal legal procedures; and
- **RJA INDEX –** a searchable database of research literature, law review articles, and case law related to disparities within the criminal legal sphere.

This was a first-of-its-kind project for CPE in that it focused on data downstream from initial contact with law enforcement, specifically at the point of public defender engagement. It also helped to fill a gap in understanding CCPD client perspectives by uplifting their experiences, challenges, and struggles with being processed through the criminal legal system. These stories provided a more robust understanding of their lived experience than aggregate data alone. Through these analyses, CPE and its partners have identified recommendations to improve outcomes of current CCPD and Contra Costa County practices, and community-based interventions that could prevent system-involvement in the first place.





Community-Engaged Research

In March 2023, CPE teamed up with CCPD to explore the challenges people face when they come into contact with police and the criminal legal system, and how this involvement affects their lives. The goal was to understand what was happening in people's lives when they were arrested, and how factors like health, housing, employment, and transportation were impacted as these individuals moved through the legal process.

The goal of the partnership was simple: to find ways to improve support services for CCPD clients – both within the office and in the community – and work toward reducing the number of people caught up in the criminal legal system. By understanding the ripple effects that police contact and court involvement have on people's lives, CCPD can help build strategies to keep people out of the system or lessen the hardships they face when they do enter it.

CPE combined these interviews with a broader look at data and policies in Contra Costa County that contributed to a growing understanding of how involvement in the legal system can have far-reaching and sometimes devastating effects on people's lives.

Research shows strong connections between life circumstances – often called the "social determinants of health" – and involvement in the criminal legal system (Artiga & Hinton, 2018). These factors include physical and mental health, economic stability, environmental conditions, social connections, educational opportunities, and access to food (Artiga & Hinton, 2018). People who are struggling in these areas are more likely to come into contact with law enforcement and, once involved in the legal system, more likely to see their life circumstances worsen (Kurlychek & Johnson, 2019). CPE's work with CCPD was guided by this understanding, and the team focused on exploring how these factors played out in the lives of the people CCPD serves, especially those from the most vulnerable communities.

Prior to launching this effort, CPE engaged community organizations to ensure the research questions reflected the lived experiences of clients of public defenders. Feedback from two key community leaders – Natalie Oleas of the Alliance to End Abuse and GiGi Crowder of NAMI Contra Costa – played a critical role in refining interview questions to be relevant and sensitive to the needs of community members impacted by the legal system.

CPE interviewed 41 CCPD clients facing misdemeanor charges. Most (35) were at the start of the legal process, allowing the team to explore what might have kept them out of the system with better support. Among clients at the arraignment

stage, nearly half (19) were facing charges of driving under the influence (DUI). The CPE team also spoke with a smaller group (6) whose cases were further along in the legal process and who were participating in the Alternatives to Supervision (ATS) program, designed to help people with misdemeanor domestic violence convictions meet court requirements after sentencing (Contra Costa County Public Defenders, n.d.). CPE combined these interviews with a broader look at data and policies in Contra Costa County that contributed to a growing understanding of how involvement in the legal system can have far-reaching and sometimes devastating effects on people's lives.

This project allowed CPE and CCPD to understand the struggles faced by public defense clients and pointed to opportunities for creating a fairer, more supportive system that focuses on keeping people out of the legal process in the first place.

Who Was Interviewed

In the study, 41 participants from among CCPD's clients were interviewed, representing the diversity of CCPD's client base.

PHASE 1 Researchers conducted 35 interviews with clients after their arraignments at three branch court locations: Richmond, Pittsburg, and Martinez. These interviews took place after the clients had discussed their legal matters with their attorneys. Spanish-speaking clients were provided with live interpreters. All of these interviews were conducted on site at the three arraignment courts.

PHASE 2 Six additional interviews were conducted with clients in the ATS program. These interviews, supported by ATS social workers, were conducted via phone or Zoom.

Participants were asked about the impact of their encounters with law enforcement and court involvement, focusing on areas such as housing, employment, and health.

PHASE 1
Participant Characteristics

Each of the three branch courts in the Contra Costa Superior Court system was represented, with seven participants in the Richmond court for arraignment, 11 in the Pittsburg court, and 17 in the Martinez court.

The chart below highlights both similarities and differences between the demographics of the study sample at the arraignment stage and the demographics of the 4,205 CCPD clients with misdemeanor charges referred to CCPD between October 1, 2023 and October 1, 2024 (as provided by CCPD's case management system). While the sample shows alignment in some areas, such as the proportions of African American/Black and Hispanic/Latine participants, there are notable differences in other areas. For example, the sample has a higher proportion of Asian/Asian American/Pacific Islander and Native/Indigenous participants, and a lower representation of White Non-Hispanic participants. In terms of gender representation, men are underrepresented while women are overrepresented in the sample compared to the CCPD population. These variations are largely due to the small sample size, but do not diminish the overall demographic diversity within the sample.



Demographics: Phase 1
Study Participants vs. Overall CCPD Misdemeanor Clients

Race/Ethnicity	Phase 1 Study Sample	CCPD Clients (n=4,205)
African American/Black	34.3% (12)	31.5%
Asian/Asian American/Pacific Islander	11.4% (4)	2.9%
Hispanic/Latine	34.3% (12)	31.6%
Native/Indigenous	2.9% (1)	0.2%
White Non-Hispanic	14.3%(5)	28.8%
Other/Unknown	0%(0)	5.1%
Gender		
Men	60.0% (21)	73.2%
Women	40.0% (14)	26.8%

Phase 1
Study Participants' Charge History

Misdemeanor Charge History	Percentage of Total Sample
First Misdemeanor	62.9% (22)
Prior Misdemeanor Convictions	31.4.% (11)
Unknown	5.7% (2)
Charges	
Assault	2.9% (1)
Domestic Violence	2.9% (1)
DUI	54.3% (19)
Embezzlement By Employee	2.9% (1)
Evading Police By Driving Wrong Way	2.9% (1)
Hit And Run	2.9% (1)
Joyriding	8.6% (3)
Possession Of Concealed Firearm	2.9% (1)
Possession Of Controlled Substance	5.7% (2)
Shoplifting	8.6% (3)
Unknown	5.7% (2)

PHASE 1
General Findings

The data offers a glimpse into the life circumstances of CCPD clients (35) at the time of their arrest and arraignment. Examining overall trends provides a general understanding, while comparing two subgroups - those with a DUI charge and those with other types of charges - highlights important differences in experiences.

Importantly, for the majority of Phase 1 participants (22), this was their first charge. Studies have shown that misdemeanor-level conviction records produce negative impacts on life factors, including obtaining and sustaining employment (Leisure, 2019).[1] If convicted, the majority of participants would likely face continued adverse employment consequences. For those with multiple convictions, the adverse impacts on employment tend to increase or compound.

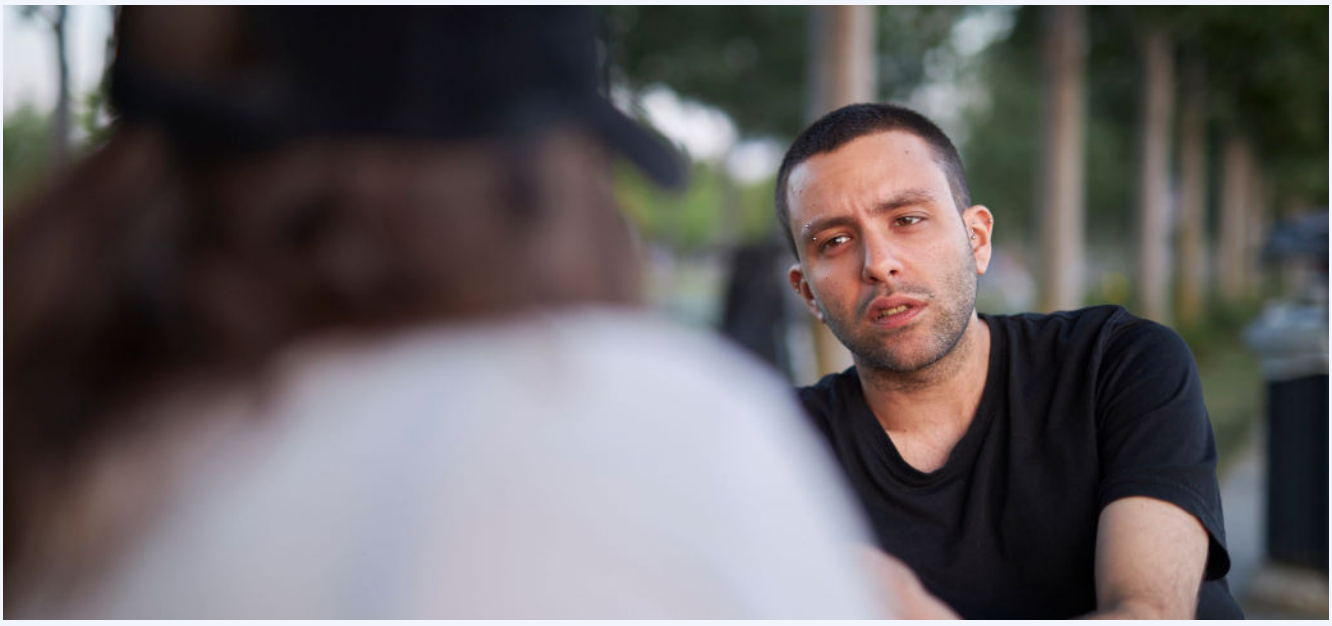
PHASE 1
Life Factors at the Time of Police Contact

At the time of contact with law enforcement, participants were navigating a range of challenging life circumstances, including mental and physical health concerns, substance use, and financial challenges. These factors illustrate the intersecting issues participants may face in their lives, and how these issues may have influenced their involvement with law enforcement.

- **MENTAL HEALTH:** A notable 54% of participants (19) reported mental health challenges at the time of their contact with police. Reasons for poor or negative mental health status varied, but included experiences with depression, anxiety, post-traumatic stress disorder (PTSD), mental health disabilities (like bipolar disorder), and domestic abuse. **Notably, 23% of participants (8) reported experiencing the loss of a loved one,** which may have compounded their life challenges and exacerbated their interactions with the criminal legal system.

> *"At the time I was sober, [my relative was] my best friend.* ***They [the police] killed [my relative] in front of me*** *and that kind of like affected me…[it] put me in a bad position…so that is when I got in trouble again."* (LATINE MAN)

- **PHYSICAL HEALTH:** Physical health issues were prevalent among 37% of respondents (13). Some of these were significant physical conditions, such as congestive heart failure, limb injuries, and recovery from gunshot wounds. Forty-three percent (15) reported good physical health.
- **SUBSTANCE USE:** Substance use was a critical issue for 69% of those interviewed (24). There is a stark contrast, however, between clients with DUI charges and clients with non-DUI charges. Almost all clients charged with DUI (95% or 18) reported substance use at the time of their arrest (one client's circumstances could not be confirmed due to a shortened interview), compared to 38% (6) of clients with a non-DUI charge. Among both groups, alcohol was the most commonly reported substance; however, clients with non-DUI charges were more likely to report using other drugs, such as heroin and methamphetamines. Clients mentioned using alcohol to cope with other mental health issues, suggesting an overlap between substance use and mental health concerns.



> *"I was going through a lot of* ***emotional trauma.*** *I got drawn into some toxic things and that started a whole new habit because I wasn't a drinker {prior to this}...and {it} sent me* ***spiraling down a hole.***" (WHITE MAN)

- **USE OF HEALTH AND/OR SUBSTANCE USE SERVICES:** Forty-six percent of Phase 1 participants (16) reported using healthcare and/or substance use services, including visits to medical providers for physical ailments, behavioral health counseling, Alcoholics Anonymous classes, and other health-related services. While 95% of people (18) arrested for DUI reported substance use challenges, only 47% (9) were receiving any health care and/or substance use services at the time of their arraignment.
- **HOUSING:** Housing instability was a challenge for a small portion of clients at the time of police contact, with 11% (4) reporting being unhoused (i.e., living unsheltered and/or in their cars) or housing insecure (i.e., living in hotels on a day-to-day basis). This issue was evenly reported among clients with DUI charges (2) and clients with non-DUI charges (2).

> *"I was homeless.* ***My granny had just passed away...I was going through it bad.***" (BLACK WOMAN)

- **EMPLOYMENT:** Nearly one-third of Phase 1 participants (29% or 10) were not employed, with an equal distribution between clients DUI charges (5) and clients with non-DUI charges (5).
- **TRANSPORTATION:** Most respondents reported having access to transportation, with 89% of clients (31) indicating they had transportation at the time of the police contact that led to their misdemeanor charge. Clients with DUI charges had slightly higher rates of transportation access (95% or 18) than clients with non-DUI charges (81% or 13).

PHASE 1
Past Experiences With Police and Community Violence

The life factors discussed above did not occur in isolation; they were influenced by exposure to negative police experiences and community violence. These long-term contextual influences deeply affected participants, compounding the acute challenges they faced at the time of their police contact. To better understand this dynamic, participants were asked about their past and present encounters with law enforcement and exposure to community violence.

- **NEGATIVE POLICE EXPERIENCES:** Nearly half of Phase 1 respondents (46% or 16) reported negative experiences with police during their childhood, while only 20% had positive experiences (7) and 32% had no such experiences (11). This rate was fairly consistent across DUI (48% or 9) and non-DUI (44% or 6) groups. Among those who reported negative experiences, 75% (12) were Black (7) or Latine (5). These negative experiences with police included direct contact as a young person, witnessing encounters with family members, and broader reflections on law enforcement presence in their communities. As one participant said of the role of police in his neighborhood growing up:

> *"Oh, man, it was crazy. They were harassing a lot of people I felt like. When I was growing up, I used to always see the* ***police chasing people, tackling people and doing a lot of type of crazy stuff.***" (BLACK MAN)

Previous studies have suggested that early encounters with police are linked to an increased risk of future contact and arrest (McGlynn-Wright, 2022).

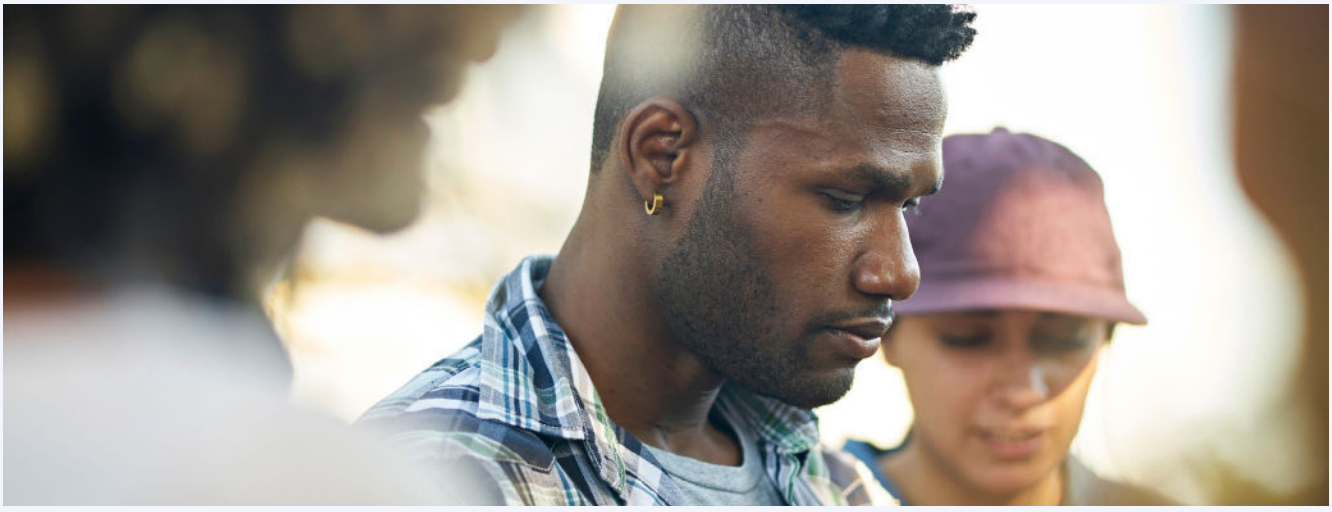
Negative exposure to police contact persisted into adulthood for 31% of participants (11). One participant described their experience with frequent police contact as an adult:

> *"You know,* ***this one cop used to pull me over and all the time*** *and he would…he'd just say, "Get out of the car" And start searching my car for whatever reason. I don't know, I have no history or anything. I wish I knew then what I know now."* (WHITE MAN)

The cumulative impact of negative experiences with police is reflected in the following comments from participants:

> *"There's like this* ***code that they have for Black and Brown people*** *that they don't have for any other everybody."* (BLACK MAN)

> *"My experience with the police has not ever been good.* ***I have never been by the side of a police officer and felt protected, only threatened.***" (WHITE MAN)



- **COMMUNITY VIOLENCE:** Exposure to community violence during childhood was less common, with 17% (6) reporting exposure. The impact was reflected in the following comment from a participant:

> *"During that time, I was just going through a lot of like **anxiety** knowing that there had been gang related things going on. There was a shootout. **They shot into the neighborhood** and...**I started feeling unsafe.**"*
> (LATINE WOMAN)

PHASE 1
Life Factors After Police Contact

Following their contact with police, clients experienced a range of negative consequences that exacerbated the challenges they were already facing prior to police contact.

- **MENTAL HEALTH:** Nearly half of Phase 1 participants (49% or 17) reported experiencing negative mental health impacts following the police contact that led to their current misdemeanor charge. Clients with DUI charges were disproportionately affected, with 63% (12) reporting negative impacts compared to 31% (5) of clients with non-DUI charges (31% or 5). Many participants described a decline in their mental and emotional well-being due to police interactions, arrests, and/or detention. One individual vividly explained:

> *"I just feel like it took a big toll on me mentally.... I haven't had much appetite. It does kind of kill your appetite and make me like...I just don't eat for a few days. I just only drink fluids. But I feel like just **in general mentally and emotionally I've never been worse.**"* (ASIAN WOMAN)

- **PHYSICAL HEALTH:** While physical health was impacted less frequently than mental health, 31% (11) of participants reported a decline in their physical health as a consequence of their police interaction. These effects were more common among clients with DUI charges (47% or 9) compared to clients with non-DUI charges (13% or 2). Examples of this impact included use of force during their police stop and/or arrest, the physical impact of being in a holding cell without heat, blankets, or appropriate clothing, and the exacerbation of pre-existing physical ailments as a result of being in a holding cell and/or booked into the jail for periods ranging from two days to over a week. Describing the physical impacts of being detained at a police station overnight, one participant stated:

> *"I could tell that they were extremely rough on me because of the fact that I had the **cuff marks on my wrists for about a week**. Soreness in my hands, swelling in my hands for about three days... My feet were, I couldn't walk for over a week because my feet were swollen and my ankle was very swollen."* (LATINE WOMAN)

- **EMPLOYMENT:** The reported impact of police contact extended to clients' employment, with 31% (11) reporting loss or significant changes in their employment status. Clients with DUI charges were slightly less impacted (26% or 5) compared to clients with non-DUI charges (38% or 6). Some clients lost their jobs outright due to their misdemeanor charges, while others resigned out of fear that their employers would discover their charges. Many expressed concerns about future job prospects due to criminal convictions, fearing that background checks would hinder their ability to secure employment. According to participants:

> *"**{This charge} made me lose my job.** I haven't been able to get another job since."* (WHITE LATINE WOMAN)
>
> ---
>
> *"Definitely I feel like when I go apply for jobs, **I've had some jobs turn me down due to {the} background check.**"*
> (ASIAN WOMAN)

- **HOUSING:** After police contact, 9% (3) of the total Phase 1 participants experienced housing instability. The three participants who experienced housing loss or housing impacts had been detained following their arrest. One of the participants lost their apartment after being sent to jail.[2] As one participant noted:

> *"Every time I go to jail,* ***I lose everything.*** *I always start over."* (BLACK MAN)

- **TRANSPORTATION:** The permanent or temporary loss of transportation was an issue for 57% (20) of the overall group. Clients with DUI charges (79% or 15) were much more likely to experience transportation loss or significant changes compared to clients with non-DUI charges (31% or 5). Participants reported losing access to transportation for various reasons, the most common being having their car towed and impounded as a result of their misdemeanor charges. While some were able to recover their vehicles after a temporary loss, others could not afford the tow and/or accumulated impound fees, essentially giving up their vehicles. In some cases, participants described losing their privilege to drive as a result of their charges. Losing access to vehicles was sometimes compounded by limited access to public transportation. As one participant described:

> *"**I've been applying {for jobs} everywhere but not having a mode of transportation is a very big hindrance,** especially when the public {transportation} system {is not good}...I'm going to have to be Ubering it everywhere and that's not cheap. And it's not easy to do that...So at this point I'm still not working. I feel like an unproductive human looking for a job."* (LATINE WOMAN)

PHASE 1
Consequences of Police Contact: Detention, Fines, and Racial Bias

In addition to the life factors discussed earlier, many participants faced significant destabilizing consequences after their police contact and subsequent legal processes. These consequences, including detention, fines and fees, and experiences of racial bias, often compounded the challenges participants were already facing, further disrupting their lives. Detention and the financial burdens of fines and fees placed immense pressure on participants, contributing to ongoing instability in areas such as housing, employment, and transportation. Additionally, some participants reported instances of racial bias and harassment during their police interactions, further deepening the negative impact of these encounters.

- **DETENTION:** Two-thirds (66% or 23) of all Phase 1 participants reported being detained by police following their arrest. Clients with DUI charges were more likely to report having faced detention (74% or 14) compared to clients with non-DUI charges (56% or 9). Research has shown that "even a day or two in pretrial detention can destabilize a person's life for years to come, contributing to its counterproductive influence on safety and justice" (Nam-Sonenstein, 2024).



- **FINES AND FEES:** Fines and fees were an additional burden for 66% (23) of participants overall, with rates being slightly higher for clients charged with a DUI. Many of these fees were associated with recovering vehicles from tow companies and/or fees from the Department of Motor Vehicles (DMV) associated with a loss of license.

> *"The first 48 hours was, how am I going to get my car back? And then as I'm sitting there and things are adding up and it's like,* ***'I can't come up with that [money]. How am I going to do this?'****...The tow yard that I got towed to was $108 a day. I didn't have $108 a day. And,* ***that fee quickly goes up.*** *That's still a bone of contention with my [spouse] right now because it's like, we lost our car."* (WHITE WOMAN)

> *"I definitely wouldn't have wanted them to tow my car.* ***$5000 to get it out. I couldn't even get it out.***" (BLACK MAN)

- **RACIAL BIAS OR HARASSMENT:** Seventeen percent of participants (6) reported experiencing racial bias or harassment by police. Clients with DUI charges were significantly more likely to report this (26% or 5) than clients with non-DUI charges (6% or 1). As two participants noted:

> *"I don't think they should have bust out my windows. I don't think they [the police] should have shot at my windows.* ***I feel like if it was anybody else in that situation, Caucasian type of person it would have been different.***" (BLACK MAN)

> *"****They had me on the floor pinned down*** *like, you know, it was very aggressive. I feel like they were very* ***out of line,*** *making up some assumptions, because I was out of the car."* (BLACK MAN)

PHASE 1
Life Factors at Arraignment

According to data from CCPD, in Contra Costa County, the filing of charges and subsequent arraignments can be delayed, especially for certain types of charges. While the majority of misdemeanors have a one-year statute of limitations, the Contra Costa County District Attorney's Office ("the DA's Office") can file some misdemeanors within the longer felony statute of limitations, which extends up to five years. The data shows that 83% of CCPD's cases are filed by the DA's Office within one year, but only 55% are filed within six months, and just 29% within three months. This indicates a significant delay in the filing of many cases. CPE interviewed individuals after their arraignment to understand the impact of this court process. Being enmeshed in the criminal legal system continued to impact clients in various ways.

- **LENGTHY TIME TO ARRAIGNMENT:** Several participants reported receiving their notice to appear in court nearly a year after their arrest. One participant shared:

> *"This case is **old as hell.**"* (BLACK MAN)

Many participants stated that they had no idea what was going on with their case during the time between their arrest and receiving their notice to appear in court. One participant shared:

> *"Just waiting for…stuff to happen because when I first got {the charge}, they gave me a court day and a DMV hearing {sic} and everything, but nothing was in the system. **So I was like a sitting duck till now**…So it's been like almost six months. So **that was kind of nerve-racking because I don't know what was going on.**"* (BLACK WOMAN)

Another participant said:

> *"So I'm going huh? Well, that's weird.* ***I'm getting all this information from the DMV but I haven't received a dang thing from a court.****..they didn't send me anything which they didn't until four days ago...So now it's been like 11 months, and..I'm just now seeing a court date...it's hard to take something like that seriously when they tell you they have one year and they wait till a month...before."*
>
> (WHITE NON-HISPANIC MAN)

In several cases, participants reported coming to court on the original appearance date listed in their police citations, only to find out from the court clerk that no charges had been filed. Some participants mistakenly believed this meant their charges had been dropped and their cases were closed. Others received a second court appearance date in the mail months later. Due to concerns about failure to appear (FTA) resulting from this confusion, CCPD started an Early Representation program to assist people arrested or cited for misdemeanor charges starting from the time they have contact with law enforcement.



- **MENTAL HEALTH:** Participants' mental health continued to be affected at the arraignment stage, with 46% (16) of the overall group reporting negative impacts related to court involvement. Clients with DUI charges were more likely to experience negative mental health effects (53% or 10) compared to clients with non-DUI charges (38% or 6). Interestingly, clients charged with DUI were the only participants who reported experiencing a positive impact on their mental health as it related to court involvement (21% or 4), suggesting that some interventions or support mechanisms within the DUI process may have been beneficial for these individuals.
- **EMPLOYMENT:** At the arraignment stage, there was no significant impact on employment for participants, with 77% (27) maintaining the same employment status they had prior to arraignment. However, many participants expressed concerns about their employment prospects due to having criminal convictions and/or the possibility of adding new convictions to their existing records. One participant working as a licensed therapist worried about the potential impact of her DUI charge on her professional license:

> *"I've been very anxious leading up to this, even not being able to sleep because **I don't know how this is going to impact work for me because of my [professional] license.**"*
> (BLACK WOMAN)

PHASE 2
Life Factors for ATS Participants at the Time of Police Contact

CPE conducted six additional interviews with clients in the ATS program, which assists those convicted of misdemeanor domestic violence charges in meeting court requirements. These interviews were conducted via phone or Zoom after these clients had been sentenced by the court. All participants were non-White: three were Black/African American, and three were Hispanic/Latine. Five identified as men and one as a woman.

The ATS group faced significantly more challenging life factors at the time of their police contact for the charge on which they were convicted compared to the Phase 1 group.

- **MENTAL AND PHYSICAL HEALTH:** Mental health challenges were universal among the ATS group, with 100% (6) of participants reporting mental health issues at the time of their arrest. Additionally, 50% (3) of the ATS group reported physical health issues. Notably, half of the participants had recently lost a loved one. These heightened health concerns indicate that ATS participants are managing significant physical and mental health burdens, further complicating their interaction with the criminal legal system.
- **SUBSTANCE USE:** Substance use was reported by 50% (3) of the ATS group, with alcohol being the most commonly cited substance. The relationship between substance use and legal troubles, combined with heightened mental health struggles, further complicates their legal and personal challenges.
- **USE OF HEALTH SERVICES:** Eighty-three percent (5) of the ATS group reported using some type of health services in the post-conviction stage, which is significantly higher than the 46% (16) in the Phase 1 group. This suggests that while the ATS group may be utilizing some health-related services, these services may not have alleviated the mental and physical health struggles ATS clients faced or met their complex needs.
- **EXPOSURE TO POLICE:** Notably, the ATS group experienced heightened negative police exposure, with four participants reporting negative experiences during childhood and four in recent years. Only two participants indicated negative police exposure in both their childhood and recent experiences. This

rate is significantly higher than the overall group (46% or 16 for childhood and 31% or 11 for adulthood exposure), underscoring the harmful relationships many participants had with law enforcement prior to their misdemeanor convictions for which they were participating in the ATS program.

PHASE 2
Life Factors After Police Contact and Court Involvement

- **HOUSING:** At the post-sentencing stage when ATS clients were interviewed, 83% (5) of participants were unhoused. Participants mentioned restraining orders and jail detention as contributing to their housing instability. For example, one participant stated that due to a restraining order, she was unable to return to her apartment, which prevented her from reclaiming her belongings. She also experienced the impact of breaking her lease agreement. She stated:

> *"And then I got the restraining order... I didn't know anything. Because like I said, I've never been arrested, never been to court... And I said, 'Well, where am I supposed to go? Because I have nowhere to go.' **I slept in my car for three days** until they [the public defender] helped me."*
> (BLACK WOMAN)

The participant described receiving temporary assistance to stay at motels. Without longer-term housing assistance, however, the participant eventually was unable to remain at the motels.

Among the ATS clients who were detained in jail for extended periods of time, three lost their housing due to an inability to pay rent and/or being evicted by landlords for abandonment of property. One participant described having a studio apartment and a small business before his misdemeanor charge. When asked to describe what was happening in his life at the time of the charge, he stated:

> *"**I was actually doing good.** I was working on my own. I was renting a studio on my own. I was actually doing like side jobs on my own. I got like my small company, I can say. So I got my website and I'm like a handyman."*
> (LATINE MAN)

After being booked into jail and released, however, the participant described his housing situation as follows:

> ***"I lost my place because of this arrest.** I ended up getting my truck towed because of this arrest. And then it's just, I'm depressed. I'm just, like, struggling. I'm like from hotel to hotel or not even hotel. I might be staying in my truck, and it's just the total opposite of what I want to be or the situation where I want to be."* (LATINE MAN)

- **EMPLOYMENT:** Among the ATS participants interviewed by CPE, several reported an impact on employment resulting from their charges and convictions. All six participants were employed at the time of police contact. By the time of their arraignment, four participants were no longer employed. For example, one participant who had been working as a security guard before his domestic violence charge could no longer pass background checks for security positions. As he stated:

> *"**Now I can't pass a background check**... I just stopped doing security completely because I didn't have a background before this. I've been security for 11 years, but I stopped doing [it]. It definitely has impacted me."* (BLACK MAN)

Recommendations

The key findings of CPE's study demonstrate that participants are facing significant personal and systemic challenges. The data reveals multiple areas where policy changes or additional support services could markedly improve outcomes for CCPD clients. The following recommendations for county and criminal legal system actors address these urgent needs. Some of the recommendations can be implemented quickly by individual agencies, while others will take more time and resources, and require multidisciplinary collaboration.

Recommendation 1

Mental and Physical Health Support

Contra Costa County should provide additional funding to CCPD to strengthen its holistic defense approach by integrating mental health and medical service providers into CCPD defense teams.

Many interview participants, particularly those facing DUI charges, were struggling with mental and physical health challenges at the time of their arrest, and only 46% of participants (16) reported using some form of healthcare and/or substance use services. Another concerning finding was the high number of participants who had recently experienced the loss of a loved one. Without counseling and support, this grief could exacerbate existing mental health issues, further increasing the emotional burden clients face as they navigate the criminal legal system.

While CCPD already has a small number of social workers on staff, additional county funding would allow for a more robust interdisciplinary team – whether through hiring or external partnerships – to address specific health impacts more effectively. Consistent and stable county funding would enable increased efforts to connect clients of CCPD with medical, mental health, and substance use treatment services before, during, and after legal proceedings. This could help mitigate the negative impact of these life factors on the legal outcomes and overall well-being of CCPD clients. Moreover, with additional resources, CCPD would be better able to document health impacts for clients systematically and at various stages of the criminal legal process, which could inform county policies and promote changes in policing practices and court procedures.

Streamlining the Arraignment Court Process

Contra Costa County should foster collaboration with law enforcement agencies to reduce inefficient misdemeanor arrests or citations and promote best practices across jurisdictions.

Misdemeanor arrests and citations, especially for low-level, nonviolent charges that the DA ultimately declines to file, can lead to unnecessary and significant costs and adverse consequences, including court backlogs and jailing people for warrants due to failure to appear. For county-operated law enforcement agencies, such as the Sheriff's Office, the county could implement audits or adjust budgets if those agencies frequently bring cases that result in no charges filed by the DA. Additionally, partnering with community-based organizations can offer alternatives like prevention services, non-police response teams, and diversion programs.

Regarding municipal police departments, which are governed by their respective city governments, the county should encourage best practices through inter-agency cooperation, for example, with joint training programs and collaborative policies. The county could build on existing coordinating efforts to create a cross-jurisdiction working group. By facilitating planning sessions, workshops, and seminars, the county could bring together law enforcement agencies to develop effective strategies for reducing inefficient arrests and citations countywide.

The DA's Office should conduct an internal review of misdemeanor case filings with a high dismissal rate as compared to a low rate of declined prosecution, and publicly release the findings through a comprehensive report.

A high rate of misdemeanor charges that are dismissed during the criminal process, especially paired with a low rate of declined prosecution, may indicate prosecutors are not exercising sufficient discretion before initiating legal proceedings. Such a situation suggests prosecutors may be deferring to police investigations without conducting their own independent assessment. Implementing an internal review process would serve as a critical check on police decisions to arrest, reinforcing the prosecutor's role in independently evaluating the appropriateness of charges before initiating legal proceedings and ultimately deciding to dismiss those charges. By releasing the findings through a comprehensive public report, the DA can increase transparency and accountability, and establish a baseline to measure the effectiveness of prosecutorial decision-making over time.

The DA's Office should implement a reasonable and predictable filing deadline for all misdemeanor charges. Filing timelines should be well before the 12-month statute of limitations. The DA's Office should improve communication and coordination with county law enforcement agencies to help ensure more timely filing.

The length of time it takes for the DA's Office to file charges – up to 12 months – exacerbates the many challenges CCPD clients face. Delayed court proceedings prolong mental health stress and can lead to job and housing loss, as clients struggle to maintain employment with pending charges and multiple court dates. Filing delays can also contribute to confusion for defendants as to whether charges will be brought, which can lead to missed court dates and an increase in FTA warrants, further complicating the legal process and increasing the consequences.

Improving communication and coordination protocols between Contra Costa County law enforcement agencies and the DA's Office can reduce this disconnect, ensuring charges are more likely to be filed by the time people are required to appear in court. Deploying existing staff to support a timely and coordinated filing deadline will help ensure people accused of crimes understand their case status and future court appearance obligations, reducing confusion, missed court appearances, and subsequent FTA warrants.

For police-issued citations, the DA's Office should implement a timely filing deadline aligned with court dates listed on those citations.

To reduce the likelihood of FTA warrants, the DA's Office should implement a filing deadline that aligns more closely with the initial court appearance date provided on police-issued citations. Confusion may arise when a prosecutor does not file charges by the court date on the police-issued citation, leading some people accused of crimes to believe their case is no longer active, and that they no longer need to appear in court.

The county should monitor and evaluate the impact of filing reforms on court appearance rates and court efficiency.

As changes to the filing process and communication practices are implemented, the county should regularly monitor their impact on court appearance rates and court efficiency. Metrics, including court appearance rates and FTAs, warrants issued, and timeliness of case filings, can provide useful information on whether the adopted reforms are reducing confusion among people accused of crimes and improving court efficiency. Moreover, with continued assessment of the

effect of such reforms, the county can make data-driven decisions to improve access to justice and reduce some of the consequences caused by warrants and unnecessary incarceration.

The county court system, in collaboration with the county and the DA's Office, should enhance public education on court procedures and obligations.

People facing misdemeanor charges may be unfamiliar with court processes and not understand, for example, that missing a court date may trigger severe sanctions, such as an FTA warrant. Eleven interview participants (31%) expressed confusion about their misdemeanor charges even after meeting with their public defender at an arraignment hearing. Providing clear and accessible information about court procedures, the responsibilities for people charged with crimes, and the importance of attending all required court dates, including court date reminders, is important in reducing FTA warrants, increasing efficiency in the overall system, and mitigating adverse consequences.[3]

Enhancing public education on court procedures and obligations could be achieved through coordinated community outreach. For example, the DA's Office, the county, and the county court system could jointly host workshops, seminars, and community forums to educate the public on court processes, legal rights, and responsibilities. They could also partner with education institutions, civic or advocacy groups, and/or legal aid organizations to reach various audiences. Additionally, making educational materials accessible on various official county websites would further extend their reach. This information could include videos, FAQs, and guides about the court system and court processes. Ideally, these resources would be made available in multiple languages.

CCPD should devote more time to ensure their clients understand the next steps in the legal process.

Public defenders can spend more time ensuring their clients understand the steps of the legal process, using plain language. By enhancing efforts to educate CCPD clients about court processes, their obligations, and consequences of missing court dates, CCPD could reduce the confusion that often leads to FTA warrants.

Recommendation 3

Detention and its Impact on Health

The county should provide alternative forms of pretrial release, such as supportive community programs, to reduce the need for detention and minimize the harmful effects of detention. This will also reduce the financial and social costs associated with detention, including loss of employment and housing.

Detention by police was common, with 66% (23) of clients at the arraignment stage and 100% (6) of ATS clients being detained at some point. Additionally, 17% (6) of arraignment clients and 67% (4) of ATS clients were booked into jail and held on bail. These high numbers are particularly concerning given the reported negative effects on mental and physical health after police contact.

Recommendation 4

Reaching or Returning to Financial Stability

The county court system should waive non-mandatory fines and fees to ease the financial burden on those least able to afford them.

Fines and fees were another significant burden for 66% (23) of CCPD clients interviewed by CPE at the arraignment stage, many of whom were not employed (29% or 10). The financial strain from criminal legal system fines and fees, as well as tow and impound fees, combined with high unemployment rates, creates an unsustainable financial situation for clients.

Contra Costa County should provide assistance with job placement, vocational training, and/or access to temporary work while people are awaiting court proceedings. The county should enhance public education on employment rights related to arrests without convictions.

Given the high rate of people not employed among CCPD clients CPE interviewed at the arraignment stage (29% or 10), integrating employment support programs could provide stability and reduce the long-term negative financial impact of arrest and arraignment. The county should implement a comprehensive public education initiative that includes “Know Your Rights” sessions focused on employment law, particularly protections from or recourse against employers taking adverse actions against employees or job applicants based solely on arrests that did not result in convictions. This initiative should include collaboration with local legal aid organizations, community groups, and employment rights advocates. These groups can host accessible workshops, develop information materials, and conduct outreach programs. Many members of the public, including employers, are unaware that, in general, California law prohibits employers from taking adverse actions against an employee based solely on an arrest that did not lead

to a conviction (California Labor Code § 432.7, 2024). Unlawful termination or refusal to hire based on non-conviction arrests can lead to financial instability and a host of other consequences. Enhancing public education on employment rights can help prevent such adverse effects by clarifying legal protections and access to employment.

CCPD should enhance formal partnerships with legal aid organizations and connect clients to state and county agencies, such as the California Department of Fair Employment and Housing (DFEH) and the Division of Labor Standards (DLSE), for employment law matters involving unlawful adverse actions taken by employers based solely on arrests that did not result in conviction.

Unlawful termination or refusal to hire based solely on arrest records can have significant economic and other consequences. By connecting clients to legal aid and government agencies, CCPD can help mitigate such consequences and improve their clients' stability. Enhanced formalized partnerships with legal aid organizations, such as Legal Aid at Work or Bay Area Legal Aid, can help ensure CCPD clients have access to legal representation in employment law matters. Likewise, a formalized process connecting clients to agencies such as DFEH and DLSE can help ensure CCPD staff are trained to identify clients who may benefit from such referrals and understand the process for connecting clients to these agencies. This can provide CCPD's clients with additional avenues to prevent or mitigate such consequences.

Housing Security

CCPD should expand housing partnerships within the Holistic Intervention Partnership (HIP).

HIP is a multidisciplinary team within CCPD dedicated to improving outcomes for CCPD clients struggling with mental health, substance use, or lack of housing (Contra Costa County Public Defender, 2022). Expanding partnerships within HIP would help mitigate housing instability for CCPD's most vulnerable client population (Contra Costa County Public Defender, 2022). Support around housing should include both short-term options for those who are unhoused during the pretrial phase of their cases and longer-term options once cases are resolved. To ensure that CCPD is making referrals for all unhoused clients who are eligible for HIP services, CCPD should track data on clients' housing status at arraignment. An evaluation of the HIP program has shown felony arrests, filed felony cases, and convictions were less likely among HIP participants as compared to CCPD clients not participating in the program (Malm, 2023).

Recommendation 5

Expanding partnerships within HIP could involve allocating a portion of the increased housing resources under the California Board of State and Community Corrections (BSCC) grant. This could also include working directly with HIP's housing staff and partner organizations, such as Rubicon Programs and the Reentry Success Center, in developing more housing pathways.

Expand housing advocacy within CCPD.

CCPD should expand its housing advocacy to address housing challenges faced by clients. CCPD staff could connect clients to local legal aid organizations for representation in housing-related legal matters, while building collaboration with Contra Costa Health and continuum of care housing providers to assist clients who are unhoused or at risk of becoming unhoused. By expanding its dedicated housing advocacy, CCPD can ensure a comprehensive defense strategy that includes housing stability without directly engaging in housing-related legal representation that is beyond their scope.

Increase county funding to sustain and expand housing resources post-BSCC grant.

Contra Costa County should commit additional funds to sustain and expand low-barrier housing services for people involved in the criminal legal system beyond the three year duration of funding provided by the BSCC grant. While the BSCC grant provides important funding for housing services, long-term stability is necessary to ensure people involved in the criminal legal system continue to receive support. The county should ensure the continuity of such housing services by committing additional funds beyond the BSCC grant and look to expand access to housing for more public defense clients, including removing barriers based on charge and conviction history.

Recommendation 6

Access to Transportation

Contra Costa County should provide additional funding to CCPD to specifically address transportation barriers their clients face.

Without access to transportation, CCPD clients may face difficulties in attending mandatory court dates, potentially resulting in legal and other life consequences. Additional funding specifically addressing transportation barriers CCPD clients face could reduce the strain on county resources by decreasing missed court dates and mitigate consequences these clients experience. Funding could be used to provide public transportation passes, rideshare vouchers, or shuttle services specifically for CCPD clients to attend mandatory court appearances and appointments. Moreover, additional funding could be used to enhance partnerships between CCPD and transportation agencies or community organizations.

Recommendation 7

Long-term Consequences of Domestic Violence

Criminal legal system actors should assess whether the current "Batterer Intervention" programming (BIP) is achieving its intended goals. The county should collaborate with external researchers to assess survivor perspectives. The county should also enhance access to, and awareness of, community support services and preventive programs to address factors contributing to domestic violence.

Participants in ATS and CCPD attorneys describe the current BIP as prohibitively expensive and burdensome, with 52 weeks of classes, making successful completion unlikely while participants try to navigate other life challenges and calling into question BIP's efficacy. Criminal legal system actors and domestic violence service providers should form a working group to discuss the impacts and efficacy of BIP, consider and pilot ways to make program success more achievable, and explore whether other free and diversionary programming and case management options would be more effective.

As described above, the county and criminal legal system can do more to support families who wish to remain connected. The county should collaborate with external researchers to understand the perspectives of survivors of domestic violence and service providers on how to address domestic violence more effectively. Engaging with survivors and providers can contribute valuable insights into the efficacy of existing resources and highlight areas for improvement to meet their needs, both within the community and the legal system.

The county should also allocate additional resources for support, particularly in areas with the highest volume of domestic violence charges. This would expand and promote access to and awareness of culturally-appropriate community support services, such as counseling, mediation, education, and preventive programs. Such services should address underlying life factors that can contribute to domestic violence, many of which are described above. Reducing domestic violence through community-based services and resources can also decrease the need for law enforcement intervention and subsequent consequences, including system-based programs.

7

Racial Bias and Police Harassment

Strengthen racial justice protections.

In addition to the findings related to health, case processing and detention, employment, housing, and transportation, the data reveals significant concerns around racial bias and negative police exposure, which disproportionately affect people involved in the criminal legal system. Seventeen percent (6) of participants interviewed at arraignment and 50% (3) of clients in the ATS program reported experiencing racial bias or harassment by police. Among arraignment clients, many also reported negative police exposure, both as children (46% or 16) and in recent years (31% or 11). Of those who experienced negative police exposure, only two identified as White non-Hispanic. Among clients of the ATS program, three reported negative experiences during childhood and three reported negative experiences in recent years, with 100% of participants identifying as Black/African American or Latine. This suggests the need to address systemic patterns of racially biased policing.

The RJA serves as a critical tool for addressing systemic racism in the criminal legal system. The RJA enables people accused or convicted of crimes to challenge charges, sentences, or convictions based on racial bias. Public defenders should prioritize litigating cases under the RJA to ensure that any evidence of racial bias, whether during police encounters, arrest, or prosecution, is presented in court. By holding law enforcement and legal institutions accountable under the RJA, public defenders can better ensure their clients' rights are protected, and any racially biased behavior or systemic bias is addressed. The state and county should provide additional resources to support public defenders in doing so.

Public defenders, civil rights organizations, and county and state actors should continue to advocate for greater transparency in the collection and reporting of racial bias complaints and police misconduct. They should also track successful RJA claims and their associated remedies to understand how the RJA is being implemented. Making these reports more accessible to the public and legal advocates can help to identify patterns of behavior and hold police departments accountable.

These recommendations aim to address the primary life factors influencing public defender clients, as well as systemic practices that worsen their situation. Addressing these issues through policy changes, enhanced support services, and streamlined legal processes would improve client outcomes and reduce the negative long-term impacts of arrest and court involvement.



Data Gap Analysis

This section outlines the findings of CPE and MFJ's data assessment and data gap analysis, highlighting challenges and opportunities CCPD faces in answering key research questions that inform its client advocacy and caseload management.[4]

Methodology

To start, CPE and MFJ asked CCPD attorneys and staff to share the types of questions they most wanted to be able to answer about their clients and cases. This request was open-ended, and welcomed questions related to client advocacy or caseloads. In addition, CPE and MFJ identified questions CCPD may consider for future research based on CPE's qualitative assessment of clients of CCPD, current issues, and events.

Another component of data collection involved a broad request to the CCPD technology department and supervisory staff for any and all datasets related to clients of CCPD. The request resulted in 23 potential datasets for review. These datasets were inventoried and summarized as data assets, regardless of their comprehensiveness. The full list can be found in Appendix B. This analysis helped frame the data landscape in which CCPD operates, and the opportunities available.

CPE and MFJ approached the analysis of gaps through two perspectives. First, they drew on the expertise of CPE and MFJ staff to identify the most valuable data for reliably tracking cases and clients through the criminal court process from arrest to post-conviction. Second, they explored the types of data elements and information necessary to address the research questions and advocate for CCPD's clients. The team then reviewed the 23 data assets accessible to CCPD for their breadth and comprehensiveness. With the support of CCPD staff, the team identified and inventoried which data elements were available in each data source, and assessed their reliability. This assessment was based on CCPD reports of reliability and the presence of particular fields in a dataset, rather than a comprehensive evaluation of each dataset's quality and consistency. A deeper analysis would be needed to answer specific research questions, but understanding the data landscape at a high level, including its assets and gaps, helped CCPD and its partners determine areas for further examination.

Questions of Interest

CPE and MFJ received 13 survey responses from 10 individual CCPD staff members, including attorneys, supervisors, and technologists. Respondents submitted priority research questions in free-text boxes. Similarly, CPE and MFJ posed multiple questions for consideration. These responses provided a framework for understanding the types of information and data sources that would be most impactful for CCPD to access.

Of the 13 survey responses, 12 contained identifiable questions, from which CPE and MFJ identified four emerging themes. First, racial bias and disparity were top of mind for most respondents, with nine of 12 responses referencing this topic or the RJA specifically. These respondents sought to understand biases, including whether the county court system's early case decisions, such as charging policies, are more racially biased than those in other counties in the state, and whether and how later stage case decisions exacerbate inequity through bias in sentencing and post-conviction relief.

Second, nearly all submissions (11 of 12) reflected a desire for data related to specific procedural concerns, such as data on how judges handle motions or the types of cases for which the DA's Office makes no offer. Staff identified several specific ways that data could help them develop better strategies, including strategies related to mental health procedures pre-arrest, plea negotiations, and RJA remedies.

The third emergent theme was the need for administrative data from external county or state agencies, such as the DA's Office, the Contra Costa County Superior Court system (and other county courts), and the Department of Corrections and Rehabilitation. Nine of the 12 responses posed research questions that would require sourcing information from agencies beyond CCPD (or other public defenders). For example, analyzing county-wide traffic stops by race and ethnicity would necessitate querying multiple police databases and relying on law enforcement's recorded observations of the stopped person's racial identity. This analysis would require access to data beyond CCPD's coverage. Lastly, four respondents expressed interest in comparing policy and case decisions over time within or across counties and court districts.

Types of Data Assets

With these questions in hand, the next step was to identify the information needed to answer them, and determine if that information existed within the CCPD office. Information can take various formats and serve different purposes for staff and agencies, ranging from case notes for future reference while defending a case to aggregated data, such as caseloads, that assist supervisors in managing staff workload. CPE and MFJ focused on information that could be used for analysis. Even within this information type, multiple relevant data formats were identified. These data types and their potential uses are described below:

- **AGGREGATE OR SUMMARY INFORMATION:** This type of data is typically found in annual reports or as part of analyzed findings. Datapoints typically appear as totals or percentages. Such data is useful for sharing with policy-makers and agency leaders, as they are generally straightforward and effective for storytelling. However, aggregated data can be challenging to explore in greater detail when follow-up questions arise.
- **NARRATIVE INFORMATION:** This type of data typically appears as free-form text, often in the form of case notes from client engagements. Narrative data is incredibly rich, often detailing experiences, case processes, and outcomes.



While descriptive, these notes tend to lack uniformity and are difficult to analyze quantitatively unless systematically coded and summarized. This coding process is time consuming for statistical modeling but can be highly valuable on a case-by-case basis for decision-making, qualitative analysis, and process evaluation. Additionally, this data provides essential context for the results of quantitative studies, highlighting that there is always more nuance than a single numeric value can convey.

- **UNSTRUCTURED INFORMATION:** These data sources are presented in tabular or descriptive forms and could be analyzed if converted into a formal data table, with or without the use of technology. However, access to this information is often hindered by inconsistencies in how it is entered or because its current format is not machine readable. This data is most useful when manually transformed into a structured table, particularly when dealing with a finite amount of information or conducting case studies. Like narrative data, unstructured information holds great value on a case-by-case or qualitative basis, but is not readily suited for quantitative analysis.

- **DATASETS:** Datasets – data presented in tables or databases with consistent values in discrete fields and predictable formats – are the most valuable sources for quantitative analysis. This data is often generated from queries to case management systems. While challenges exist due to varying data cultures and entry practices, datasets provide the most structured format for analysis. They are particularly useful for trend analysis and calculating disparities, and when combined with narrative or contextual information, they can significantly enhance decision-making.

With these data types and information formats in mind, CPE and MFJ also mapped the data types by the stage of the criminal case process they help explore, including arrest, booking, pretrial hearings, filing, plea negotiation, trial, disposition, sentencing, and appeals/post-conviction. Many data sources spanned multiple stages, while others were limited to a specific stage.

What's Going Well

CCPD has access to a large number of data sources, many of which can be used in tandem to triangulate information. Only 10 of 162 data elements are sourced from a single location, meaning that if one source is missing, incomplete, or inconsistent, another source may be able to supplement it. The key datasets available to CCPD include its defender case management system (Defender by Karpel [DbK]), criminal history records (California Law Enforcement Telecommunications System [CLETS]), and the Contra Costa County Superior Court data system (Odyssey). The DbK system appears to be fairly comprehensive in scope, covering a range of case process details, particularly client demographics, arrest and filing information (excluding referral charges), and some conviction outcomes.

Challenges Identified

Based on CCPD's self-assessment, their data assets offer far more opportunities than challenges. However, there are areas for improvement in data quality and availability. The main challenge lies in CCPD's ability to locate the relevant data assets when needed. All staff should have access to and knowledge of how to query various data systems and link system data to other datasets, including those which might be stored locally, such as on a C drive. This can be difficult even with defender case management systems, and is further complicated when dealing with externally sourced data.

Recommendations

CCPD's data assets are impressive, providing a wealth of information to help attorneys and staff better advocate for their clients. This information is valuable for day-to-day case management as well as for longer-term research and analysis. CPE and MFJ acknowledge that it is likely not feasible for CCPD to address every challenge immediately, despite their best efforts. Therefore, recommendations are divided into broad data improvement guidance and specific next steps for CCPD, focusing on areas that may have the most immediate impact based on the questions and gaps identified.

Broad Guidance

Closing data gaps and making meaningful use of data assets starts with a commitment to data quality. CCPD should invest time in training new staff members on its internal data entry protocols to enhance awareness, even if their work does not typically include data analysis. As experts in criminal legal system data, MFJ advocates for quality data to be complete, consistent, comprehensive, correct, current, and contextualized.

CCPD should start by evaluating data quality in three areas: completeness (missingness), consistency (reliability), and comprehensiveness. Incomplete data can undermine the trustworthiness of any inferences or conclusions drawn. Inconsistent data complicates analysis, increasing the time and effort required for analysts to understand the information and often leads to "missingness" because the ways in which values are used are unclear. Finally, a lack of comprehensive data means that a client's entire experience is not captured, leaving attorneys with gaps in their knowledge about how to advocate effectively for all clients. CPE and MFJ propose the following concrete steps to address these concerns:

Develop a data entry protocol.
The absence of a formal, written data entry protocol likely results in inconsistent data entry practices.

Increase training resources.
Ensure that attorneys, supervisors, and administrative staff receive training on what data needs to be collected, how this data will be used, and best practices for data management.[5] A data-literate and engaged staff will help CCPD identify

areas where consistent and reliable information from other county offices may be lacking. CPE and MFJ also recommend that CCPD seek out other public defender offices across the state (e.g., Ventura Public Defender) to learn about the benefits and complexities they encounter with integrated data systems.

Improve data infrastructure.

Creating a predictable and organized system allows for the efficient retrieval, storage, and cataloging of all available data. CPE and MFJ strongly recommend implementing a data lake (a centralized repository) or data warehouse solution (e.g., Microsoft Azure) to consistently track where and how data can be accessed. The current data system is geared toward short-term, case-by-case needs and was not designed to allow the office to be fully data-informed. Importantly, an enterprise data warehouse can automate and standardize certain data extraction processes – such as extracting information from PDF files – reducing both the data entry workload and the errors associated with manual data input. Implementing and maintaining such a system will require a greater commitment of specialized staffing resources.

Many questions posed in the staff survey responses required at least one data source not directly produced by CCPD staff. To ensure the necessary data is of high quality, CCPD should internally identify which data source serves as the primary source of truth for specific information – for example, using law enforcement data for arrest dates and court data for charge filed dates – and work with that data source to ensure a consistent and reliable integration within CCPD systems.

With a goal of centering data-driven decisions, CCPD is making significant progress with a substantial number of data assets, a new case management system, and ongoing discussions with researchers across multiple projects that will enhance data usage. As CCPD increasingly relies on data, staff will become more accustomed to integrating it into their cases and broader conversations. CCPD should align with best practices concerning the development of a positive data culture and then explore opportunities for research and data infrastructure improvements.

Immediate Next Steps

Addressing data gaps is an important issue, and CCPD's approach should be responsive to the underlying causes. MFJ suggests that there are typically five main reasons for data gaps, including:

I. Lack of infrastructure or buy-in for data collection.
II. Lack of training regarding data collection.
III. Lack of consistency in data collection and data definitions.
IV. Lack of access to necessary data, specifically at scale.
V. Lack of willingness or ability to disseminate analyzable data due to political or legal constraints.

The county should provide resources to CCPD to bring the office into parity with other local criminal legal agencies that have data analysis staff, including a database administrator, a senior management analyst, a data clerical staffer, and half of an attorney's time.

More immediately, CCPD should assign a technology staff member, an attorney, and an embedded data analyst to conduct a direct evaluation of the missingness and reliability of the fields within DbK. While a comprehensive review of each dataset asset would ultimately be valuable, DbK provides the broadest coverage and communicates directly with other system databases. Although this research team had access to the DbK system test files to examine the structure and field names, a full data sample audit was not possible due to privacy and confidentiality requirements.

Datasets extracted from agency case management systems often contain some level of missing values across data fields. Moderate to high levels of missingness will affect the validity of conclusions drawn from the analysis, particularly if the missing values are not random (if there is a pattern to the missingness, such as a lack of uniformity within data entry among staff). These patterns can arise even with the best data-entry practices if consistency is lacking.

To begin this initial evaluation of data missingness and reliability, CCPD or its partner would query the system for a large data sample covering at least a three-month period and check for key indicators that may be contributing to poor case data quality, including:

- **INCONSISTENT DATE CHRONOLOGIES:** For example, if a filing date occurs in 2020, there should not be a disposition date from 2016.

- **MISSING DATA WHERE VALID INFORMATION IS EXPECTED:** For example, do more than 30% of cases resolved via guilty plea lack a corresponding disposition date?
- **INCONSISTENT OUTCOMES:** For example, do half of the cases with a dismissed disposition have a sentence recorded?

With the evaluation of data missingness and reliability complete and an understanding of why data might be missing, CCPD could begin addressing the key indicators identified. Analyzing the gaps according to both their stage in the criminal legal process and the types of questions that can be answered will help focus efforts on key areas.





Racial Justice Act Overview

The Racial Justice Act (RJA) aims to address systemic racial bias in California's criminal legal system by allowing people accused and convicted of crimes to challenge racially disparate outcomes using statistical evidence. The RJA focuses on the actions and decisions of actors in the criminal process, including law enforcement officers, attorneys, judges, and even expert witnesses or jurors (Racial Justice Act, 2021). These actors are prohibited from seeking or obtaining a conviction or a finding of guilt based on bias or hostility toward people charged with crimes due to race, ethnicity, or national origin (Racial Justice Act, 2021). The RJA also allows for the analysis of disparate outcomes in charging, sentencing,

and convictions. If a person can demonstrate substantial disparities for similarly situated individuals and the prosecution cannot provide a race-neutral explanation for the disparity, a violation of the RJA is established (Racial Justice Act, 2021). Importantly, the RJA does not require that the defense prove intent of racial discrimination, underscoring its goal of addressing both overt and implicit racial bias (Racial Justice Act, 2021).

Social science research – including studies on implicit bias and racial disparities in arrests, charging decisions, and sentencing – can provide evidentiary support for RJA claims. By incorporating these insights into legal proceedings, the RJA creates an opportunity to apply scientific approaches to challenge racial inequities within the criminal legal system and highlights the importance of interdisciplinary expertise in pursuing fairness under the law.

The RJA continues to shape the legal landscape in California, with ongoing litigation expected to further define its application and impact. Courts are instrumental in interpreting the provisions of the RJA, particularly regarding the evaluation of statistical evidence of racial bias. Litigators will also have a major role in advocating for their clients' rights and combating the impact of systemic racism in the criminal legal system. However, resource constraints in public defender offices present significant challenges to litigating RJA claims. In this context, CPE has developed two tools that address the quantitative and qualitative aspects of RJA litigation, informed by ongoing conversations with CCPD, other public defender offices in California, and partners such as the ACLU of Northern California.

The RJA Data Tool

The RJA Data Tool (referred to as "the Data Tool") is an interactive dashboard designed for exploring data and identifying racially disparate trends in prosecution data. The Data Tool enables users to assess whether a case has potential for an RJA claim by evaluating the racial disparities present in specific charging patterns. Additionally, the Data Tool assesses the severity of these disparities relative to past data within the same county. The goal is to empower non-data experts to explore Contra Costa prosecutorial data and understand how racial disparities align with the RJA.

The Data Tool generates standardized statistical analyses of the criminal legal process, bringing to life the RJA in a rigorous and consistent manner.[6] It analyzes

data provided by the DA's Office in response to Public Records Act requests from the ACLU of Northern California and BraunHagey & Borden LLP.[7] The analyses in this Data Tool draw on prosecutorial data from 2014 through 2021, encompassing over 300,000 charges and counting. The Data Tool is currently in beta testing with CCPD, with the goal of creating a publicly available version at the completion of this testing phase.

The RJA Index

The RJA Research Index (referred to as "the Index") is a searchable and tagged repository of academic and legal sources relevant to potential RJA litigation. A snapshot of the Index is located in Appendix C. CCPD identified the time-consuming nature of referencing social science research – particularly regarding the various ways racial bias may impact criminal prosecution – as a significant barrier to implementing RJA motions in daily practice. The Index aims to streamline the writing and research involved in RJA litigation by providing efficient access to high-quality and relevant literature.

The Index comprises 85 selected sources organized into searchable categories: the RJA and related case law; implicit bias and racial profiling; discriminatory language; racial bias in the criminal legal system; frameworks on race and racism; pretextual stops; traffic stops; juror bias; policing bias; prosecutorial bias; judicial bias; deadly force; and drugs and controlled substances. Among these sources, 35 are published in law review journals, 38 in academic journals, 11 are court cases, and one is a report published by a legal clinic.

CPE employed a modified Systematic Literature Review (SLR) method to create the Index and document the source selection process. This approach served two primary purposes: minimizing the risk of bias in source selection and providing transparency in the selection process. This method enables practitioners to understand the criteria used and to potentially utilize the review process as a resource for identifying other valuable, high-quality sources. However, it is important to note that the results of this process depend on the point in time at which it was completed, due to the dynamic nature of search engine algorithms and the continual evolution of peer-reviewed literature. The Index was designed with user accessibility and the needs of public defenders in mind. In addition to being easily filterable by theme, it also includes brief summaries describing potential relevance to RJA litigation, along with selected quotes.



Conclusion

The goal of the partnership between CCPD and CPE was to gain a deeper understanding of the challenges that bring public defender clients into contact with law enforcement and the criminal legal system, and how those challenges and interactions are interconnected. Ultimately, CCPD and CPE aimed to identify ways to advocate – both in the courtroom and with various county officials – for improved outcomes and more robust and holistic services for CCPD clients to help them address the challenges they may face.

CPE heard directly from 35 CCPD clients at the arraignment stage about their struggles with mental and physical health, substance use, negative police exposure, housing insecurity, unemployment, and lack of access to transportation. Following law enforcement contact and arraignment, CCPD clients faced a range of negative and compounding consequences, particularly concerning mental health, employment, housing, and transportation. For many clients, pretrial detention and burdensome fines and fees deepened the adverse impacts they were struggling to navigate, while simultaneously experiencing significant confusion regarding inefficient and convoluted court processes.

CPE also interviewed six clients of CCPD participating in a post-conviction program for people with misdemeanor domestic violence charges. These post-conviction clients faced even deeper challenges, both before contact with law enforcement and following the resolution of their cases. Nearly all lost their housing, and many lost their employment.

With a better understanding of the experiences of clients of CCPD, CPE developed a set of recommendations for CCPD and other county and criminal legal system actors. These recommendations include greater investment in supportive services for mental and physical health, employment, housing, and transportation, as well as alternatives to pretrial detention and the imposition of fines and fees. CPE also recommends greater collaboration among legal system agencies to ensure timely filing of cases, thereby reducing confusion for people accused of crimes, which can lead to failures to appear and the issuance of warrants, resulting in unnecessary jail time. Finally, CPE recommends forming a working group of system actors and domestic violence service providers to investigate whether current programming for people convicted of misdemeanor domestic violence is achieving its intended goals, and to pilot strategies aimed at fostering more successful outcomes that would lower rates of interpersonal violence in the local community.

A second goal of the CPE and CCPD partnership was to conduct a data gap analysis to assess CCPD's current data practices and culture, identifying ways for CCPD to improve its data collection and reporting to leverage in its advocacy efforts. CCPD's data assets already provide a wealth of information to help attorneys and staff advocate for their clients; however, there are opportunities for improvement, such as increasing data access and training for all staff and evaluating data quality.

Finally, CCPD identified a need for CPE's assistance in streamlining data analyses to support staff in bringing RJA challenges to racially disparate legal outcomes for CCPD clients. With guidance from CCPD, CPE developed a data tool that allows attorneys to explore racially disparate trends in prosecution data and evaluate whether a case has potential for an RJA claim. CPE also compiled an index of social science and legal sources relevant to potential RJA litigation to reduce the time-consuming research burden for CCPD attorneys.

Racial justice is the thread that connects all aspects of this partnership. There is much work to be done to strengthen protections for community members in Contra Costa County to address the systemic racial bias and negative encounters many have experienced with law enforcement. The RJA is a critical piece of that work, and greater transparency and data accessibility will allow RJA to reach its fullest potential and impact in challenging systemic racism.



Appendices

Appendix A: Methodology for Qualitative Interviews

Recruitment

Clients at Arraignment Hearings

Recruitment for the study's participants at the arraignment stage (Phase 1) took place on site at Contra Costa County's three courts during a five-day period in October 2023, on days when misdemeanor arraignment hearings were scheduled. CCPD attorneys spoke to their clients about the opportunity to participate in interviews with CPE only after they had fully discussed clients' legal matters. CCPD attorneys and legal assistants gave CPE recruitment fliers to CCPD clients and identified on-site researchers to whom clients could speak if they had questions about the study or interest in participating. For Spanish-speaking clients, CPE contracted an independent interpreter to be present on site alongside researchers to answer questions about the study. Clients who decided to participate in the study were directed to CPE researchers for an interview after their arraignment hearings were completed.

ATS Clients

Recruitment for the study's participants in the ATS program (Phase 2) took place with the assistance of CCPD's three ATS social workers, who work closely with clients in the program. Over a three-week period in March 2024, ATS social workers called and/or texted all ATS clients enrolled in the program (a total of 53), notifying them of the opportunity to participate in the study. Interested participants called or texted CPE researchers directly and scheduled interviews.

Interviews

In Phase 1, CPE conducted 35 one-on-one interviews with clients at the arraignment phase in private rooms at the three court locations. The goal of the interviews was to understand pertinent life factors and the impact of police contact and court involvement in the early stages of the legal process. In Phase 2, CPE interviewed six clients enrolled in CCPD's ATS program to better understand life factors and impacts at the post-sentencing phase. ATS clients were interviewed via Zoom, with the option to call in by phone. Interviews lasted between 30-60 minutes and were audio recorded. Following the interviews, CPE researchers entered client demographic information into a form, verbally asking clients all demographic questions. Participants were given $75 Visa gift cards for their time. Audio files were transcribed using professional transcription services. All personal identifying information was removed prior to analysis.

Coding & Analysis

CPE researchers used a hybrid approach of deductive and inductive coding methods to develop themes (Fereday, 2006). Deductive coding was used to assess participants' life factors and the impact of law enforcement and the court process on those life factors. CPE considered how these factors might produce impacts at different stages of a client's interactions with the criminal legal system, and how there might be cumulative ef-

fects. As a result, the team co-tagged the client's life stage with life factors and impacts, as follows:

- Exposure to community violence and police during childhood and after the age of 18 (not including the police encounter related to their current charge).
- Experiences with law enforcement that resulted in their current misdemeanor charge.
- The status of their life factors with respect to housing, employment, health, transportation, and relationships at the time they received their misdemeanor charge.
- The self-described impact(s) on the participant's life factors (e.g., housing, employment, health, transportation, relationships) following their police encounter and court involvement.

Inductive codes were developed to account for factors that emerged as prominent across a set of interviews, but were not initially accounted for using deductive codes. For example, the loss of family members, fines and fees, and restraining orders for ATS clients were added inductively.

A team of four CPE researchers developed the preliminary codes, tested the codes, and refined definitions using a sample of eight interviews (two per researcher). The CPE team again refined the codebook definitions, adding inductive codes. Once the codebook definitions were finalized, the four researchers coded all interviews in Atlas.ti.

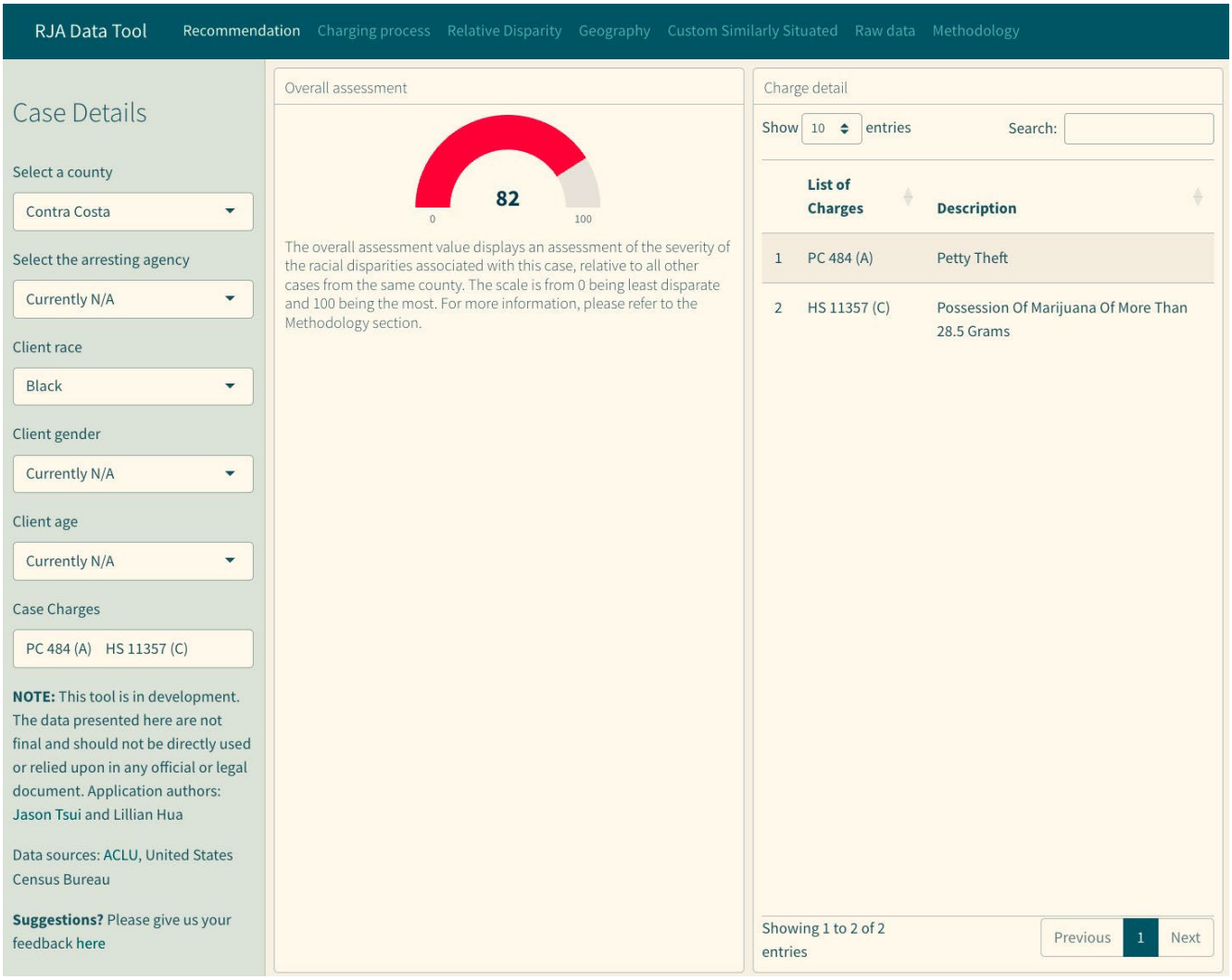
Themes were developed by assessing patterns in two primary topic areas: 1) connections between early police exposure, community violence, and perceptions of police encounters related to the client's current charge; and 2) life factors that were most prominently impacted by participants' encounters with law enforcement and the court process. CPE then examined these themes for salience across racial demographic groups, as well as participants charged with a DUI compared to those who were not charged with a DUI. Themes related to ATS client interviews were disaggregated from the arraignment client interviews because of the small sample size, the unique types of charges, and their post-sentencing status.

Appendix B: Data Assets

Data Source	Type of Asset	Location	Stage (if narrow)
DbK Database	Structured database	DbK	Multiple
Financial eligibility form	Scanned pdf	DbK Case Documents	Pretrial
Paper face sheet	Paper form	Physical case file	Multiple
Dispatch report	Various	DbK Case Documents	Arrest/Booking
Arrest report	Scanned pdf	DbK Case Documents	Arrest/Booking
Case notes	Freeform text	DbK notes	Multiple
Written transcripts/ audio recordings of court proceedings	Various	External	Multiple
Active inmate roster (PDF)	Scanned pdf	External	Multiple
BWC footage	Media files	External	Arrest/Booking
Expert database	Excel spreadsheet	G-Drive	Trial
Officer database	Excel spreadsheet	G-Drive	Arrest/Booking
Odyssey court extract	Data import	DbK external linkage	Multiple
EarlyRep spreadsheets (West, Central, and East)	Excel spreadsheet	OneDrive	Multiple
Sheriff's booking logs	Scanned pdf	Intake	Multiple
Sheriff's release logs	Scanned pdf	Intake	Arrest/Booking
Immigration Unit Data	Database	Cerenade	Multiple
CLETS rap sheet	Scanned pdf	DbK Case Documents	Multiple
C-Files	Various	DbK Case File; G-drive; CD-rom	Multiple
Public Records Act requests data	Various	G-drive	Multiple
Clean Slate directory	Excel spreadsheets	OneDrive	Multiple
ACLU: PbK cases referred	Excel spreadsheets	ACLU NorCal	Multiple
CDCR files	Various	-	Multiple

Appendix C: RJA Toolkit Snapshot

Data Tool Dashboard



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Endnotes

1 "Results showed that a minor criminal conviction can significantly hinder one in terms of early employment outcomes. In fact, the difference in callbacks between the misdemeanor conviction and the no record condition was approximately 13 percentage points" (p. 1864).

2 For more on the negative impacts of pretrial detention, see Nam-Sonenstein (2024).

3 The American Bar Association's standards recommend that prosecutors engage in activities to improve the administration of justice (American Bar Association, 2017).

4 CPE and MFJ created a separate, longer data gap report for CCPD. This section summarizes high-level findings for other offices interested in assessing their data collection practices.

5 For a short brief on recommended data entry best practices, visit: https://measuresforjustice.org/wp-content/uploads/2023/04/Data-Entry-Best-Practices.pdf

6 The primary statistic used is the rate ratio. The rate ratio provides a straightforward way to compare the likelihood of certain outcomes between different racial or ethnic groups, while accounting for the underlying population sizes of these groups (Chienl, 2023). It is important to note while rate ratios are a valuable tool, they are not the only way to measure how racial disparities may reflect systemic bias that is targeted by the RJA.

7 The data the DA's Office has provided can be found publicly at: https://www.aclunc.org/documents-related-implementation-racial-justice-act.



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