

# **PUBLIC SAFETY BEGINS WITH PUBLIC HEALTH:**

MAKING OAKLAND  
SAFER TOGETHER



# PUBLIC SAFETY BEGINS WITH PUBLIC HEALTH: MAKING OAKLAND SAFER TOGETHER

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## EXECUTIVE SUMMARY

Everyone wants to feel safe in their community. Civic leaders generally see this as their top priority. The City of Oakland embraces this concept, and recently has expanded it to incorporate “holistic community safety,” envisioning a citywide community that feels safer because the root causes of crime and insecurity have been addressed: systemic racism that has relegated large swaths of our communities into cyclical poverty, joblessness, self-medication, substandard housing and schools, and incarceration.

We know that hopelessness does not represent the people of Oakland.

The City of Oakland is at an inflection point, where it can decide to continue with more of the same, or break the cycle and strive for a more advanced approach that invests in developing the health and wellbeing of all its residents.

To do this, the voices and visions of all members of our community must be raised to broaden the vision of what “safety” means. We need to quell the outdated reliance on policing and punishment as the sole tool in our belt to address community safety. Safety encompasses wide-ranging and vital issues for us all: having a living wage job, healthy food, healthcare, housing, education, clean water and air, and more.

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### **The Ella Baker Center calls on the City of Oakland to engage in a process of Truth and Reinvestment in order to bring about holistic community safety.**

- Acknowledge how a history of racially unjust policies has led to the disproportionate criminalization, incarceration, and impoverishment of communities of color.
- Create and fund real, long-term solutions in those communities, with a focus on health and wellbeing.

### **We call on the city to implement public health solutions to public health problems, focusing on health and wellbeing and prevention over criminalization.**

- Too often, law enforcement officers are the primary—or only—responders to public health problems. City funds must be invested in our public health infrastructure to address the true drivers of crime and to ameliorate the burdens impacting people of color and low-income communities in Oakland. Restorative practices designed to address anti-social behavior and improve the health of all city residents should be utilized.

### **We call on the city to address directly the key concerns that plague our communities, using restorative practices:**

- Mental illness
- Substance use disorders
- Homelessness and housing insecurity
- Commercialized sex trade
- School-to-prison pipeline

### **The Ella Baker Center Community Safety Plan for Oakland identifies current gaps and inefficiencies in adequately addressing these public health issues, and offers recommendations for a new way forward:**

- **Use community-based support systems for mental health concerns.** Train all Oakland Police officers in nonviolent de-escalation tactics and expand programs like the Mobile Evaluation Team to transition responses from a law enforcement approach to a public health response. Secure additional funding and resources to expand mental health services with multi-modal treatment strategies, and create a dispatch line to divert non-emergency mental health-related police calls to health practitioners who can treat and provide services.
- **Adopt a public-health-centered approach to substance use disorders.** Rather than continue to commit to the failed War on Drugs, provide pathways for people to reintegrate into the community instead of forever being stigmatized by a felony record. Fund community-based substance use treatment programs to prevent incarceration in the first place, and for clinicians to do in-reach to

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jails to counsel those about to be released. Ensure funding for participants in treatment programs to access job training and career programs to stabilize themselves economically.

- **Develop accessible and affordable housing.** Expand emergency housing options and increase the number of affordable housing units in Oakland by 15%. Increase funding for transitional housing and Permanent Supportive Housing programs that are coupled with supportive services, and for job training and career ladder programs to expand opportunities for all in Oakland. Discontinue the practice of citing status infractions that are associated with homelessness.
- **Prevent sex trafficking in Oakland without criminalizing victims.** Stop detaining, arresting, and prosecuting victims of sex trafficking and the commercial sex trade and automatically seal records of youth. Create a community-based multidisciplinary program to divert victims and treat them with appropriate public health responses. Train school personnel to recognize the warning signs for youth-at-risk as trafficking or commercial sex trade victims.
- **Resolve disciplinary challenges in schools without criminalizing youth.** Rather than rely on school-based law enforcement officers to respond to discipline or violence issues, reduce the overall number of police officers on K-12 campuses and increase the number of school counselors so students can be referred to restorative justice professionals trained in youth development instead of being criminalized. Increase funding for restorative justice training programs and for internships with the city to encourage career exploration and income opportunities for students.
- **Implement community safety solutions that incorporate restorative justice practices.** Significantly expand the city's commitment to restorative justice initiatives by creating a staffed Restorative Justice Agency, with the same amount of funding as is provided for traditional law enforcement operations. Require everyone in the criminal justice system to participate in comprehensive trainings on restorative practices, and develop a hotline and web app so resources can be deployed to resolve situations before they escalate.

**Our vision for our city is simple:** An Oakland where all communities are thriving economically and socially, where people work and live in clean, safe neighborhoods free from crime, where all are able to provide security for their families, and where children can look to a future with greater opportunity.

By prioritizing positive, community-based, public health solutions rather than punishment, we can chart a new future for Oakland.

## A NEW VISION FOR COMMUNITY SAFETY IN OAKLAND: TRUTH AND REINVESTMENT

**Everyone wants to feel safe in their community.** But too often, public safety is seen as an individual issue when it is actually a community issue. We all have something to gain by investing in community-based solutions that genuinely create safe and secure communities. Investing in the growth and health of our community is everyone’s responsibility—together.

One of Oakland Mayor Libby Schaaf’s top priorities is “holistic community safety,” in which she proposes that until the root causes of crime are addressed, including providing access to better jobs and education,<sup>1</sup> Oakland will not thrive because not everyone feels safe. No doubt, civic leaders and community members in Oakland share this ambition for authentic public safety.

**To create a safer and healthier Oakland,** all members of our community must help shape and broaden the vision of what safety means. We also must acknowledge that “safety” means more than policing and punishment. Safety encompasses having a living wage job, healthy food, healthcare, housing, education, clean water and air, and more.

To improve safety in Oakland, we must understand the entirety of challenges our communities face, and prioritize opportunity-building investments that address those challenges.

For too many generations, America has tolerated “a maze of rationalizations” to continue to allow systems of “persistent racial inequality” that lock racial groups into “an inferior position by law and custom.”<sup>2</sup> The City of Oakland can address this historic inequity by breaking the cycles of poverty and incarceration that have kept too many communities down for too long.

**To finally take on this “embedded reality,”**<sup>3</sup> the City of Oakland must engage in a process of Truth and Reinvestment to acknowledge (Truth) how a history of racially unjust policies has led to the disproportionate criminalization, incarceration, and impoverishment of communities of color, and create and fund (Reinvest) real, long-term solutions in those communities, with a focus on health and wellbeing.

The Ella Baker Center proposes a community safety plan for Oakland that recognizes the history that has led to less safe and healthy communities, and

<sup>1</sup>Derryck, Erica Terry, Office of the Mayor, press release, “Mayor Schaaf releases \$2.4 billion Proposed Budget for FY 2015-17,” April 30, 2015, <https://www2.oaklandnet.com/w/oak052942> (accessed October 2017). <sup>2</sup>Michelle Alexander, *The New Jim Crow* (New York: The New Press, 2010), 12. <sup>3</sup>*Ibid.*

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recommends solutions to address the myriad factors that impact our safety, including health, housing, and education.

### THE PROBLEM: DISINVESTMENT IN COMMUNITIES

Long-term disinvestment in communities of color and low-income communities constitutes a public health crisis in Oakland. In 2015, a report by the Alameda County Public Health Department concerning issues of high and persistent poverty revealed that within many parts of poverty-stricken areas high poverty rates have persisted for the last five decades. In that same report, parts of East and West Oakland were among those areas experiencing persistent high concentrations of poverty with Black and Latino communities most affected.<sup>4</sup>

This plight of poverty is historically rooted in structural racism. Throughout the early and mid-20th century, bank and government redlining practices forced Black communities into racially segregated and devalued areas. Black people were also routinely denied home loans, barring their ability to accumulate wealth through homeownership.<sup>5</sup> These communities were further devastated by displacement in the 1950s and 1960s by federal highway construction, disinvestment in urban communities and social welfare programs, and increased investment in “tough on crime” policies as wholesale solutions to widespread poverty.<sup>6</sup>

The areas of Oakland highlighted in the county’s *Persistent Poverty in Alameda County* report also face some of the lowest life expectancies, levels of employment, and educational attainment in the county.<sup>7</sup> However, the response to these dire circumstances has not been to adjust policies and increase services to these communities. Rather, these flatlands that are home to majority Black and Latino high-poverty communities, are heavily policed by the Oakland Police Department (OPD), but continue to have the highest rates of violent crimes in the city.<sup>8</sup> This reveals that antiquated solutions like policing are ineffective at uprooting poverty and crime.

The poor state of relations between community and police is further evidenced by an *East Bay Express* report finding that the majority of people shot and killed by OPD since 2003 have been Black and from these neighborhoods.<sup>9</sup> Furthermore,

<sup>4</sup>Alameda County, Alameda County Health Care Services Agency, Story Map Series. Persistent Poverty in Alameda County, 2013 <http://ac-hcsa.maps.arcgis.com/home/index.html> (accessed June 28, 2017). Within this report, high poverty is defined as when at least 20% of individuals in a census tract were living below the poverty line. <sup>5</sup>Ibid. <sup>6</sup>Ibid. <sup>7</sup>Alameda County Public Health Department, Community Assessment, Planning, Education, and Evaluation, “How Place, Racism, and Poverty Matter for Health in Alameda County,” an update of Life and Death of Unnatural Causes: Health and Social Equity in Alameda County 2012, <http://www.acphd.org/media/383224/healthequity.pdf> (accessed June 28, 2017). <sup>8</sup>Barreira, Alex, and Arielle Swedback, “Law Enforcement Killed 90 Oakland Residents Since 2000, And 74 Percent Were Black,” *East Bay Express*, June 15, 2017, <https://www.eastbayexpress.com/oakland/law-enforcement-killed-90-oakland-residents-since-2000-and-74-percent-were-black/Content?oid=4940357> (accessed June 16, 2017). <sup>9</sup>Ibid.

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a 2016 Stanford University study working in compliance with federal monitoring of OPD found that police officers demonstrated considerable bias against Black people with regards to stops, searches, placement in handcuffs, and arrests, as compared to white people.<sup>10 11</sup>

In communities of color, police interventions too often have resulted in an escalation, not reduction, of violence or conflict, and have not improved the mental health, wellbeing, or safety of communities in crisis.

## POLICE DEPARTMENT BUDGET EXPANSION

For the past two decades, OPD has received the largest share of the city of Oakland's general fund, at roughly 40%,<sup>12</sup> and its spending has grown at a faster rate than the city's general fund. However, this lion's share of the city's budget has not produced positive results in policing or community building. In fact, OPD was placed under federal monitoring in response to the "Rough Riders" scandal<sup>13</sup> in 2003, in which veteran OPD officers were discovered to have routinely planted evidence and brutalized citizens. It is worth noting that in the 2016-17 fiscal year, police expenditures mid-cycle were \$234,237,981, approaching double that of the next highest departmental expenditure (Oakland Fire Department at \$127,204,328).<sup>14</sup>

The growth and prioritization of OPD's budget mirrors the national trend of expanding policing and incarceration while simultaneously dismantling the social safety net. Often other city departments receive little to no increase in funding, or in fact lose funding, as a result of this growth. According to the East Bay Express, Oakland allocates a higher percentage of its budget to policing than cities of comparable size and with similar crime rates.<sup>15</sup> Additionally, OPD liability suits<sup>16</sup> and the federal monitoring program have cost the city millions of dollars,<sup>17</sup> precluding investment in programs supporting Oakland's most vulnerable.

Ironically, the police have become the primary responders to public health problems produced by decades of disinvestment and systemic racism while confronting their own internal issues of misconduct, racial discrimination, failure

<sup>10</sup>Faculty, Social Psychological Answers to Real-world Questions, Stanford University Department of Psychology, "SPARQ Scientists Release Oakland Police Findings," June 15, 2016, <https://sparq.stanford.edu/opd-reports> (accessed June 28, 2017). <sup>11</sup>Barker, Clifton B., "Stanford Big Data Study Finds Racial Disparities in Oakland, Calif., Police Behavior, Offers Solutions," Stanford News, Stanford University, August 11, 2016, <https://news.stanford.edu/2016/06/15/stanford-big-data-study-finds-racial-disparities-oakland-calif-police-behavior-offers-solutions/> (accessed June 16, 2017) <sup>12</sup>Open Budget: Oakland, "Detailed Breakdown: 2013-15 Adopted Budget," <http://openbudgetoakland.org/2013-2015-adopted-budget.html#fy14-15.expense> (accessed October 23, 2017). <sup>13</sup>Quinlan, Casey, "3 Chiefs in 9 Days: Oakland Police Department in Scandal Meltedown," Think Progress, June 18, 2016, <https://thinkprogress.org/3-chiefs-in-9-days-oakland-police-department-in-scandal-meltdown-3eced7d4713b/> (accessed June 18, 2017). <sup>14</sup>City of Oakland, Office of the City Administrator, "FY 2017-19 Budget Briefing," January 21, 2017, File #: 16-0527, <https://oakland.legistar.com/LegislationDetail.aspx?ID=2907753&GUID=49DE8153-237E-45F3-9BD B-4DF580454AD9&Options=&Search=> (accessed June 28, 2017). <sup>15</sup>BondGraham, Darwin, and Ali Winston, "Throwing More Money at Police," East Bay Express, May 29, 2013, <https://www.eastbayexpress.com/oakland/throwing-more-money-at-police/Content?oid=3560590> (accessed June 28, 2017). <sup>16</sup>Ibid. <sup>17</sup>DeBolt, David, "Oakland Police in 13th Year of Federal Oversight," The Mercury News, July 13, 2016, <http://www.mercurynews.com/2016/07/13/oakland-police-in-13th-year-of-federal-oversight/> (accessed June 16, 2017).

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to enact reforms, and complying with federal mandates. But first responders have not been trained in how to respond to public health problems, resulting in a volatile public safety environment in Oakland, in which its residents' health and stability suffers, particularly in low-income communities of color. Ultimately, social problems fundamentally tied to poverty, lack of access to healthcare and employment, and structural racism are criminalized instead of being addressed.

### ELLA BAKER CENTER COMMUNITY SAFETY PLAN: A NEW WAY FORWARD

Central to the Ella Baker Center's vision for community safety in Oakland is the implementation of public health solutions to public health issues, which are too often relegated to law enforcement. This necessitates reinvesting funds in public health infrastructure to address the true drivers of crime and to ameliorate the burdens of endemic poverty, criminalization, and other health-related concerns impacting people of color and low-income communities in Oakland.

In April 2016, Mayor Schaaf released the Oakland Comprehensive Community Safety Plan, developed to address historical inequality and community violence impacting low-income people of color in the city.<sup>18</sup> The plan identified housing, education, and employment opportunities as central means of interrupting cycles of community violence, and proposed a commitment to develop trauma-informed and restorative justice practices to heal and care for communities impacted by structural and interpersonal violence and trauma. The mayor's plan identifies community-police relations, as well as improved oversight and accountability, as central to the goal of transforming Oakland into a restorative city.

**To more effectively improve public safety in Oakland,** the Ella Baker Center advocates for a comprehensive definition of safety, embodied by Freedom Cities, an emerging movement initiated with Black Alliance for Just Immigration and Enlace.<sup>19</sup> Conceived by those directly affected by policies that incarcerate, displace, and marginalize communities of color, the central tenet of Freedom Cities is a belief that communities will only be safe when everyone lives with dignity and has the opportunity to thrive without fear of physical violence, racial injustice, and economic oppression.

**As such, our vision for public safety centers on health and wellbeing,** prioritizes prevention over criminalization, and increases access to healthcare, housing, education, employment, and other supportive services. Safety begins with healthy communities, and healthy communities are created by building opportunity for all residents of Oakland.

<sup>18</sup>Oakland Comprehensive Community Safety Plan, April 2016. <sup>19</sup>Freedom Cities, <http://www.freedomcities.org/> (accessed November 20, 2017).

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We must directly address the public health and economic concerns that manifest in the forms of mental illness, substance use disorders, homelessness, the commercialized sex trade, and the school-to-prison pipeline by reinvesting in models and interventions that support people—especially those in crisis—rather than criminalize them. A model that can have an impact in many of these areas is one that incorporates restorative practices into important aspects of how the city dispenses justice and addresses violence. Our community safety plan for Oakland identifies current gaps and inefficiencies in adequately addressing these public health issues, and offers recommendations for a new way forward.

### COMMUNITY-BASED SUPPORT FOR MENTAL HEALTH CONCERNS

Since the 1970s, California's spending on incarceration has more than doubled, while state spending on mental health has continued to decrease.<sup>20</sup> From 2009 to 2011, state expenditures related to mental health decreased by nearly \$600 million.<sup>21</sup>

Disinvestment from healthcare infrastructure in Alameda County and the City of Oakland has led to negative public health outcomes. The number of available beds at the county's primary mental health service provider, John George Psychiatric Hospital, has decreased over the past three decades, despite population increases and increased demand for services. As of 2016, the county psychiatric hospital's admissions rate was only 15.8%, meaning the vast majority of patients brought to the facility are released back into the community without treatment. This increases the degree to which members of law enforcement are relied upon to respond to instances of mental health crises enormously.<sup>22</sup> When the police act as first responders and bring individuals to the hospital to receive treatment, the majority are released, unable to receive the treatment and support they need, further contributing to high rates of incarceration and homelessness for people with mental illnesses. Although state mental health budgets have realized an increase, those gains will not accommodate the years of disinvestment in mental health services and compounded problems resulting from that disinvestment.

The OPD receives the highest number of calls relating to mental health crises and services in the county, on average responding to 26-30 calls a day.<sup>23</sup> Additionally, between 2009 and 2014, there has been a rise of approximately 50% in the

<sup>20</sup>University of California, "State Spending on Corrections and Education," December 23, 2015, The Regents of the University of California, <https://www.universityofcalifornia.edu/infocenter/california-expenditures-corrections-and-public-education> (accessed June 28, 2017).

<sup>21</sup>Honberg, Rob, Sita Diehl, Angela Kimball, Darcy Gruttadaro, and Mike Fitzpatrick, "State Mental Health Cuts: A National Crisis," National Alliance on Mental Illness, March 2011, <https://www.nami.org/getattachment/About-NAMI/Publications/Reports/NAMISateBudgetCrisis2011.pdf> (accessed June 28, 2017). <sup>22</sup>McDede, Holly, "Mental Health 911," East Bay Express, April 6, 2016, <https://www.eastbayexpress.com/oakland/mental-health-911/Content?oid=4738676> (accessed June 16, 2017). <sup>23</sup>Alameda County Behavioral Health Care Services, and Oakland Police Department, "MOBILE EVALUATION TEAM M.E.T. Project Update," September 26, 2016, [http://www.acgov.org/board/bos\\_calendar/documents/DocsAgendaReg\\_9\\_26\\_16/HEALTH%20CARE%20SERVICES/Regular%20Calendar/BHCS\\_Oakland\\_Policy\\_Dept\\_Mobile\\_Evaluation\\_Team\\_9\\_26\\_16.pdf](http://www.acgov.org/board/bos_calendar/documents/DocsAgendaReg_9_26_16/HEALTH%20CARE%20SERVICES/Regular%20Calendar/BHCS_Oakland_Policy_Dept_Mobile_Evaluation_Team_9_26_16.pdf) (accessed June 28, 2017).

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number of mental health-related calls that OPD receives.<sup>24</sup> Unfortunately, because police are not equipped to respond to these crises, their handling of situations involving disabilities and mental illness can prove deadly. In fact, people with mental illness are 16 times more likely to be killed by police.<sup>25</sup> According to a report published by the Ruderman Family Foundation, half of people killed by police nationwide have some kind of disability.<sup>26</sup>

One solution is a collaboration between Alameda County Behavioral Health Services and OPD to integrate Crisis Intervention Training (CIT) into OPD's mental health and crisis response protocol. The collaboration is inspired by the Memphis model of mental health crisis intervention, which aims to improve officer and public safety by redirecting people from the judicial system to the healthcare system.<sup>27</sup> Oakland's program, launched in November 2015, is called the Mobile Evaluation Team (MET) and is primarily utilized for responses to calls from East Oakland. MET works to provide crisis intervention on site and referral services and treatment alternatives to avoid arrest, incarceration, or involuntary psychiatric hospitalization.

As part of this program, OPD officers receive CIT, and are paired with a licensed clinician from the County Crisis Response Program to respond to calls. The data collected from the September 2016 project update show that three-quarters of the calls made were in response to Black (56%) and Latino (20%) individuals. While the program has not yet been utilized for all OPD calls relating to mental health crises, the program has increased its capacity from 5-6 calls a day to 8-9 calls a day on multiple occasions. This program should be expanded to serve as the first line response to mental health crises rather than continuing to rely on a law-enforcement-first model.

Crisis Intervention Teams have been well studied. Compared to when police were called, CITs have higher rates of resolving situations, making referrals to mental health treatment, immediately transporting the person to a health facility that can deal with a crisis, and reducing unnecessary incarceration. This training is also associated with a sharply reduced risk of injury from police-resident interactions.

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<sup>24</sup>Ibid.

<sup>25</sup>Szabo, Liz, "People with Mental Illness 16 times More Likely to Be Killed by Police," USA Today, Gannett Satellite Information Network, December 15, 2016, <https://www.usatoday.com/story/news/2015/12/10/people-mental-illness-16-times-more-likely-killed-police/77059710/> (accessed June 16, 2017). <sup>26</sup>Perry, David M. and Lawrence Carter-Long, "The Ruderman White Paper on Media Coverage of Law Enforcement Use of Force and Disability," Ruderman Family Foundation, March 2016, [https://issuu.com/rudermanfoundation/docs/ruderman\\_white\\_paper/5?e=23350426/33988851](https://issuu.com/rudermanfoundation/docs/ruderman_white_paper/5?e=23350426/33988851) (accessed June 28, 2017). <sup>27</sup>Dupont, Randolph, Sam Cochran, and Sarah Pillsbury, "Crisis Intervention Team Core Elements," The University of Memphis, September 2007, <http://cit.memphis.edu/pdf/CoreElements.pdf> (accessed June 28, 2017).

**To improve the city's ability to respond effectively to mental health issues among its residents, the Ella Baker Center offers the following recommendations:**

- Expand programs like the Mobile Evaluation Team, transitioning from law enforcement responses to mental health crises to a more suitable public health response to circumstances arising from mental health conditions, thereby avoiding unnecessary arrest and detention.
- Provide Crisis Intervention Training for all Oakland Police Department officers and supervising officers, with a focus on nonviolent de-escalation tactics.
- Provide additional funding and resources to support Alameda County expansion of residential, outpatient, and community-based mental health services for adults and youth with multi-modal treatment strategies.
- Develop a Post Crisis Mentoring Program to reduce repeated hospitalizations and crises by using positive peer support, mentoring, and increased community connections and engagement. The program should also expand intensive care management, resource coordination for patients upon discharge from psychiatric emergency services.
- Allocate multi-year funding diverted from the Police Department's existing budget in order to transition non-emergency police calls to a dispatch line that responds to issues of mental illness with treatment and provision of services from health practitioners.

**PUBLIC-HEALTH CENTERED APPROACHES TO SUBSTANCE USE DISORDERS**

The War on Drugs is a clear example of both racial disparities in policing and incarceration and of racial disparities in treatment of public health issues in communities of color. Chemical dependence, substance use, and drug abuse have been systematically met with criminalization rather than much needed treatment in low-income and communities of color. The War on Drugs also failed to address socioeconomic factors driving involvement in drug trade, instead relying entirely on policing and incarceration.

The reliance upon methods of policing as opposed to medical care for drug use endangers lives. The leading cause of death when exiting incarceration is drug overdose, illustrating the life-threatening risk incarceration poses for those who

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use drugs and lack effective treatment while in custody.<sup>28</sup> In recent years, the rate of opioid-related deaths in Alameda County has risen, and the majority of drug overdose deaths are a result of opioid use.<sup>29</sup> Additionally, the City of Oakland represents the highest number of emergency room visits in the county for opioid poisoning and use disorders.<sup>30</sup>

The decriminalization of drug possession would allow for reinvestment of millions of dollars into the development of much needed drug treatment and harm reduction services. Many countries across the globe, including Portugal and Colombia, have decriminalized drug possession and consumption and, in place of these punitive measures, have developed advanced treatment options.<sup>31</sup> In the case of Portugal, which passed comprehensive decriminalization in 2001, there has been a decrease in problematic and adolescent drug use, a decrease in drug-related deaths, and an increase in provision of treatment. In California, as well as a number of states across the U.S., decriminalization and regulation of marijuana has opened the door for resentencing, release, and record clearance for individuals incarcerated on marijuana-related charges. It has also allowed for reinvestment of revenue generated by the regulated sale of marijuana.

In 2014, California voters passed Proposition 47, “The Safe Neighborhoods and Schools Act,” which presents a model for reinvestment in prevention. Through Prop 47, which reduced certain nonviolent, non-serious drug and property wobblers from felonies to misdemeanors, more than 18,000 people have been resentenced and released.<sup>32</sup> Under Prop 47, those savings of approximately \$156 million in incarceration costs should be reinvested in drug treatment, mental health services, victim services, and K-12 programs for at-risk students.<sup>33</sup> With voters approving the decriminalization and regulation of marijuana in the November 2016 election, the benefits of resentencing and release, as well as reinvestment back into communities will only increase.

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<sup>28</sup>Jones, Mark, “Mortality Rates and Cause of Death Among Former Prison Inmates in North Carolina,” *North Carolina Medical Journal*, Vol. 78 no. 4, (July-August 2017): 223-229. <sup>29</sup>Alameda County Public Health Department, Community Assessment Planning and Evaluation Unit, “Opioids in Alameda County,” *Opioids in Alameda County 2016*, <http://www.acphd.org/media/444223/opioid-brief.pdf> (accessed June 28, 2017). <sup>30</sup>*Ibid* <sup>31</sup>Rosmarin, Ari and Niamh Eastwood, “A Quiet Revolution: Drug Decriminalisation Policies in Practice Across the Globe,” *Release: Drugs, The Law and Human Rights*, 2012, <http://www.countthecosts.org/sites/default/files/release-quiet-revolution-drug-decriminalisation-policies.pdf> (accessed June 28, 2017). <sup>32</sup>Drummond, Tammerlin, “Alameda County to use \$6 million in Prop 47 funds to help formerly incarcerated get second chance,” *East Bay Times*, June 5, 2017, <http://www.eastbaytimes.com/2017/06/05/alameda-county-to-use-6-million-in-prop-47-funds-to-help-formerly-incarcerated-get-second-chance/> (accessed June 28, 2017). <sup>33</sup>Drug Policy Alliance, “Approaches to Decriminalizing Drug Use and Possession,” February 9, 2016, <http://www.drugpolicy.org/resource/approaches-decriminalizing-drug-use-and-possession-englishspanish> (accessed June 28, 2017).

**To more effectively respond to substance use issues with public health methodologies and practices, the Ella Baker Center offers the following recommendations:**

- Provide accessible pathways to felony record classification for all eligible Prop 47 offenses to maximize reclassification by November 4, 2022, the statutory deadline for applications for reclassification, including free rap sheets, legal support after regular business hours, etc.
- Provide increased resources for additional community-based substance use treatment programs to serve as alternatives to incarceration.
- Allocate funding to dispatch public health response teams throughout Oakland to intervene when there are challenges related to substance use.
- Divert non-emergency police calls to a dispatch line that responds to issues of substance use with a provision of services and treatment from health practitioners.
- Provide funding for health clinicians to do in-reach to jails with people reentering who are at risk of overdose, and intensive follow up for the first two weeks outside.
- Provide funding for participants in treatment programs to also access job training and career ladder programs to stabilize themselves economically.

## **ACCESSIBLE AND AFFORDABLE HOUSING**

On any given day, approximately 12,700 people are impacted by homelessness in Alameda County, with about half living in Oakland.<sup>34</sup> As of 2015, 69% of homeless people in Oakland were Black.<sup>35</sup> There is also a strong link between homelessness and mental illness; from 2011 to 2013 there was a 35% increase in the number of homeless people who have mental illnesses in the county.<sup>36</sup>

Homelessness is strongly linked to disinvestment from systems of support like healthcare and affordable housing, and increased investment in policing. The city's Permanent Access to Housing (PATH) Strategy estimates that to end homelessness in Oakland, the city will need to establish and maintain roughly 7,000 affordable and supporting housing units. To accomplish this goal,

<sup>34</sup>Greiff, Debbie and Kate Bristol, "Oakland Permanent Access to Housing Strategy (PATH), Oakland City Council, May 8, 2007, <http://www2.oaklandnet.com/oakcal/groups/dhs/documents/report/oak022659.pdf> (accessed June 6, 2017). <sup>35</sup>City of Oakland California, "Recommendations To PATH Funding For 2015-2016," January 6, 2015, <https://oakland.legistar.com/LegislationDetail.aspx?ID=2261806&GUID=31D5212B-8460-4A52-A6F0-24A87397708B&Options=ID%7CText%7C&Search=homeless> (accessed June 6, 2017). <sup>36</sup>Ibid.

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approximately \$1 billion in funding from commencement in 2007 to the projected end date of 2020 will be required.<sup>37</sup>

While issues of homelessness and displacement have been major public health concerns in Oakland, the expenditures of the department of Housing and Community Development was 0.06 (one six hundredth) of OPD's expenditures in the FY17-19 midcycle budget. The prioritization of policing results in the criminalization and incarceration of people impacted by homelessness, which then cyclically produces more homelessness instead of providing short-term or long-term relief. Homeless people are often issued citations for loitering and trespassing, and the inability to pay the fines associated with such citations can result in arrest and incarceration.<sup>38</sup> Furthermore, criminal records and legal debts associated with the criminalization of homelessness have a negative impact on housing stability.

In particular, the practices by the Oakland Housing Authority Police Department demonstrate the need to shift funding away from policing and criminalization. Investigations by the Lawyers' Committee for Civil Rights indicate a pattern of racially discriminatory policing practices by the Department. Several people—all young, Black men—have reported being stopped, questioned, and told to leave public areas near their apartments by officers who are tasked with policing only public housing residents. These stops are not for law enforcement purposes; rather, they constitute a pattern of harassment under the guise of police work.<sup>39</sup>

The City of Oakland is currently in the midst of an affordable housing crisis, with rising housing prices forcing long-time residents out of their communities, and placing people of color, low- and middle-income households, people with disabilities, veterans, and the elderly at particular risk of displacement, homelessness, and criminalization.<sup>40</sup> Dual burdens of increasingly expensive housing and the lack of a social safety net mean that for many, displacement results in homelessness. According to a recent survey, 41% of homeless people in Oakland became homeless when they were 50 years of age or older as a result of this affordable housing crisis.<sup>41</sup>

Homeless encampments like the Village in Grove Shafter Park that were set up by volunteers to provide homeless people with shelter, food, and clothing are considered unlawful and have been dismantled by the police.<sup>42</sup> Clearing of encampments only further disrupts access to housing stability for homeless

<sup>37</sup>Greiff, "Oakland Permanent Access to Housing Strategy." <sup>38</sup>BondGraham, Darwin, "UC Berkeley Researchers: Oakland's Homeless Camp Policies Are Contradictory, Harmful," East Bay Express, March 23, 2017, <https://www.eastbayexpress.com/SevenDays/archives/2015/12/30/berkeley-researchers-oaklands-homeless-camp-policies-are-contradictory-harmful> (accessed June 28, 2017). <sup>39</sup>Pond, Jude. "Re:Thanks for meeting + Follow up re Housing auth police". Message to Angelo Sandoval. November 8th, 2017. <sup>40</sup>Rose, Kalima and Margaretta Lin, "A Roadmap Towards Equity: Housing Solutions for Oakland, California," City of Oakland: PolicyLink (2015), <http://www.policylink.org/sites/default/files/pl-report-oak-housing-070715.pdf>. <sup>41</sup>Ibid. <sup>42</sup>Lefebvre, Sam, "City of Oakland Clears Out The Village Homeless Encampment," East Bay Express, February 7, 2017, <https://www.eastbayexpress.com/oakland/tk-web/Content?oid=5104385> (accessed June 30, 2017).

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residents. Ontario, California, Portland, Oregon, and King County, Washington have successfully implemented models of city-sanctioned encampments to provide immediate relief to people impacted by homelessness, with camps serving between 60 and 120 people.<sup>43</sup>

West Oakland's District 3, represented by Councilmember Lynette Gibson-McElhaney, contains approximately 73% of the city's homelessness population,<sup>44</sup> conservatively estimated to be 1,400 people, according to a one-night census in 2015. Councilmember Gibson-McElhaney obtained and allocated \$190,000 to support a city-sanctioned encampment in October 2016 as part of a "Compassionate Communities" pilot program. This program has provided shelter for 60 people, with 21 ultimately transitioning into some other form of housing, either transitional or permanent.<sup>45</sup>

### **In order to provide better short-term and long-term support to people impacted by the lack of adequate affordable housing, the Ella Baker Center offers the following recommendations:**

- Expand emergency housing options like the Compassionate Communities pilot program to allow for development and maintenance of additional homeless encampments.
- Increase funding to transitional housing programs for families welcoming home members from jail or prison and for individuals returning from jail or prison.
- Increase funding to programs that provide Permanent Supportive Housing models, with other supportive services such as substance use treatment, mental and physical healthcare, access to government benefits, and ongoing case management.
- Eliminate barriers for people with criminal records that hinder access to public housing, including decreasing look-back periods to no longer than three years and permitting families in public housing to live with relatives returning from jail or prison.
- Increase the number of affordable housing units available in Oakland by 15% and decrease the barriers that impede access to those affordable units (e.g., low credit scores, no credit scores, or previous evictions).

<sup>43</sup>Jones, Justin Patrick, Khalia Parish, Peter Radu, Taylor Smiley, and Jenny Van Der Heyde, "Alternatives to Unsanctioned Homeless Encampments," University of California, Berkeley, Goldman School of Public Policy, 2015, [https://gspp.berkeley.edu/assets/uploads/page/15-13160\\_-\\_Goldman\\_Student\\_Report\\_-\\_Final\\_Draft\\_-\\_May\\_11\\_2015\\_reduced\\_size.pdf.pdf](https://gspp.berkeley.edu/assets/uploads/page/15-13160_-_Goldman_Student_Report_-_Final_Draft_-_May_11_2015_reduced_size.pdf.pdf). <sup>44</sup>Lefebvre, "City of Oakland Clears Out The Village Homeless Encampment." <sup>45</sup>Ibid.

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- Cease citing status infractions associated with homelessness (e.g., loitering and trespassing).
- Reinvest half of Oakland Housing Authority's Police Department funding into affordable housing, given the Department's history of unjust and corrupt practices.<sup>46</sup>
- Increase funding to job training and career ladder programs in order to create the circumstances that would allow someone growing up in Oakland to afford to live in Oakland. Such a project could be similar to the Measure Y and Z violence prevention programming dollars (described in more detail on page 21).

## PROTECTING EXPLOITED PEOPLE IN OAKLAND'S COMMERCIAL SEX TRADE

The FBI has named the greater Bay Area as a national child trafficking hot spot, one of thirteen across the country.<sup>47</sup> However, instead of focusing on prevention and addressing systemic causes such as lack of economic opportunity or education, Oakland overwhelmingly criminalizes these youth. The current policing practices are balanced in favor of those purchasing sexual services and those who profit from the sales. Little protection is offered to sexually exploited youth forced into the commercial sex industry, or other individuals engaging in sex work as a means of survival.

In Oakland, 70% of arrests made related to trafficking were of the women being trafficked, not those who engage in trafficking themselves or those who purchase sex from these women.<sup>48</sup> Policing of the commercial sex trade has overwhelmingly resulted in the criminalization of low-income people and women of color, queer, trans, and gender nonconforming people, and especially those living at the intersections of these identities, as they are most likely to engage in sex work as a means of survival.

OPD represents the city's primary point of contact with child victims of sex trafficking. The department targets child victims for arrest as their primary means of providing relief to victims and pursuing people who engage in trafficking, in effect punishing these youth for being victims of abuse.<sup>49</sup> It is largely through

<sup>46</sup>Smith, Matt. "Reinventing the past: The head of the park patrol has some explaining to do." SF Weekly. Wednesday June 23rd, 2010. <https://archives.sfweekly.com/sanfrancisco/reinventing-the-past/Content?oid=2177623> <sup>47</sup>"Trafficked Teen Girls Describe Life In 'The Game.'" Youth Radio, NPR, December 6, 2010, <https://www.npr.org/2010/12/06/131757019/youth-radio-trafficked-teen-girls-describe-life-in-the-game> (accessed June 30, 2017). <sup>48</sup>Queally, James, "Can Oakland police save trafficking victims in the wake of its own sex scandal?" Los Angeles Times, July 6, 2016, <http://www.latimes.com/local/lanow/la-me-in-oakland-sex-trafficking-20160707-snap-story.html> (accessed June 30, 2017). <sup>49</sup>"Arresting Youth In Sex Trafficking Raises Debate." Youth Radio, NPR, December 7, 2010, <https://www.npr.org/2010/12/07/131757175/arresting-youth-in-sex-trafficking-raises-debate> (accessed June 30, 2017).

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arrest by police and prosecution that these youth are connected to support services, but the youth are further traumatized by the requirement that they cooperate with law enforcement officers who may not treat them as victims in prosecuting people who engage in trafficking. In addition to the damage that can be wrought from youth contact with the criminal justice system, in 2016 more than 30 officers and sheriff's deputies from various police agencies including OPD sexually exploited a child sex worker.<sup>50</sup> This behavior by those entrusted with the safety of our children further demonstrates the harm that results from positioning work related to sex trafficking in the punitive arms of the state.<sup>51</sup>

Lastly, the collateral consequences of a criminal record create barriers to housing, employment, and other services that are contrary to acknowledging that youth involved in sex trafficking are victims.

The City of Oakland created a Task Force to address Commercial Sexual Exploitation of Children (CSEC) and is represented on Alameda County's H.E.A.T (Human Exploitation and Trafficking) Watch since Oakland is recognized as a local and national hub for child sex trafficking.<sup>52</sup> H.E.A.T Watch developed and adopted a set of recommendations called CSEC Protocols:

**The following Protocol recommendations were designed to enable public and private agencies that work with exploited youth to partner and respond to their specific needs while holding traffickers accountable:**

1. A designated agency representative(s) who will serve as the point-person for communication with other partner agencies regarding commercial sexual exploitation of children cases;
2. Agency participation in CSEC related meetings and trainings;
3. Compilation of data related to commercial sexual exploitation of children which documents the agency's response to identified exploited youth.<sup>53</sup>

These efforts at the county and city level are appreciated as a step in the right direction, but could go further in terms of supporting trafficking victims. These priorities also do not address the community impact of commercial sex trafficking or the rebuilding of lives of exploited youth.

<sup>50</sup>BondGraham, Darwin, "Amid Calls to 'Defund' Oakland Police, City Settles \$989,000 Claim of Sexually Exploited Teen 'Celeste Guap,'" East Bay Express, June 28, 2017, <https://www.eastbayexpress.com/SevenDays/archives/2017/05/31/amid-calls-to-defund-oakland-police-city-settles-989000-claim-of-sexually-exploited-teen-celeste-guap> (accessed June 30, 2017). <sup>51</sup>Queally, "Can Oakland Police save Trafficking Victims in the Wake of Its Own Sex Scandal?" <sup>52</sup>O'Malley, Nancy, "H.E.A.T. Watch: Stop Human Exploitation and Trafficking Toolkit." Office of the District Attorney, Alameda County, [http://toolkit.heatwatch.org/files/Toolkit\\_Exec\\_Summary\\_compressed.pdf](http://toolkit.heatwatch.org/files/Toolkit_Exec_Summary_compressed.pdf) (accessed June 30, 2017). Hereafter abbreviated H.E.A.T. Watch. <sup>53</sup>O'Malley, "H.E.A.T. Watch, 17.

**To more effectively prevent sex trafficking in Oakland without criminalizing victims, the Ella Baker Center offers the following recommendations:**

- Cease the arrest, detention, and prosecution of youth victims of sex trafficking and provide an automatic mechanism to seal juvenile records.
- Create and/or expand a multidisciplinary, community-based wrap-around program that is trauma-informed, and culturally relevant to which youth participants in the commercial sex trade can be diverted.
- Divert non-emergency police calls to a dispatch line that responds to incidents of sex trafficking.
- Treat the commercial sex trade as a public health issue with appropriate public health responses, such as decriminalization of sex work.
- Increase funding to CSEC-specific transitional housing programs like Dream Catchers.
- Require school employees to receive training on warning signs for youth at-risk as trafficking victims or who may already be participating in the commercial sex trade.

## **SUPPORTIVE INTERVENTIONS FOR STUDENT BEHAVIOR**

The school-to-prison pipeline refers to the pattern in which school-age youth, and especially youth of color, are criminalized inside and outside of schools and are diverted into the juvenile justice system. The Oakland Unified School District (OUSD) is made up of elementary, middle, high, public charter, and alternative schools, as well as adult education, and childhood development centers. OUSD is a diverse school district in terms of racial classifications, socioeconomic status, and languages spoken, but data reveals a heavy reliance on policing in schools for discipline. The Black Organizing Project, Public Counsel, and the ACLU of Northern California published a report in 2013, *From Report Card to Criminal Record: The Impact of Policing on Oakland Youth*, which revealed that from 2011-2013, Black students made up 73% of the 85 arrests made by the Oakland School Police Department, despite only constituting 30.5% of the Oakland Unified School District's student population.<sup>54</sup>

<sup>54</sup>Byers, Jacquelyn, Jasmine Jones, Misha Cornelius, Jory Steele, Christopher Bridges, Laura Faer, and Sarah Omojola, *From Report Card to Criminal Record: The Impact of Policing on Oakland Youth*, Black Organizing Project, Public Counsel, and the ACLU of Northern California, August 2013, <http://www.publiccounsel.org/tools/assets/files/0436.pdf>.

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An arrest doubles the likelihood that a student will drop or be pushed out of school. Moreover, contact with police as a youth is linked to involvement with the criminal justice system as an adult.<sup>55</sup> Oakland has a 63% graduation rate, the lowest rate of urban districts of comparable size across the state of California. The majority of students dropping or being pushed out of schools are youth of color. Part of the low graduation rate can be attributed to the ineffective means used to address troubling youthful behaviors, like policing and too few guidance counselors or adult mentors. When the report was released in 2013, Oakland Unified had 115 members of law enforcement, but only eleven counselors, four psychologists, and no social workers; displaying a heavy reliance on policing to address youth behavior challenges.<sup>56</sup>

In OUSD, Oakland School police officers, OPD police officers, security guards, and School Security Officers (SSOs) police Oakland youth. All receive funding via the city and OUSD. From Report Card to Criminal Record also revealed that none of these security or law enforcement personnel receive any specialized training tailored to the policing of school and youth. This lack of training results in the over usage of punitive measures such as arrest in response to “non-serious behavior,” thereby deterring vulnerable students from receiving support resources.<sup>57</sup> Police assigned to OUSD are armed and maintain the full police powers of the Oakland School Police and OPD.<sup>58</sup>

### **To address disciplinary challenges in schools without criminalizing youth, the Ella Baker Center offers the following recommendations:**

- Replace School Security Officers and other school-based law enforcement officers with trained restorative justice professionals and counselors trained in youth development.
- Enhance the counselor-to-student ratio to 1:250<sup>59</sup> in accordance with the standard identified by the American School Counselor Association.
- Withdraw from any collaboration or use of resources funded through the Federal 1033 program.<sup>60</sup>

<sup>55</sup>Critical Resistance, Policing in Oakland: A Year in Review, 2014, [http://criticalresistance.org/wp-content/uploads/2015/03/Policing\\_Yr\\_Review\\_2014\\_v2b\\_WEB.pdf](http://criticalresistance.org/wp-content/uploads/2015/03/Policing_Yr_Review_2014_v2b_WEB.pdf). <sup>56</sup>Ibid. <sup>57</sup>Critical Resistance, Policing in Oakland: A Year in Review. <sup>58</sup>Community Rights Campaign of the Labor/Community Strategy Center, and The Black Organizing Project, “The New “Separate and Unequal”: Using California’s Local Control Funding Formula to Dismantle the School-to-Prison Pipeline,” Labor/Community Strategy Center, March 2014, <http://www.blackorganizingproject.org/wp-content/uploads/2012/08/LCFF-POLICY-BRIEF-FINAL-VERSION-3-20-2014.pdf>. <sup>59</sup>The American School Counselor Association, “Student-to-School-Counselor Ratio 2013-2014,” 2014, raw data. <sup>60</sup>The 1033 Program, now known as the LESO Program, is sanctioned by the National Defense Authorization Act, allowing the Secretary of Defense to transfer excess Department of Defense personal property to federal, state and local law enforcement agencies with special emphasis given to combat drug and counter terrorism. California Governor’s Office of Emergency Services, <http://www.caloes.ca.gov/cal-oes-divisions/law-enforcement/public-safety-procurement-program/leso-program> (accessed November 19, 2017).

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- Reduce the ratio of police officer-to-students on K-12 campuses and decrease funding for more police officers on K-12 campuses.
- Increase funding for in-school programs that train students on restorative practices and offer therapeutic interventions for student behavior.
- Increase annual funding for Oakland student internships with city offices and summer jobs to offer career training opportunities to Oakland students to encourage career exploration and income opportunities rather than punitive behavior modification strategies.

## RESTORATIVE JUSTICE AND PUBLIC HEALTH SOLUTIONS FOR CITY OF OAKLAND

To create a safer Oakland for all of us, we must address crime and violence, along with mental health issues, substance use, homelessness, sex work, and school discipline. However, our current approach to reducing crime and violence is ineffective.

In the same way that we would not expect firefighters alone to determine what makes a healthy forest, the City of Oakland must implement community safety solutions that consider input and expertise from a wide variety of sources, and not focus solely on punitive justice and incarceration to address crime and public safety in our city.

Restorative justice models incorporate developments from diverse disciplines, including psychology, social work, sociology, education, criminology, and leadership development. Its fundamental premise is that through the act of repairing harm done to people and relationships, we can “develop community, manage conflict, build relationships, and increase social capital.” It also has been demonstrated that people respond better and more positively, and that results will be more impactful and sustainable, when subjects work in concert with people in positions of authority, rather than having things done to them or for them.<sup>61</sup>

A crucial rationale for choosing restorative justice over continued punitive models is that community safety is a public health issue.

The Ella Baker Center’s community safety plan for Oakland promotes a citywide commitment to restorative justice that includes specific public health solutions

<sup>61</sup>“What Is Restorative Practices?” 2015-2017, <https://www.iirp.edu/what-we-do/what-is-restorative-practices> (accessed October 2017).

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that embrace a different balance of resource allocation to address directly the systemic roots of inequality, entrenched poverty, and inadequate opportunity.

Where the criminal justice system focuses on whether a law was broken and what punishment should be meted, restorative justice emphasizes addressing the root causes of an offense, and involving a community-oriented focus on relationships, mentoring, and opportunity—not only a law enforcement solution. School counselors and teachers, social workers, housing advocates, medical providers, faith leaders, and many others join forces to address why a harm was committed, how to repair the harm, and how to prevent other harms from being committed in the future. In essence, the entire community infrastructure comes together to invest in the lives of those community members living in unsafe and underserved communities, which in turn serves to make all our communities safer.

Restorative justice is comprised of a continuum of community-oriented approaches including “victim-offender dialogues, circles of support and accountability, and peacemaking circles,”<sup>62</sup> that can be employed at any time from pre-arrest to re-entry. Rather than police or school authorities referring cases to the standard legal process, they instead contact a nonprofit or community-based organization trained in restorative justice. Restorative justice tools incorporate mentoring, life-skills training, case management, cognitive developmental therapy, jobs, internships, and livable wages.

A key component of restorative justice is to view “violence prevention as a public health issue” that operates under a “positive...development perspective.”<sup>63</sup> Successful programs view the participant as an equal partner in building safe communities. This relational approach emphasizes building skills to recognize “thoughts and emotions; identify how situations, thoughts, and behaviors influence emotions; and improve feelings by changing dysfunctional thoughts and behaviors.”<sup>64</sup> The approach has been tested and proven effective across the U.S. and internationally at reducing recidivism rates and at the same time providing a higher level of victim satisfaction.

One such successful program, Advance Peace (AP), was founded in neighboring Richmond by DeVone Boggan. Dedicated to “ending the cyclical and retaliatory gun violence in American urban neighborhoods,”<sup>65</sup> AP developed a unique

<sup>62</sup>baliga, sujatha, Sia Henry, and George Valentine, “Restorative Community Conferencing: A study of Community Works West’s restorative justice youth diversion program in Alameda County,” Summer 2017, [http://impactjustice.org/wp-content/uploads/2017/07/CWW-Report\\_Final\\_6.14.17\\_electronic.pdf](http://impactjustice.org/wp-content/uploads/2017/07/CWW-Report_Final_6.14.17_electronic.pdf) (accessed October 2017). Hereafter abbreviated “Restorative Community Conferencing.”

<sup>63</sup>Wolf, Angie, Angie Del Prado Lippman, DeVone Boggan, Caroline Glesmann, and Estivaliz Castro, “Saving Lives: Alternative Approaches to Reducing Gun Violence,” *International Scholarly and Scientific Research & Innovation* 9(6), 2015, <https://scholar.waset.org/1999.10/10002661https://scholar.waset.org/1999.10/10002661> (accessed October 2017). <sup>64</sup>Cully, J.A. and A. L. Teten, “A therapist’s guide to brief cognitive behavioral therapy,” Houston, Texas Department of Veterans Affairs, South Central Mental Illness Research, Education, and Clinical Center, 2008, [http://www.mirecc.va.gov/visn16/docs/therapists\\_guide\\_to\\_brief\\_cbtmanual.pdf](http://www.mirecc.va.gov/visn16/docs/therapists_guide_to_brief_cbtmanual.pdf) (accessed October 2017). <sup>65</sup>Advance Peace, “Our Mission,” <https://www.advancepeace.org/about>, (accessed November 2017).

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partnership with the Richmond Police Department to bring down the city's murder rate by investing time, relationships, and money in those who were committing the bulk of violent acts in Richmond. Seven years into the program, AP is recognized as a national model for reducing gun violence. The nonprofit employs a team of neighborhood safety outreach agents who are intent on building viable relationships and developing trust with people committing violent acts. They recruit "fellows" and engage with them every day while a "circle of elders," provide intergenerational guidance. Together, they all create a "Life Management Action Plan" to address the myriad life areas that affect one's ability to stay safe and avoid criminal activity, including education, employment, personal safety, and housing. Each man's area of passion is pinpointed so AP can source internships with livable wages and connect the men to resources while assisting in navigating those resources.

Boggan described the cost benefit in financial terms: every time a young person is shot, the city paid a minimum of \$400,000 in legal costs and settlements. AP spends \$30,000 per fellow to keep him from shooting. Gun violence has been reduced by 71% in Richmond as of 2016, and Boggan expects that percentage to hit 80% 2017.<sup>66</sup>

The City of Oakland has already embraced aspects of restorative justice, specifically with Measure Y—the 10-year Violence Prevention and Public Safety Act of 2004, then replaced by the Public Safety and Services Violence Prevention Act of 2014 (Measure Z). These measures take a comprehensive approach to addressing the underlying issues of crime by marrying social services, criminal justice professionals, school personnel, nonprofits, and the faith community to build strong networks to mitigate the risk factors associated with violence. The city also has made a three-year commitment to build programs at Castlemont Community of Small Schools to give teenagers accused of crimes alternative resources to break the school-to-prison pipeline. Oakland has long supported programs like Restorative Justice for Oakland Youth (RJOY) operating at West Oakland Middle and Ralph Bunche Continuation Schools to eliminate violence, arrests, and expulsions with a laudable result of an 87% reduction in school suspensions.

A report published by Impact Justice details Community Works West's "Restorative Community Conferencing" (RCC) program that diverts youth away from the juvenile legal system. RCC provides a "process for resolving harm through an organized, facilitated dialogue in which young people, with the support of family and community members, meet with their crime victims to

<sup>66</sup>(Personal interview with DeVone Boggan, October 30, 2017.)

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create a plan to repair the harm caused by their offense.”<sup>67</sup> Of more than 100 young people who completed the program in one year, less than 20 percent were adjudicated “delinquent,” compared to 30 percent of youth in a control group who went through the traditional juvenile legal system. Recidivism rates for RCC youth rose only very slightly, while rates for the control group increased significantly over time. Perhaps more compelling to civic leaders: restorative justice projects like this offer tremendous cost savings. An RCC intervention has an average one-time cost of \$4,500, compared to an average \$23,000 per year for a youth on probation.<sup>68</sup>

The City of Oakland is at an inflection point, where it can decide to continue with punitive approaches, or break the cycle and strive for a more advanced approach that invests in developing the health and wellbeing of all its residents.

### **To move the City of Oakland towards becoming a Restorative City, the Ella Baker Center offers the following recommendations:**

- **Funding:** Expand significantly the city’s commitment to restorative justice initiatives. Invest 35% of public safety funds in the development, health, and wellbeing of Oakland residents. This funding will specifically ameliorate anti-social behavior and improve the health of city residents and Oakland as a whole.
- **Staffed agency:** Staff a new initiative within city government with a Director of Restorative Justice that is committed to making Oakland a Restorative City. Develop a comprehensive, detailed plan to incorporate restorative practices as an alternative to reliance on police practices. Hire “neighborhood change agents” as full-time city employees for their expertise and social capital in communities.
- **Hotline/app:** Cooperate with community organizations involved in designing and creating a hotline or web-based application that people can use to report a harm or conflict to the new restorative justice agency, which could deploy resources to help resolve conflicts before they escalate.
- **Trainings for law enforcement professionals:** It is vital that Oakland require everyone along the continuum of criminal justice to participate in comprehensive trainings on restorative justice.
- **Incorporate the language of restorative justice in all city dealings:** Normalizing the concepts and language of restorative justice is essential to moving forward.

<sup>67</sup>baliga, “Restorative Community Conferencing,” 1. <sup>68</sup>Ibid., 16.

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- **Accountability for civic past harms:** In a similar vein, it is important for city residents who have long been neglected or harmed by city, state, and federal policies for generations to hear from current officials that prior official and unofficial discrimination and racism was wrong, that this is the reason so many have been left behind for so many generations, and that the current city government is committed to reconciling past wrongs and making things right. This includes acknowledging egregious harms committed by the OPD against Black people and other communities of color and low-income communities over decades.
- **Budget impact negligible:** The City of Oakland should divert 15% of general funds toward reinvestment in communities that have for generations been faced with struggling schools, family separation, and a historic lack of opportunities as a direct result of being disproportionately policed and punished. Because there is a direct cost-benefit relationship to restorative practices, and there will be a new balancing of priorities with better results, the impact on the city's budget should be negligible. Additionally, with the new Restorative Justice agency in place the city could apply for grants from a number of foundations seeking alternatives to a strictly punitive approach to criminal justice.

## CONCLUSION

Everyone needs and wants to live in a safe community. The City of Oakland has an opportunity to bring this ideal to reality by shifting from a punishment-first approach to a public-health-centered approach.

By implementing public health and restorative justice solutions, Oakland can secure long-term stability and health in all of our neighborhoods. Rather than require law enforcement officers to serve as “first responders” in all situations—whether criminal activity is present or not—we can look to school counselors, teachers, and principals, social workers, nonprofits, medical professionals, faith leaders and others to provide relational and restorative services. This creates healthier and more sustainable communities across the city.

The Ella Baker Center's community safety plan for Oakland proposes a distinct departure from the status quo, backed by evidence and common sense, to respond to community safety issues as the public health problems they are. There is nothing more unhealthy than rampant violence, self-medication through

drug and alcohol use, hopelessness that leads to sex work and homelessness, and a historically racist “law and order” hierarchy that exclusively relies on punishment rather than treatment.

Our vision for our communities is simple: economically and socially thriving communities where people work and live in clean, safe neighborhoods free from crime, are able to provide security for their families, and where children can look to a future with greater opportunity. By prioritizing positive, community-based, public health solutions rather than punishment, we can chart a new future based on long-term change.



## **ABOUT THE ELLA BAKER CENTER FOR HUMAN RIGHTS**

Based in Oakland, California, the Ella Baker Center for Human Rights organizes Black, Brown, and low-income people to shift resources away from prisons and punishment and towards opportunities that make our communities safe, healthy, and strong. Our work is rooted in Truth and Reinvestment: reckoning with the history of racial injustice in our country, and reinvesting resources in the communities who have been most harmed.