

Reentry Council

City & County of San Francisco

DRAFT MINUTES

December 10, 2013
10:00 a.m.-12:00 p.m.
Main Auditorium
Milton Marks Conference Center
455 Golden Gate Ave.
San Francisco, CA 94102

Members in Attendance: District Attorney George Gascón (co-chair), Diana Oliva Aroche (alternate for Mayor Edwin Lee), Sheriff Ross Mirkarimi (co-chair), Public Defender Jeff Adachi (co-chair), Chief Wendy Still (co-chair), Robert Bowden, Joseph Calderon, Jasmine Dawson, Arnel Farnsworth, Stanley Goff, Omorde Rico Hamilton, Ernest Kirkwood, Gary Levene, Jo Robinson, Karen Roye, James Whelley

Members Absent: Leslie Levitas, Rhonda Simmons, Chief Yador Harrell.

1. Call to Order and Introductions.

At 10:10 am, District Attorney, George Gascón called the meeting to order and welcomed the public and the Council. He acknowledged the co-chairs and asked other members to introduce themselves.

2. Public Comment on Any Item Listed Below.

DA Gascón invited members of the public to review agenda and speak on any agenda item. There were no comments at this time.

3. Review and Adoption of Meeting Minutes of September 24, 2013.

DA Gascón asked members to review the minutes from the last meeting. DA Gascón asked for any comments from council members and upon hearing none, asked for a motion to approve the minutes. Karen Roye motioned, Ross Mirkarimi seconded and the motion carried at 10:15. Gascón then asked new council members for introductions: Ernest Kirkwood, Joseph Calderon, Rico Hamilton, Stanley Goff and Robert Bowden.

4. Staff Report on Council and Subcommittee Activities, Membership and Discussion of Ordinance to Renew Reentry Council.

Sara Moore-Jordan introduced herself and gave the staff report on the Reentry Council. Sara then acknowledged all newly appointed members, indicating there had been over 26 applicants for Mayor's Office seats and 21 applicants for the Board of Supervisors' seats. It was noted that applications were still being accepted for the youth (age 18-25 years old) seat. She explained that she expected that by the next meeting we will have the third seat filled and that the main concerns of the Board of Supervisors being able to fill the seat is due to a conflicting meeting. The Board of Supervisors asked the Reentry Council to consider a Wednesday meeting. Sara

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then asked for a show of hands regarding a Wednesday meeting and the majority of individuals indicated that they would be able to make this day.

Update on Subcommittee: The Subcommittee on Assessment and Connections met on Oct 10, 2013. The primary focus of this meeting was to discuss the development of a program survey that would go out to City and County agencies that provide reentry services.

Sarah then announced that Jessica Flintoft, Director of the Reentry Division of the SFAPD, has moved on and acknowledged her leadership in the development the Council. She then announced that Jennifer Scaife will be acting Director of the Reentry Division during the transition. She then acknowledged that the application process is moving forward and that Chief Still anticipates the process and interviews will most likely take place in January.

Sara invited the opportunity to have a discussion regarding the Reentry Council ordinance that will sunset in June 2014. It had previously been mentioned that the discussion centered on membership of the Council, with one of the recommendations being to add a victim/survivor who was also formerly incarcerated. She added that there is a proposal to add this seat. As a related comment, the original Reentry Council was made up of 21 members, with 1/3 of the seats dedicated to formerly incarcerated persons. Because of the additional court seat and Board of Supervisors seat, that percentage is no longer 1/3. Sara pointed out that a second recommendation was made to add additional seats so that the balance remains 1/3. The other point of discussion (section B), had to do with quorum – and the recommendation to designate it as a percentage rather than a number

Chief Still questioned whether the court is included in the 21 member number. DA Gascón then asked why the Council continues to use the courts as a place holder if they do not want to participate. Chief Still responded by saying that the hope was that they would figure out a way to have a representative. Chief Still further expressed concern about adding numbers and having the Council become less effective. DA Gascón said that he shared this concern about the size but was open to the majority. He recommended removing the court since they are not participating and there might be a perceived conflict of interest. It was acknowledged that Lisa Lightman has been attending and weighing in on the Council and there has been discussion regarding the courts participating as a non-voting member. Public Defender Adachi asked about what is being considered. Sara responded that the courts are considering using an administrative officer, rather than a judge, to participate. Chief Still inquired when a decision needed to be made and was informed that June 1, 2014 is when the ordinance sunsets. She asked if it would be possible to take vote our next meeting. DA Gascón and Sheriff Mirkarimi suggested that the Council table this item.

Next, Joseph Calderon and Ernest Kirkwood suggested that something be in place to select a chair person for the subcommittees. They acknowledged the tremendous amount of work of the subcommittees and suggested that the bylaws might be the best place to have responsibilities of chairpersons to be outlined. Arnel Farnsworth indicated that previously, Jessica or an appointee was the person to give directions to the subcommittees and that was also efficient.

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DA Gascón asked if there were concerns about appointing chairs. There were none.

DA Gascón reminded the Council that it needs to make a recommendation about the victim survivor seat. Chief Still suggested not add another seat but add to an existing seat. DA Gascón reiterated the fact that since no additional seat was added, the Council still remains below the 1/3 proportion of formerly incarcerated. DA Gascón said that he wished to wait until more information is gathered from the court before discussing this further.

5. Regular Update on Reentry Related Funding, and Update on Implementation of the Second Chance Act funded projects.

Jennifer Scaife, acting Director of the Reentry Division is called to give an update. She introduced the two standard memos that are presented at each meeting. She highlighted on page 6 of the funding memo – Reentry Council Reference Letter N and Page 9, new grant received by the Public Defender’s Office – “Encouraging Innovation”. She asked Jeff Adachi to give brief summary of grant. He explained that the Public Defender’s Office proposed a series of checklists that represented best practices and that the grant would allow the San Francisco and Alameda Public Defender’s Offices to design a checklist for public defenders to follow based on “check list manifesto” – which talks about importance of checklists.

Second Chance Act Projects – Jennifer referred to the standing memo included in the materials and indicated that several grants are closing and as always, staff will be looking ahead for new opportunities.

There was no discussion regarding this agenda item.

6. Regular Update on Implementation of the Justice Reinvestment Initiative.

Jennifer noted that the Crime and Justice Institute prepared a final report for BJA and that much of the report summarized activities during Phase 1 of the Justice Reinvestment Initiative. The regular update provided an overview of Justice Reinvestment to identify cost savings and reinvest the savings in public safety. The RC identified 3 strategies to pursue:

1. Shorten the length of standard probation (from 3 year to 2 years)
 - Will request support in establishing and implementing, as well as to measure outcomes and evaluate impact on cost and probation.
2. Sentencing alternatives
 - Must identify the best practices in maintaining robust pre-trial programs. Must measure the impact of expansion of eligibility and to assess the cost of processing these cases. Finally, it was acknowledged that we must consider the cost to all agencies and the impact of bail and recommend bail reform.
3. Reduce or eliminate racial disproportionality in the City’s criminal justice system
 - Must conduct a decision point analysis – to try to identify the points in the system where these disproportionalities are occurring and decrease people of color progressing through the system. Figure out ways to identify other factors that may

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fuel this trend. Acknowledge the need for increased cultural competency in departments that serve individuals in the criminal justice system.

Chief Still pointed out that the cost saving analysis has projected that reducing probation lengths would save city and county almost 4 million dollars. This figure is taking into account a reduced case size of probation officers and bringing on new staff for a ratio of 50:1 – even with an increase in staffing, training, fringe benefits, the net cost reduction is just over 4 million over a 10 year period.

Public Defender Adachi asked why APD would need to hire more probation officers in light of reduced caseload size. Chief Still responded by saying that research supports that there are better outcomes with a 50:1 ratio (for high risk population) and indicates that having this ratio will reduce recidivism. DA Gascón said that he thought that the City would be close to starting a pilot program of a two year term of probation.

7. Regular Update on Legislative and Policy Issues Related to Reentry.

DA Gascón introduced Torrin Taylor from Supervisor Kim's office to give overview of the Fair Chance Act.

Taylor began by describing the impact on people with conviction histories and private employers, housing providers, and contractors with the City and County. Under this ordinance, employers and landlords would still be able to inquire about criminal backgrounds but the Fair Chance Act would change the timing of this inquiry. The Fair Chance Act would delay the point in process where the background check could occur and it allows for more consideration of the particular conviction.

The civil enforcement would be OLSE for employment issues and HRC for housing.

After the legislation is signed, there would be a 5-6 month rule making period. Phase 1 would involve outreach and education to the public, employers, and housing owners/landlords. Phase 2 would begin to impose penalties. Taylor pointed out that stakeholder meetings have commenced with groups and organizations that serve returning citizens.

Taylor acknowledged that Supervisor Kim would hold a press briefing at 12:30 at City Hall this same day.

8. Discussion of Reentry Housing Strategy.

Sara gave an update reiterating that housing is critically important in impacting recidivism and acknowledged that the first 72 hours are most critical for individuals. On November 5, 2013, there was a meeting to develop a reentry housing strategy. The three areas of focus were:

1. To discuss the development of a master lease program for 100 individuals. Questions arose pertaining to one site vs. scattered sites. It was decided that this should be a comprehensive wrap around model and the Council should work with partners to identify

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sites and to look at successful models. It was noted that resources would need to be identified in order to move it forward.

2. To increase access to existing housing. One idea presented was to coordinate with shelters and the Sheriff's Department to make sure connectivity was present pre-release and to work with community supportive housing and its subsidy programs and policies. Finally, to make sure individuals are not discriminated against though the housing process.
3. To look at data elements. To identify how many people are in need of housing and what services are needed and to assess the strategies to address High Users of Multiple Systems (HUMS) clients.

Sheriff Mirkarimi acknowledged that the cold weather has reminded us of the increased numbers of homeless individuals, with several people in the city having been reported to have frozen to death. He stressed that we need a faster answer this question. Armel Farnsworth asked why the City can't reserve a number of beds to be available for people being released and the possibility of a collaboration with the 5th Street shelter. The Sheriff then suggested the idea of converting extra space in the closed jails in order to give access to homeless and indicated that he was open to using bed space. Ernest Kirkwood then asked at what point we can identify what the need is. Chief Still mentioned after-hours releases from county jail and said she would be interested in working on developing standardized release times; she added that Judges have now raised this as an issue. Sheriff Mirkarimi indicated that he would be open to working on developing a policy regarding this issue.

Armel suggested that the Council put together a manual about possible solutions to these issues so that the public and Board of Supervisors could see recommendations from the Council.

9. Regular update on Activities of the Juvenile Justice Coordinating Council, Sentencing Commission, Workforce Investment Community Advisory Committee, Community Corrections Partnership and Collaborative Courts (discussion only).

Gary Levene reported that Chief Nance is trying to schedule the next meeting of the Juvenile Justice Coordinating Council.

Karen Roye reported that the Sentencing Commission had covered four main topics at its last meeting: law enforcement assisted diversion programs; Restorative Justice; prison population reduction plan; and the release of the 2013 San Francisco Sentencing Commission report.

Sara announced the tentative schedule for the Workforce Investment Advisory Committee meeting.

Chief Still announced that the Community Corrections Partnership is working on updating the Two Year Realignment Report, that will be finished and issued in January 2014. The next scheduled CCP meeting would be in January. It was noted that the CCP wants to have criminal justice master plan and that the Controller's office gave presentation at the last meeting regarding

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jail beds and getting an update on the projected needs. They will present their findings at next meeting. Chief Still noted that the CCP was created under SB678, and since its implementation San Francisco has reduced revocations of probation to state prison by 75%. As a result, San Francisco has received over \$3 million, 100% of which APD has invested in services.

Karen Roye congratulated Chief Still on the commitment and achievements of APD.

Stanley Goff asked about APD's outcomes beyond recidivism. Chief Still responded that APD is in the process of entering into a contract to examine risk, needs, and responsivity and that this study will be conducted in 2014 and we should know more about these outcomes then.

10. Regular Update on the Implementation of Public Safety Realignment.

Chief Still gave short update, indicating that APD is getting ready to issue the 2 Year Realignment Report that will contain an overview of APD clients. She recognized parole and their recent successes as a result of changes to revocation proceedings. Armel credited APD and said that parole is interested in implementing similar strategies based on evidence based practices to reduce recidivism.

11. Council Members Comments, Questions, and Requests for Future Agenda Items.

Ernest Kirkwood reemphasized that importance of identifying the needs of individuals before they leave jail or prison would be helpful. He suggested incorporating more formerly incarcerated individuals and those wanting to give back.

Chief Still wanted to add late releases to be discussed as a future agenda item. Furthermore, she would like to have an update on the Reentry Pod and the CDCR contract that is currently waiting for Board of Supervisor approval.

12. Public Comment on Any Item Listed Above, as well as Items not Listed on the Agenda.

Stanley Goff inquired about implementing a stipend for appointed Reentry Council members.

Diana announced that Mayor Lee would be sponsoring a gun buyback in the Bayview.

13. Public Comment on Any Item Listed Above, as well as Items not Listed on the Agenda.

Jared Rudolph from the CA Reentry Program appreciated the *Getting Out and Staying Out* Guide. He requested the Reentry Council to identify people coming back to SF and get them this resource.

14. Adjournment.

DA Gascón thanked everyone and reminded members and the public of next meeting. He asked for a motion to adjourn. The meeting adjourned at 12:04.