

**Work Plan and Implementation Status Report  
Subcommittee on Policy and Operational Practices  
Reentry Council**

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**Purpose of the Subcommittee on Policy and Operational Practices**

Develop local policy and law, and shape state and federal policy and law to better reflect our shared vision.

<b>Need or Barrier</b>	<b>Recommendation</b>	<b>Status</b>	<b>Info to Gather and Possible Next Steps</b>
<p><b>Civil Rights &amp; Civic Engagement of Formerly Incarcerated People #1</b></p> <p>Legal Relief for Criminal Record</p> <p>Certain convictions may prohibit people from obtaining some State professional licenses.</p>	<p>Review and reduce overly broad State employment and vocational licensing restrictions based on criminal convictions unrelated to job. Ensure people with criminal histories have accurate information about impact of record on attainment of specific professions.</p>	<p>Often, there are not clear bars based on certain convictions, but there are certain convictions that may be deemed “substantially related” and require education and advocacy to seek license.</p>	<p>Educate people on how to get through licensure barriers since so many are not absolute restrictions. Could PDR advise all clients on a set of licensure restrictions? Ensure that our One Stops have correct information. Perhaps develop mythbusters series on issue, and utilize social media to roll this out.</p> <p>Get information from OEWD Workforce Development on the Public Education. Community College and Vocational Programs.</p> <p>Awareness Campaigns to encourage students/candidates to work on these issues prior to graduation or culmination of programs (With time the issues can be resolved, but often the cases come to the attention of advocates and organization closer to culmination and this does not allow enough time to find a solution.</p>

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<p><b>Civil Rights &amp; Civic Engagement of Formerly Incarcerated People #2</b>  Legal Relief for Criminal Record</p> <p>Lifetime registrations for some sex, arson, and drug offenses inhibit some individuals' safe and successful reintegration into communities.</p>	<p>Review and reduce overly broad impacts of lifetime registrations including those for sex, arson, and drug offenses that inhibit law abiding, low risk individuals from obtaining safe and legal housing and employment/related opportunities.</p>	<p>SF Public Defender's Office is currently representing 290 registrants who are on parole / prcsto seek relief from residency restrictions.</p>	<p>Question: will APD enforce residency restrictions on PRCS and MS?</p> <p><b>Question:</b> find out more about providers practices and policies related to serving 290 registrants.</p>
<p><b>Civil Rights &amp; Civic Engagement of Formerly Incarcerated People #7</b>  Voting</p> <p>Access to voting materials, absentee ballots, and accurate voting rights information is not consistently available to inmates in county jails.</p>	<p>Work with Secretary of State and the Corrections Standards Authority to revise regulations to improve and increase access to and use of voting rights information, registration forms, absentee ballots, and related materials across county jails.</p>	<p>Prisoner Legal Services register people to vote in County Jail.</p> <p>Secretary of State issued letter after November 2011 election clarifying that people sentenced under 1170(h) and on PRCS were not eligible to vote in California.</p>	<p>Examine SF election rules and practices, as well as state Election Code. Put onus on Elections Department. <b>Ask SFSD PLS to report on number registered and number voted.</b></p> <p>San Francisco Department of Elections is currently updating the language of their outreach and information materials directed to people involved in the criminal justice system. The update is needed given the new population under realignment (AB109). (See information below).</p>

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<p><b>Civil Rights &amp; Civic Engagement of Formerly Incarcerated People</b></p> <p><b>New</b></p> <p><i>Voting</i></p> <p>In March 2012, CCSF and State were named as respondents in law suit brought on behalf of people on PRCS, 1170(h)(5)(b) Mandatory Supervision, and those in jail under 1170(h).</p>	<p>On December 5, 2011 the Secretary of State issued a memo clarifying voting eligibility for the population under the <i>Criminal Justice Realignment Act (CJRA)(AB 109-117)</i>. According to this memo, the <i>CJRA</i> did not change the voting status of offenders convicted of <i>CJRA</i> defined felonies (PC 1170(h)) because they serve their sentences in county jail instead of prison; the voting status of these individuals does not change if they are released under Mandatory Supervision* (PC 1170(h)(5)(b)) as part of their sentence. And, it did not change the voting status of those confined in state prison and then released on Post-Release Community Supervision* (PRCS) because this release is labeled other than “parole”. *Supervised by Adult Probation Department.</p> <p>On March 9, 2012, the City and County of San Francisco Department of Elections and the Secretary of State were named as respondents in a petition (All of Us or None v. Bowen) brought on behalf of people on PRCS, Mandatory Supervision/1170(h)(5)(b), and those in jail under 1170(h).</p> <p>On April 16, 2012, San Francisco’s City Attorney representing the Department of Elections filed a response determining that in their interpretation of the law, these individuals do have a right to vote. The Secretary of State filed a response recommending that the Court of Appeals hears the matter.</p> <p>On May 17, 2012, the Court of Appeals denied the petition and it refused to hear the case or issue an opinion.</p> <p>On June 18, 2012, San Francisco City Attorney filed a request to the California Supreme Court for review of the petition.</p> <p>On July 25, 2012, the California Supreme Court denied review of the case. This means that the Secretary of State's interpretation stands, and low-level felony offenders sentenced to county jail under (1170(h)), or released under Mandatory Supervision (1170(h)(5)(b)) or Post-Release Community Supervision (PRCS) do NOT have the right to vote</p>		

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<p><b>Civil Rights &amp; Civic Engagement of Formerly Incarcerated People #11</b> Voting</p> <p>California law prohibits people convicted of a felony and who are in prison or on parole from voting, resulting in broad disenfranchisement of incarcerated and reentry populations.</p>	<p>Partner with civil rights advocates and state legislators to repeal state prohibition on right to vote for all people who have been convicted of a felony, regardless of prison commitment or parole status. Consider political feasibility, legal standing, and importance of preserving post-parole voting rights.</p>		<p>Examine experiences of states that have enfranchised prisoners and parolees.</p> <p>Look into the models from Maine and Vermont.</p>
<p><b>Civil Rights &amp; Civic Engagement of Formerly Incarcerated People NEW</b></p>	<p>Allow expungement of convictions to people sentenced under PC 1170(h).</p>	<p>Realignment took effect October 1, 2011, and created sentences under 1170(h) to be served in County Jail and local Mandatory Supervision. However, expungements are not available to people convicted under 1170(h). AB 2263 (Bradford) expands expungement benefits for this population. AB 218 (Dickerson) and local anti-discrimination legislation</p>	<p>Enact legislation to extend eligibility for expungements to people convicted under 1170(h).</p> <p>Held under submission (08/16/2012)</p>

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<p><b>Civil Rights &amp; Civic Engagement of Formerly Incarcerated People NEW</b> People exiting county jail face barriers to accessing Driver's License.</p>	<p>Allow for the dismissal of any non-felony convictions of the Vehicle Code for people completing 6 months or longer in county jail or mandated alternative, and people who have been incarcerated for 90 or more days in any consecutive 12 month period subsequent to the date of the offense/violation.</p>	<p>The Reentry Council supported AB877 (Skinner) (2011), as did the Board of Supervisors but not the Mayor. The Bill is currently held in the Appropriations Committee of the Assembly.</p>	<p>Support once it gets reactivated.</p> <p>Member Nick Gregoratos will follow up with this issue. He will provide updates as they become available.</p>
<p><b>Community Justice &amp; Alternatives to Incarceration #5</b> Limited Supervision CDCR Non-Revocable Parole (NRP) is available to inmates and parolees eligible per CDCR Policy enacted in January 2010. People on NRP are on parole, but have little to no support or supervision available through Parole. People on NRP are subject to search and seizure requirements, have no requirement to report to parole officer, and are de-prioritized for parole-funded services.</p>	<p>Launch longitudinal study of people on NRP living in San Francisco in order to assess impacts of policy on public safety, public health, and recidivism. Track service needs and utilization of people on NRP in San Francisco, as provided by local service providers. Track criminal arrests and charges of people on NRP, as well as dispositions and sentences of cases. Utilize findings of study to seek policy change, as appropriate.</p>	<p>NRP ended through implementation of AB109, effective October 1, 2011. People were released on NRP between January 2010 and September 2011. May be possible to track impacts of NRP in local DPH system.</p>	<p>No immediate next steps identified.</p>

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<b>Community Justice &amp; Alternatives to Incarceration NEW</b>	Sentencing Reform through 3 Strikes Initiative	Included in the November Ballot: Proposition 36	<p>Support</p> <p>"Revises three strikes law to impose life sentence only when new felony conviction is serious or violent. Authorizes re-sentencing for offenders currently serving life sentences if third strike conviction was not serious or violent and judge determines sentence does not pose unreasonable risk to public safety. Continues to impose life sentence penalty if third strike conviction was for certain non-serious, non-violent sex or drug offenses or involved firearm possession. Maintains life sentence penalty for felons with non-serious, non-violent third strike if prior convictions were for rape, murder, or child molestation."</p>
<b>Community Justice &amp; Alternatives to Incarceration NEW</b>	Initiative to Abolish Death Penalty	Included in the November Ballot: Proposition 34	<p>Support</p> <p>"Repeals death penalty as maximum punishment for persons found guilty of murder and replaces it with life imprisonment without possibility of parole. Applies retroactively to persons already sentenced to death. Requires persons found guilty of murder to work while in prison, with their wages to be applied to any victim restitution fines or orders against them. Creates \$100 million fund to be distributed to law enforcement agencies to help solve more homicide and rape cases."</p>

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<b>Community Justice &amp; Alternatives to Incarceration NEW</b>	Hall of Justice Jail Rebuild Project	<p>Capital Planning and Sheriff Final Analysis was presented on February 27, 2012 at Capital Planning Committee Meeting</p> <p>Justice Reinvestment Initiative Analysis will provide analysis of Jail data at Reentry Council Meeting of August 21, 2012.</p> <p>San Francisco Controller's Office conducting analysis of Realignment data.</p>	<p>Report from CPC Meeting: At the moment there are 903 jail beds located on 6<sup>th</sup> and 7<sup>th</sup> floors of HOJ, total capacity of 6 county jails is 2,511. Jail population projections provided by contractors indicate peak need for 2,435 rated beds by 2014 (Crout &amp; Sida) and 2,090 rated beds by 2013 (Jay Farbstein &amp; Associates, Inc.).</p> <p>SFSD proposed to: 1. At a minimum, replace and improve all 903 beds from HOJ. 2. Update population studies once one year of realignment data is available, and 3. Increase number of jail beds according to population studies or ability to contract beds to other jurisdictions. (see CPC handout Justice Facility Improvement Program)</p>
<b>Community Justice &amp; Alternatives to Incarceration NEW</b>	AB109 Clean Up Legislation	SB 1021: Public Safety and SB 1023: Public Safety-Realignment were signed into law on June 27, 2012.	See Memo from Office of General Counsel and Criminal Justice Court Services Office: Recent Budget Trailer Legislation: Summary of Criminal-Related Provisions.
<b>Community Justice &amp; Alternatives to Incarceration NEW</b>	Support SB 1266 (Liu) Alternative Custody Program (2010)	Bill passed and approved by the Governor on September 30, 2010.	Info: how can SF implement this for caregivers in state prison?

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<p><b>Community Justice &amp; Alternatives to Incarceration NEW</b> Legislation to support women to be released earlier if they have families and/or strong support systems to go to.</p>	<p>Support Alternatives to jail and prison for women</p>	<p>SB 210 (Hancock). Only about 20 women in San Francisco have benefitted from this legislation.</p> <p>On March 6, the Reentry Council submitted a letter recommending the Board of Supervisors to pass a resolution supporting this bill. The letter also recommended to Mayor Lee that he supports this action.</p>	<p>Info: Gender Responsive Working Group beginning to explore possible alternatives for women and/or transgender people.</p> <p>Use With Open Arms Services as support system.</p> <p>SB 210 (Hancock) that expands the eligibility for women who are the caregivers of their children. The bill was passed third reading on January 26, 2012. Referred to Public Safety Committee on April 12, 2012. See Reentry Council Legislative and Policy Update Handout (p. 1)</p>
<p><b>Community Justice &amp; Alternatives to Incarceration NEW</b></p>	<p>Explore model of utilizing day fines, according to means, in lieu of jail.</p>		<p>Info: Research day fines models to understand possible application in SF.</p> <p>Review work from Vera Institute</p>
<p><b>Community Justice &amp; Alternatives to Incarceration NEW</b> The SF Superior Court reduced support for Collaborative Courts, reducing intensity and capacity of these courts.</p>	<p>Restore and protect resources for Collaborative Court operations.</p>	<p>Reentry Council submitted letter of support for Collaborative Courts in December 2011.</p>	<p>Next Steps: ask Board and Mayor to report on any progress made with SF Superior Court.</p>

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<p><b>Health &amp; Well-Being of Currently &amp; Formerly Incarcerated People #5</b></p> <p>Permanent Supportive Rental Housing</p> <p>For-profit and non-profit Property managers of permanent supportive rental housing have range of policies and practices related to exclusion of applicants and tenants based on prior criminal history, yet opportunities to access these units are fairly streamlined.</p>	<p>Research policies and practices related to criminal history exclusions of all for-profit and non-profit property owners funded by SF Human Services Agency’s Housing First or SF Department of Public Health’s Direct Access to Housing portfolios. Utilize findings to implement policy changes to expand access, improve appeals processes, as appropriate.</p>	<p>Reentry Council and Human Rights Commission made detailed recommendations to Mayor and Board of Supervisors to enact protections for people with criminal records in housing and employment. Human Rights Commission leading outreach to community and stakeholders.</p>	<p>Supervisor Olague expressed intention to introduce legislation to the Board of Supervisor regarding consideration of previous arrest and convictions on housing and employment applications.</p> <p>Follow and support legislation once it gets introduced.</p> <p>Educate private landlords and employers about how to be compliant with existing laws. This would move private sector towards better practices.</p>

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<p><b>Health &amp; Well-Being of Currently &amp; Formerly Incarcerated People #8</b> Subsidized Permanent Rental Housing</p> <p>HUD regulations make individuals with two specific categories convictions ineligible for public housing or vouchers. SF Housing Authority and individual property owners have broad discretion to deny applicants for prior criminal activity related to drugs, violence, or other.</p>	<p>Research SF Housing Authority’s denials of public housing applicants based on criminal history that is within local discretion, per HUD regulations. Develop recommendations, as appropriate, for development of improved policies and practices for SF Housing Authority’s consideration of applicants with criminal histories. Partner with NHLP and others currently working on issue.</p>	<p>National Housing Law Project and others have presented comprehensive policy recommendations to the SFHA.</p> <p>There remains misinformation about the overapplication of HUD restrictions to all subsidized housing.</p>	<p>Next Steps: develop mythbusters series on what HUD restrictions actually are, and specifically where and how they apply, by funding program, administering agency, and address.</p> <p>Discuss priorities with Mayoral appointees to SFHA. Hold but keep and eye on it.</p> <p>Supervisor Olague expressed intention to introduce legislation to the Board of Supervisor regarding consideration of previous arrest and convictions on housing and employment applications.</p> <p>Follow and support legislation once it gets introduced.</p> <p>Educate private landlords and employers about how to be compliant with existing laws. This would move private sector towards better practices.</p>
<p><b>Health &amp; Well-Being of Currently &amp; Formerly Incarcerated People NEW</b></p> <p>Practice of releasing people late at night from county jail increases risks to individual and risks of recidivating.</p>	<p>Hear from Sheriff’s Department and Courts on circumstances that allow for late night release and steps taken to decrease negative impact on people released late at night and public safety.</p>		<p>Info: need to collect specific information about reasons for late night releases related to Court proceedings and jail processing.</p> <p>Gather ideas on how to address this issue.</p> <p>The Community Assessment and Services Center may alleviate the situation.</p>

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<p><b>Health &amp; Well-Being of Currently &amp; Formerly Incarcerated People NEW</b> Incarcerated pregnant women are restrained.</p>	<p>AB 568 would have prohibited use of restraints on incarcerated pregnant women, including when being transported, giving birth, and recovering from childbirth.</p>	<p>Reentry Council supported this bill. Governor Brown vetoed this bill due to concerns about safety of correctional officers.</p>	<p>Support future legislation.</p> <p>AB 2530: Inmates in labor, was introduced this year addressing the Governor’s concerns. See Reentry Council Legislative and Policy Update Handout (p. 6)</p>
<p><b>Self-Sufficiency of Currently &amp; Formerly Incarcerated People #2</b> Employer Engagement  Insufficient number of employers willing to consider people with criminal records for employment.</p>	<p>Research feasibility and impact of extending the City &amp; County’s “Ban the Box” policy to contractors, or implementing protected category for people with records. Consider implementation of such a policy, with exceptions as outlined in state and federal law.</p>	<p>Reentry Council and Human Rights Commission made detailed recommendations to Mayor and Board of Supervisors to enact protections for people with criminal records in housing and employment. Human Rights Commission leading outreach to community and stakeholders.</p> <p>Supervisor Olague expressed intention to introduce legislation to the Board of Supervisor regarding consideration of previous arrest and convictions on housing and employment applications. Follow and support legislation once it gets introduced.</p>	<p>Educate private landlords and employers about how to be compliant with existing laws. This would move private sector towards better practices.</p> <p>On March 6, the Reentry Council submitted a letter recommending the Board of Supervisors and Mayor to support his bill. See Reentry Council Legislative and Policy Update Handout (p. 2)</p> <p>Next Steps: DHR to present at <del>March 6<sup>th</sup></del> <u>July 10<sup>th</sup></u> October 23<sup>rd</sup> Reentry Council meeting on changes to City/County’s process to conduct background checks, which is model for proposed expanded “ban the box” legislation. This resolution (File # 110983) was recommended by Public Safety Committee and approved by the Mayor on March 16, 2012. See Reentry Council Legislative and Policy Update Handout (p. 8)</p>

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<p><b>Self-Sufficiency of Currently &amp; Formerly Incarcerated People #8</b> Benefits Access</p> <p>Federal law prohibits people convicted of certain drug related felonies from ever being eligible for Food Stamps or TANF. California has adopted a “partial opt out” policy of this federal ban, resulting in lack of access for people in need of food, cash, and related assistance for themselves and their families.</p>	<p>Change State law to completely “opt out” of federal drug felon ban for Food Stamps and TANF in California. Consider cost savings to counties, and partner with California Welfare Directors Association, California State Association of Counties, and others.</p>	<p>The Reentry Council supported AB828 (Swanson) (2011) which would completely opt the state out of the federal drug felon ban for Food Stamps. The bill was held under submission in committee.</p>	<p>Public education to reduce misinformation about the overapplication of the ban, e.g., all felonies.</p> <p>Improve direct connection with Food Stamps through BenefitsSF and other one stop portals.</p> <p>Perhaps push for a pilot for SF and other county or two to opt out of the ban to measure the federal money that would flow and measure any increase in fraud, per CDAA concerns.</p> <p>Bill was amended and referred to Appropriations Committee on March 8, 2012. San Francisco State Legislation Committee approved support for this bill on March 2012. Bill remains active and is in Senate Committee process.</p>
<p><b>Welfare &amp; Safety of Families, Victims, &amp; Communities: Families #4</b> Support Staying Connected and In Contact</p> <p>CDCR houses state prisoners in locations far from home, and increasingly in other states.</p>	<p>Through legislative or regulatory reform, require that state prisoners are not housed unreasonable distances from families and/or parole destination. Ensure that policies and practices ensure consideration of victims’ and families’ safety considerations.</p>	<p>Use of private prisons by CDCR is declining due to reduction in overcrowding rates.</p>	<p>Info: Is this practice ending?</p> <p>Next Steps: Ensure that people from SF are not housed outside of California.</p>

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<p><b>Welfare &amp; Safety of Families, Victims, &amp; Communities:</b>  <b>Families #5</b> Support Staying Connected and In Contact  CDCR periodically cancels visiting days for families of inmates in order to reduce costs. Reduction of visiting days for families inhibits ability to maintain connection with family member, especially those who live far from the prisons.</p>	<p>Change state policy to require that the CDCR maintain a minimum level of days and hours that non-profit operated visitor centers are open at the state prisons. Partner with advocates for children and families to enact this legislation, and consider political will and funding required.</p>	<p>Factors that go into why visiting is reduced or cancelled are complex, and there are no minimum requirements for visiting.</p>	<p>No clear next step at this time because it is unlikely CDCR would implement any change. Instead, focus on local visiting and reducing distance that people are housed from home.</p>
<p><b>Justice Reinvestment New</b></p>	<p>Three areas of focus: 1) length of time on probation; 2) pretrial alternatives; 3) reduce or eliminate disproportionate high involvement in San Francisco's criminal justice system</p>		
<p><b>Reentry Pod New</b></p>	<p>Loni Hancock- pilot site legislation</p>		