

Reentry Council

City & County of San Francisco

AGENDA

Tuesday, August 12, 2014
10:00 a.m.
San Francisco Public Library, Main Branch
100 Larkin Street
San Francisco, CA

Note: *Each member of the public will be allotted no more than 3 minutes to speak on each item.*

1. Call to Order and Introductions.
2. Public Comment on Any Item Listed Below as for “Discussion Only.”
3. Review and Adoption of Meeting Minutes of April 29, 2014 (discussion & possible action).
4. Staff Report on Activities of the Reentry Council (discussion).
5. Presentation on Drug Medi-Cal Organized Delivery System Waiver, as pursued by CA Department of Health Care Services, by Jenny Montoya Tansey, Health Matters Project Director, Californians for Safety and Justice (discussion only).
6. Presentation on Implementation of Assisted Outpatient Treatment (Laura’s Law) by Craig Murdock, Director of CBHS Access Programs and SF Health Network Forensic Services, Department of Public Health (discussion only).
7. Presentation of Phase II Implementation Plan and Completed Checklist for Justice Reinvestment Initiative by Lore Joplin, Consultant, Crime and Justice Institute (discussion and possible action).
8. Regular Update on Reentry Related Legislative and Policy Issues Related to Reentry (discussion only).
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).
10. Regular Update on the Implementation of Public Safety Realignment (discussion only).
11. Council Members’ Comments, Questions, and Requests for Future Agenda Items (discussion only).
12. Public Comment on Any Item Listed Above, as well as Items not Listed on the Agenda.
13. Adjournment.

Reentry Council

City & County of San Francisco

SUBMITTING WRITTEN PUBLIC COMMENT TO THE REENTRY COUNCIL

Persons who are unable to attend the public meeting may submit to the Reentry Council, by the time the proceedings begin, written comments regarding the subject of the meeting. These comments will be made a part of the official public record, and brought to the attention of the Reentry Council. Written comments should be submitted to: Jennifer Scaife, Reentry Division Director (A), Adult Probation Department, 880 Bryant Street, Room 200, San Francisco, CA 94102, or via email: reentry.council@sfgov.org.

MEETING MATERIALS

Copies of agendas, minutes, and explanatory documents are available through the Reentry Council's website at <http://sfreentry.com> or by calling Jennifer Scaife at (415) 553-1593 during normal business hours. The material can be FAXed or mailed to you upon request.

ACCOMMODATIONS

To obtain a disability-related modification or accommodation, including auxiliary aids or services, to participate in the meeting, please contact Jennifer Scaife at reentry.council@sfgov.org or (415) 553-1593 at least two business days before the meeting.

TRANSLATION

Interpreters for languages other than English are available on request. Sign language interpreters are also available on request. For either accommodation, please contact Jennifer Scaife at reentry.council@sfgov.org or (415) 553-1593 at least two business days before the meeting.

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Administrator
Sunshine Ordinance Task Force
City Hall, Room 244
1 Dr. Carlton B. Goodlett Place,
San Francisco, CA 94102-4683.
Telephone: (415) 554-7724
E-Mail: soft@sfgov.org

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Reentry Council

City & County of San Francisco

DRAFT MINUTES

Tuesday, April 29, 2014
10:00 a.m.

Milton Marks Conference Center Auditorium
455 Golden Gate Avenue
San Francisco, CA

Members in Attendance: Cristine DeBerry (alternate for District Attorney George Gascón, co-chair), Paul Henderson (alternate for Mayor Edwin Lee, co-chair), Ali Riker (alternate for Sheriff Ross Mirkarimi, co-chair), Public Defender Jeff Adachi (co-chair), Chief Wendy Still (co-chair), Noel Belton (alternate for Chief Yador Harrell), Joseph Calderon, Jasmine Dawson (alternate for Maria Su), Armel Farnsworth (alternate for Steve Lin), Stanley Goff, Omorde Rico Hamilton, Ernest Kirkwood, Craig Murdock (alternate for Jo Robinson), Chief Allen Nance, Karen Roye, Deputy Chief David Shinn (alternate for Chief Gregory Suhr), and Keenia Williams.

Members Absent: Steve Arcelona, Greg Asay, Robert Bowden, Leslie Levitas.

1. Call to Order and Introductions.

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

2. Public Comment on Any Item Listed Below as for “Discussion Only.”

Paul Henderson invited members of the public to review the agenda and speak on any agenda item. There were no comments.

3. Review and Adoption of Meeting Minutes of February 11, 2014 (discussion & possible action).

Paul Henderson asked members to review the minutes from the last meeting. Henderson asked for any comments from Council members and upon hearing none, asked for a motion to approve the minutes. Chief Nance motioned, Cristine DeBerry seconded and the motion carried at 11:16.

4. Welcome New Reentry Council Member Keenia Williams, Mayoral Appointee (discussion only).

Henderson acknowledged and introduced Keenia Williams, who is the newest Mayoral appointee to the Council. Keenia gave a brief introduction and thanked the Council for giving her the opportunity to share her opinions and to be a part of the Council’s effort.

5. Staff Report on Activities of the Reentry Council (discussion only).

Henderson invited Jennifer Scaife, Acting Director of the Reentry Division, to provide a brief staff report on the activities of the Reentry Council. Jennifer indicated that on page 15 of the packet was an updated roster of Council members. Jennifer mentioned that Macio Lyons, the Reentry Council appointee to the WICAC, had stepped down, and that the WICAC would be undergoing some restructuring as a result of legislation introduced by David Chiu, president of the Board of Supervisors. Jennifer announced that Sara

Reentry Council

City & County of San Francisco

Felicia Moore Jordan is no longer with APD and that the Reentry Division will be recruiting for her position. She acknowledged that due to staffing changes over the last few months, regrettably, the Reentry Council has not been able to convene its subcommittee meetings, despite interest from individuals. She stated that it is anticipated that by the middle of May, meetings will be scheduled. Jeff Adachi asked when the last meetings occurred and Jennifer said they happened in October. Nonetheless, Jennifer explained that current members have since been reaching out and getting members on board. Adachi asked if this was simply a result of a staffing issue and Jennifer concurred that it was. Paul Henderson asked if there were any other questions and there were none.

6. Regular Update on Reentry Related Funding and Update on Implementation of the Second Chance Act funded projects, with Presentation by Gary Levene, Supervising Probation Officer, Juvenile Probation Department, on the Juvenile Collaborative Reentry Unit (JCRU) (discussion only).

Henderson invited Jennifer Scaife to give an update on relevant reentry funding awards to San Francisco agencies. Jennifer instructed the Council and public to refer to page 19 of the agenda packet, where it lists the active grants and page 26, which details the pending applications. Jennifer explained that there have been three collaborative grants planning meetings and she thanked those people who have participated. Jennifer then pointed out that there are currently four pending applications: two submitted by the San Francisco Department of Public Health – one for older adults with co-occurring substance abuse and mental health disorders and one aimed at developing and expanding Behavioral Health Treatment Court Collaborative; one submitted by the San Francisco Adult Probation Department focused on Smart Supervision as a way to improve probation and parole success rates; and finally one submitted by the SFSD focused on providing technology career training programs for incarcerated individuals.

Jeff Adachi thanked Jennifer for the overview and asked if anyone is tracking who is receiving services that are provided by the direct service grants that we currently have in place amongst the different Departments. Jennifer said that she is not aware of any cross referencing data across various grantees. Chief Still agreed that there is a need to have a researcher in place to pull this together but there would still need to be data user agreements in place and it would be a challenging undertaking considering agencies currently exist on varying data systems. Chief Still reminded the Council that DPH has periodically provided a list of individuals and service utilization and the impact of this on medical and mental health dollars and this might be something people could work towards. Jeff Adachi reiterated that he would like to see a system in place to track all services being utilized by the criminal justice population and suggested that the data warehouse might allow us to connect the dots.

Ali Riker asked if all of the grants require recidivism analysis. She asked if this was a requirement, and if so, were all grantees coming to SFSD for this. Craig Murdock explained that even within the Second Chance Act Funding, the requirements and data reporting varies. He clarified that the grants that were listed in the packet are just a very small slice of services available. He noted that DPH has a lot of data on accessed services because of billing requirements but there are many other services that are being provided that are not tracked. Karen Roye agreed that it would be very complicated. Armel Farnsworth asked if it was true that we don't track any of our outcomes for any of this investment and was told that this was inaccurate. Jennifer Scaife pointed out that each agency is tracking outcomes individually but does not have the ability to share this information across agencies at this point. Karen Roye said that tracking recidivism is a condition of certain grants and it's the funder who ultimately drives the direction of the grant and that currently, everyone is tracking separately. Chief Still acknowledged that although there is currently not a mechanism in place, JUSTIS would provide us this opportunity and that by having a data analysis warehouse, we could have a better understanding of services and outcomes. She further explained that because clients are accessing multiple services there is no way to understand this correlation of other services.

Reentry Council

City & County of San Francisco

Chief Nance said that there is a way to develop the capacity to track the utilization of services by an individual client and that some of this will be done through JUSTIS. He said that at Juvenile Probation the following questions were asked: Are there certain young people who are having better outcomes than others? And if so, what services are those individuals accessing? To what extent are these investments yielding the outcomes that we want? He further acknowledged that there needs to be a system beyond JUSTIS that allows agencies to look at the same data and ask the same questions.

Following this discussion, Jennifer Scaife introduced Gary Levene, from Juvenile Probation and Rebecca Marcus from the Public Defender's office to talk about the Juvenile Collaborative Reentry Unit (JRCU). Gary introduced the program and explained that it was a result of a three year DOJ grant, which began the JRCU. He explained that initially, there was limited staff consisting of one Probation Defender, one Case Planner, one Case Coordinator, and one Probation Officer. These individuals worked to serve youth in out of home placement who were represented by a Public Defender. Because of its impact, a one year extension was awarded and the program was able to expand its capacity.

Levene explained that the main objective of JCRU is to reach out to youth, maintain contact, build relationships, create case plans with families, invest in collaborative planning, and ultimately to present the court with a reentry plan for youth returning to the community who will continue to be supported by Juvenile Probation.

Levene introduced Rebecca Marcus to talk more about the importance of this collaboration. She explained because individuals in the JRCU have such high needs, everyone must work together in order to support this young people (judges, probation, the Public Defender's office, and community partners). She finished by acknowledging that AB12 provided these additional resources for housing and really allowed resources to be extended to those in the foster care system. Levene followed by reporting that in 2013, JRCU served 59 youth and of those, there was an 11.8% recidivism rate.

Chief Nance commented that he is very proud of this work and the response it has generated from young people and their families. He agreed that the success of this program is extraordinary.

Jeff Adachi followed by asking (1) what is the current capacity of this program and is it enough and (2) how is the disproportion of arrests and detention of people of color being addressed? Levene said he thought that the capacity was adequate because fewer youth are being committed and that currently, they are able to dedicate a lot of resources to these youth. Rebecca Marcus interjected by saying that from her perspective, there could always be additional resources. She works with a caseload of 125 youth and in her mind, more means more. In regards to looking at the disproportionality of minorities, she concluded by saying that the outcomes have shown great improvements in regards to this issue but she is still very concerned with gender specific services due to the high degree of trauma seen amongst this population.

Paul Henderson asked the Council to skip Agenda Item 7 and move to Agenda item 12. He asked Chief Still to give an update on the implementation of Realignment in San Francisco.

Chief Still left the meeting at 11:02 and the Council was joined by Martin Krizay, Chief Deputy.

7. Regular Update on Legislative and Policy Issues Related to Reentry (discussion only).

Paul Henderson asked Jennifer Scaife to provide an update regarding any relevant state and local legislation. Jennifer provided a brief overview of the materials in the packets provided to members.

Reentry Council

City & County of San Francisco

8. Presentation by Zoë Polk, Director of Policy and Social Justice, San Francisco Human Rights Commission, on the Implementation of the Fair Chance Ordinance (discussion only).

Paul Henderson invited Zoe Polk, Director of Policy and Social Justice for the San Francisco Human Rights Commission, to provide an update on the Implementation of the Fair Chance Ordinance. Polk referred to page 39 of the packet to give an overview of the Fair Chance Ordinance, which is an ordinance to amend police and administrative codes that consider criminal history in employment and housing decisions. She announced that it will go into effect August 13, 2014 and that the Human Rights Commission (HRC), in consultation with the Mayor's Office of Housing and Community Development, shall be responsible for administrative enforcement of the housing portions of the ordinance.

9. Update on Implementation of the Justice Reinvestment Initiative, with Presentation by Lore Joplin of the Crime and Justice Institute (discussion only).

Paul Henderson welcomed Lore Joplin of the Crime and Justice Institute to provide an update on San Francisco's Justice Reinvestment Initiative (JRI). The Reentry Council prioritized three strategies to focus on in partnership with the JRI team. Lore presented an update on the status of the Phase II application, and a summary of the interviews she conducted with Council members over the last few months.

Joplin explained that on page 43 of the packet is a report that provides a summary of the information that came out of the interviews with members of the Reentry Council of San Francisco. She explained that although the Council submitted its Phase II to the BJA, they are still awaiting a response. She said that the purpose of these interviews was to prepare for the completion of BJA's JRI Phase II Checklist in anticipation of the approval of the proposal. She followed by stating that the implementation plan and budget will follow.

Sixteen people were interviewed (individually and in groups) and asked about hopes, strengths, barriers, and challenges regarding the three strategies identified in the proposal:

Strategy A: Eliminate disproportionality of people of color in the San Francisco criminal justice system

Strategy B: Shorten the standard length of probation sentences

Strategy C: Maintain and expand pretrial alternatives to sentences

Joplin concluded by stating the next steps need to be as follows:

- Receive the letter of approval from BJA
- Develop and implementation plan and budget proposal
- Reconvene at August Reentry Council meeting

Chief Nance asked if items are listed in order of priority and Joplin responded that they are not. Joplin explained that the current thought is that BJA will give approval on Strategies B and C and will want more information regarding Strategy A. She explained the reason for this being that the BJA sees Strategy A as involving a data collection piece. Jennifer Scaife added that the BJA will most likely ask us to conduct a decision point analysis before approving Strategy A and eventually granting approval to move forward.

Jeff Adachi questioned why Strategy B has not already happened considering it seems straightforward and it is something that has been discussed extensively. Martin Krizay responded that Chief Still has been working with the judicial oversight committee and will need to meet with the District Attorney and Public Defender in order to discuss certain eligibility criteria surrounding those individuals who will be considered for a two year term of probation.

Reentry Council

City & County of San Francisco

10. Presentation by Whitney Tymas, Director of the Prosecution and Racial Justice Program, Vera Institute of Justice (discussion only).

Jennifer Scaife introduced Whitney Tymas, Director of the Prosecution and Racial Justice Program (PRJ) at the Vera Institute of Justice who currently is working with the San Francisco District Attorney's Office to analyze data about the exercise and impacts of prosecutorial discretion, to assist in developing routine policies and practices to promote fairness, efficiency and professionalism in prosecution, and to provide technical assistance to help the department implement those measures.

Tymas provided an overview of the Vera Institute of Justice and acknowledged the need for research to advance racial equity in prosecution. She reiterated the mission of PRJ and explained its methodology.

Jeff Adachi applauded their effort at examining how race impacts the decisions made in the DA's office but asked if they looked to see how the individuals themselves are affected by it – the Public Defender's Office, the Client, the families, the Probation Department, etc. He acknowledged being fearful that there might be implicit bias and suspected it possible that even some defense attorneys may be unconsciously racist. He suggested that it be important to start thinking about how to integrate other stakeholders' perceptions into this work or community. An idea he proposed was to create a community investment group in order to get additional context. He stated that the context could be critical in understanding the data and that it would be important to have conversations and not just run numbers.

Chief Nance followed by stating that early decisions impact later decisions down the road. He asked Tymas how receptive individuals were to talking about race in the criminal justice systems. She responded that it had been challenging to ask people to do something they are not used to doing but she sees that things are beginning to change, as the Vera Institute is still receiving invitations, so clearly, this signal a shift and a willingness to be transparent and open.

Cristine DeBerry pointed out that the San Francisco District Attorney's Office sought out Vera to look specifically at the DA's office in an in depth way and acknowledged that there are other phases of bias that the DA inherits. She again pointed out that this effort is only looking at the DA's specific decisions in order to create additional information. DeBerry concluded by encouraging every agency to make similar investigations into themselves. She stated that there is great value in taking a look individually and collectively (through JRI process) but also thought there needs to be a better system for collecting and examining data and each Department should consider having a budget in order to provide for analysts who could produce this information.

11. 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).

This agenda item was postponed until the August Reentry Council meeting.

12. Regular Update on the Implementation of Public Safety Realignment (discussion only).

Chief Still reported that since October 2011, APD has supervised 980 clients under AB109, about two-thirds of whom were PRCS clients and one-third Mandatory Supervision. Almost half (47%) of all AB109 clients to date have completed their supervision terms and of those, 67% completed successfully. She followed by acknowledging that 86% of active AB109 clients have been assessed as high risk so this number is outstanding. Chief Still also reported that San Francisco uses split sentences under 1170h at a rate that is twice the statewide average rate. Of all 1170h sentences given since October 2011, 54% have

Reentry Council

City & County of San Francisco

been split sentences. Finally, Chief Still announced that SFAPD received a high performance grant 1.6 million dollars and that 100% of this allocation will be reinvested back in services. She is convinced that intensive supervision court is something worth investing in and expanding.

13. Council Members' Comments, Questions, and Requests for Future Agenda Items (discussion only).

Ernest Kirkwood expressed his concern with prison resources prior to release and wanted clarification on page 26 of the packet as to the population actually being served by the grant. Jennifer Scaife responded to Ernest's question and clarified that it is the local population.

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

Paul Henderson invited the public to comment.

Jess Taylor, CEO of the Smart Reentry Technology Initiative, introduced himself. He spoke about garnering support from the Reentry Council for the work that his organization is doing. He explained that SRTI's main goal is to generate data and information and use this to better serve those individuals involved in reentry. He said that they have already identified over 1600 data points and a partnership with the Council and the work that it is doing, seems natural. He invited 2 members of the Council to sit of the Smart Reentry Technology Initiative's board as indication of the mutual commitment.

15. Adjournment.

Paul Henderson thanked everyone and reminded members and the public of the next meeting. She asked for a motion to adjourn. The meeting adjourned at 12:16.



CALIFORNIA WELFARE AND INSTITUTIONS CODE 5345-5349.5

Assisted Outpatient Treatment

What is W&I Code 5345-5349.5?
•Authorizes counties to implement Assisted Outpatient Treatment (AOT) to obtain court-ordered mental health treatment for individuals with mental illness for whom other methods of entering and maintaining treatment have been unsuccessful
•Allows qualified adults to request that the County Mental Health Director file a petition with the Superior Court for AOT.

AOT
•Provides treatment through community-based, mobile, recovery-oriented, multidisciplinary, highly trained mental health teams with a staff-to-client ratio of no more than 10 clients per team member.

Before AOT can be implemented in a county
•The county must authorize the application of the program by appropriate legislation and make a finding that no voluntary mental health program will be reduced as a result of implementing AOT.

Who may request the County Mental Health Director to file a petition with the Superior Court for AOT?

- Any person 18 years or older with whom the individual resides;
- Anyone who is the parent, spouse, adult sibling, or adult child of the person;
- The director of a facility providing mental health services, or of a hospital where the person is receiving treatment or the treating licensed mental health provider; or
- A peace, probation or parole officer assigned to supervise the individual.

What are the required elements that supports good cause?

- At least 18 years old and reside in the county;
- Suffering from a mental illness as defined in W&I Code 5600.3 (2) and (3)
- A clinical determination that the person is unlikely to survive safely in the community without supervision;
- A history of lack of compliance with treatment, based on at least one of the following: twice in the last 36 months, mental illness was a substantial factor in the person's hospitalization or receipt of mental health services in jail (not including any period during which the person was hospitalized or incarcerated immediately preceding the filing of the petition; within the last 48 months, the individual's mental illness resulted in one of more acts of serious violent behavior toward himself or herself or others, or the individual threatened or attempted to cause serious physical harm to himself or herself or others (not including any period in which the person was hospitalized or incarcerated immediately preceding the filing of the petition);
- The person has been offered the opportunity to participate in a treatment plan that includes all of the services set for in Section 4112, but continues to fail to engage;
- Their condition is substantially deteriorating;
- Participation in AOT would be the least restrictive placement necessary to ensure recovery and stability;
- The treatment history and current behavior indicate that the person needs AOT to prevent relapse or deterioration that would likely result in grave disability or serious harm to himself or herself or in a civil commitment under California Welfare and Institutions Code 1550; and
- It is likely that the person would benefit from AOT.

If ALL of these elements are present;

- The Director shall submit the petition with supporting affidavit of a licensed MH professional.
- The MH professional must be willing and able to testify at the hearing and based affidavit on personal examination no more than 10 days prior to the filing of the petition.
- The court process shall be set no later than 5 days after the petition is received.
- The individual or their legal counsel may waive their right to the hearing and agree to obtain treatment under a written settlement agreement (terms may not exceed 180 days).
- The Superior Court may order AOT if the court finds that all of the elements of the petition have been established by clear and convincing evidence.
- The court may order no more than six months of AOT.
- Every 60 days the Director must file an affidavit with the court affirming that the person continues to meet the criteria for AOT

The AOT program must have all of the following to implement AOT -

- Service planning and delivery process that includes:
- Determination of the numbers of persons to be served and programs and services that will be provided.
- MH Director shall consult with sheriff, police chief, probation officers, MH Board, CEO and community constituency groups.
- Plan for services, including outreach to families
- Family, parental, self-help group support and consultation services.
- Services that are client-directed and employ psychosocial rehab and recovery principles.
- Services specifically directed toward SMI young adults how are homeless or at risk of homelessness.
- Services reflecting special needs of women for diverse backgrounds, including supportive housing that accepts children.
- Provisions for housing; immediate, transitional, permanent.
- Each client shall have a clearly designated personal services coordinator.
- Individual treatment plans that are designed to have participants receive culturally appropriate services that are least restrictive, create support systems of family, friends and community, academic education or vocational training and provide freedom from dangerous addictive substances.
- These services shall also be offered on voluntary basis.

AOT does not

- Authorize involuntary medication

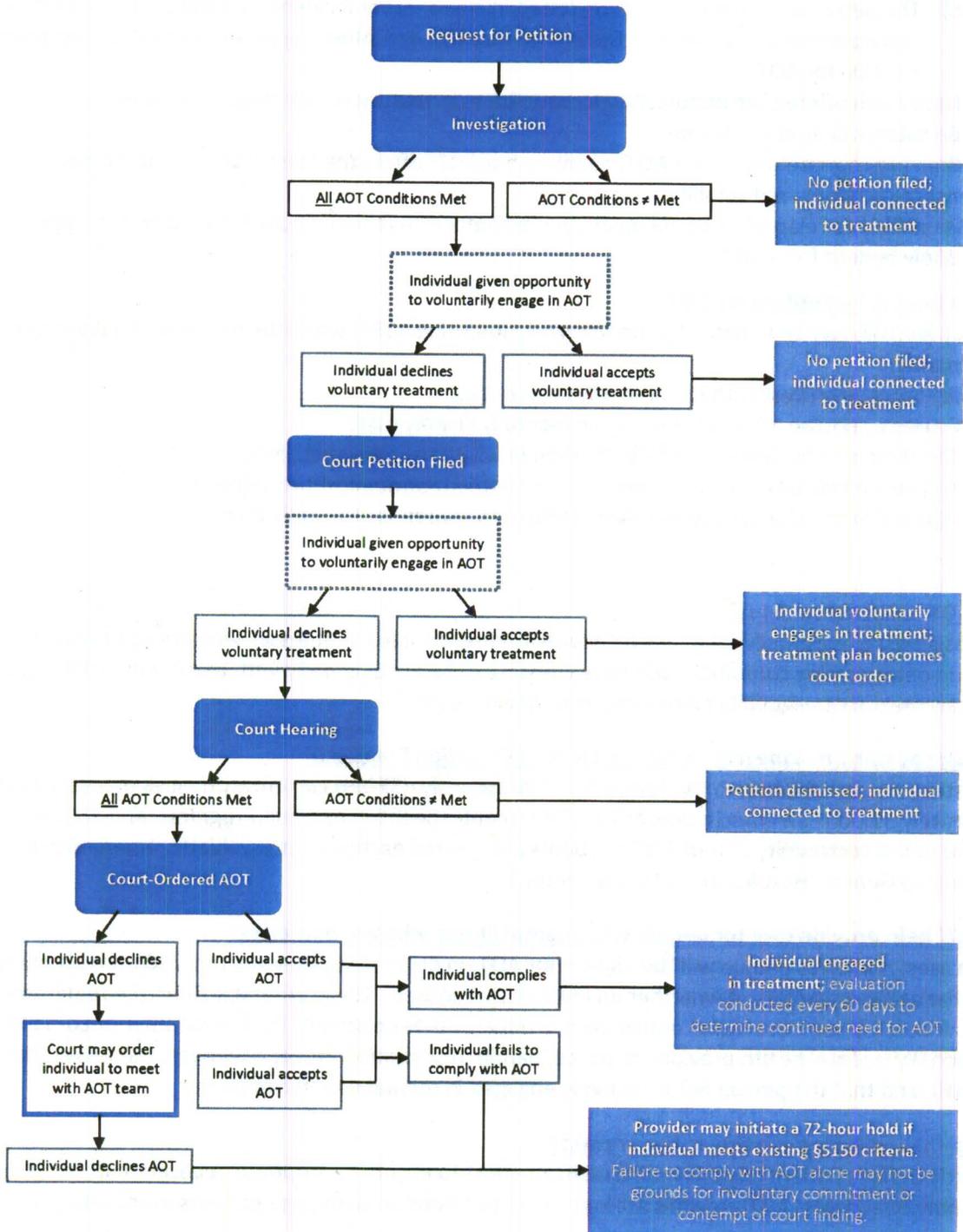
The county must provide a report to the state each year regarding the effectiveness in reducing homelessness, hospitalization and incarceration.

SUMMARY

Assisted Outpatient Treatment, also referred to as “AOT,” “Laura’s Law,” was enacted in 2002 by California Assembly Bill 1421 and refers to court-ordered outpatient treatment for severely mentally ill individuals. In counties that choose to adopt the program, AOT allows for adults who meet certain requirements to request that the county mental health director petition the court to mandate treatment for individuals who have previously refused care and meet strict eligibility requirements.

OVERVIEW OF THE PROCESS

Overview of Assisted Outpatient Treatment (AOT) Process • [W&I 5345-5349.5](#)



ELIGIBILITY

Who is Eligible for AOT?

An individual must meet all of the following criteria to qualify for AOT:

- 1) Be at least 18 years of age;
- 2) Suffer from a serious mental disorder (defined by W&I §5600.3 (b)(2) and (3));
- 3) Be unlikely to survive in the community without supervision, per clinical determination;
- 4) Demonstrate a history of failing to comply with treatment (one of the following must be true):
 - a) The person's mental illness has been a key factor in necessitating hospitalization or forensic mental health services at least twice within the last 36 months, excepting the period immediately preceding the petition for AOT, or
 - b) The person's mental illness has resulted in one or more incidents of serious and violent behavior toward himself or another in the last 48 months, excepting the period immediately preceding the petition for AOT;
- 5) Have been offered the opportunity to participate in treatment but failed to engage;
- 6) Be substantially deteriorating;
- 7) Be an appropriate match for AOT, meaning that AOT offers the least restrictive placement needed to ensure recovery and stability;
- 8) Be unlikely to relapse or be subject to an involuntary psychiatric hold (5150) with AOT; and
- 9) Likely benefit from AOT.

Who Can Request a Petition for AOT?

A request for AOT may be initiated by the following adults (age 18+) while the mentally ill individual resides in the community:

- 1) Any adult who lives with the mentally ill individual;
- 2) A parent, spouse, or adult child of the mentally ill individual;
- 3) The director of a mental health institution in which the individual lives;
- 4) A licensed mental health provider supervising the treatment of the individual; or
- 5) A peace, parole, or probation officer assigned to supervise the individual.

FAQs

Who is AOT designed to help?

AOT is designed to assist individuals with documented severe mental illnesses who are not actively engaged in care, are in deteriorating condition, and have a history of failing to comply with treatment. AOT requires that individuals meet strict eligibility guidelines, as outlined above.

How many people are expected to be eligible for AOT in San Francisco?

SFDPH estimates participation to be fewer than 100 annually. (SFDPH currently provides mental health care for approximately 31,000 San Franciscans at 23 SFDPH mental health clinics and programs, and 300 contracted programs in the community. About 7,300 patients are treated each year at psychiatric emergency department at San Francisco General Hospital and Trauma Center.)

Does AOT help provide care for people with mental illness who are homeless?

In some cases, homeless people will be eligible for AOT; in other cases they will not. AOT has strict eligibility criteria that apply regardless of whether an individual is housed. These criteria include the requirement that AOT be initiated by someone who knows the individual, either personally (family member or co-habitant) or professionally (mental health provider or peace, parole or probation officer assigned to supervise the individual), and that the person not be actively engaged in mental health treatment.

What are the individual's rights in the process?

AOT strictly defines patient eligibility criteria in an effort to ensure appropriate application of the law and to protect individual rights. AOT provides at least two opportunities to engage patients in voluntary treatment

prior to a court hearing. Additionally, AOT specifically defines the rights of the mentally ill person subject to AOT, including adequate notice of hearings, to receive a copy of the court-ordered evaluation, to a court appointed public defender in the absence of private counsel, to be present at the hearing, to present evidence and call and/or cross-examine witnesses, and to appeal decisions.

What is the difference between AOT and a 5150?

A “5150” refers to Section 5150 of the California Welfare & Institutions Code and is an emergency hold in response to a psychiatric crisis, allowing for up to 72 hours of involuntary psychiatric evaluation and treatment of persons believed to be a danger to self, a danger to others, or gravely disabled by mental illness. AOT is a non-crisis process that allows for an adult that meets AOT criteria and declines voluntary treatment to be compelled by a civil court process to receive mental health care in the community.

If someone does not comply with court-ordered AOT are they automatically subject to a 5150?

No. Failure to comply with AOT alone may not be grounds for a 5150 involuntary hold or for a contempt of court finding. The criteria for a 5150 involuntary hold are already prescribed in state law and are no different for AOT participants than for any other individual.

What are consequences of noncompliance with court-ordered AOT?

If the treating mental health treatment provider believes that the individual is a danger to self, a danger to others, or gravely disabled and in need of involuntary treatment, the provider may initiate the 5150 process. There are no additional enforcement mechanisms for individuals who do not meet 5150 criteria. However, some jurisdictions that have implemented AOT have noted that court involvement itself can prompt some patients to choose treatment, including medication. This has been called the “Black Robe Effect.”

Would AOT reduce the number of 5150s?

The impact of AOT on 5150 involuntary holds is unknown. Once implemented, the data collection, reporting, and evaluation requirements under AOT would likely answer this question.

How does AOT differ from SFDPH’s existing Community Independence Placement Program?

The Community Independence Placement Program (CIPP) is a voluntary program for individuals who have been subject to a 5150 involuntary hold and who meet the grave disability criteria required for conservatorship. Participation in the program is initiated in the hospital and participants are transitioned to community-based care. Participants agree to allow a conservator and the mental health court to work on their behalf to ensure that they adhere to their prescribed treatment plans, including medication adherence.

AOT is court-ordered treatment initiated while the individual resides in the community. AOT provides a mechanism for family members and others who know the individual well to help engage an individual into treatment without requiring hospitalization or law enforcement. Individuals who meet strict eligibility requirements may be ordered by the court to receive mental health treatment.

Can AOT mandate medication?

No. State statute specifies that involuntary medication shall not be allowed absent a separate court order available only for individuals who are conserved due to their grave disability.

How much will AOT cost?

Other communities that have implemented AOT (Orange County, Nevada County) estimate the mental health treatment costs at \$35,000-\$40,000 per person per year. This does not include costs associated with the judicial system. Per State statute, no voluntary mental health programs may be reduced as a result of the implementation of AOT.

How will the effectiveness of AOT be evaluated?

Counties that implement AOT are required to collect and report key data to the State Department of Health Care Services for evaluation.

JRI Phase II Planning & Implementation Checklist Overview

Prepared for Reentry Council Members

August 12, 2014

The submission to the Bureau of Justice Assistance will include the following documents in support of San Francisco's bid to become a Justice Reinvestment Phase II site:

✓ **Checklist Narrative**

Provides history of Phase I activities and the development of the Phase II implementation strategies.

✓ **Phase II Implementation Plan**

Outlines implementation strategies as discussed with key partners:

- A. Eliminate disproportionality in San Francisco's criminal justice system
- B. Create a uniform early termination protocol for probation
- C. Maintain and expand pre-trial alternatives to detention

✓ **Phase II Funding Request**

Strategy	Item	Cost	Subtotal
A. Eliminate Racial Disproportionality			
	Contracted technical assistance to conduct decision-point analysis	\$35,000	
	Contract with diversity facilitator	\$15,000	
	Subtotal		\$50,000
B. Create a Uniform Early Termination Protocol for Probation			
	Contract with Early Termination Coordinator for SFAPD implementation	\$100,000	
	Subtotal		\$100,000
C. Expand Pretrial Alternatives to Detention			
	Pretrial Diversion staffing resources	\$110,000	
	Contract for revalidation of pretrial assessment tool, presentation of report, and partner and staff training	\$25,000	
	Software purchase and implementation of database bridge to allow for secondary analysis of pretrial detainees	\$41,500	
	Subtotal		\$176,500
	Total Budget Request		\$326,500

✓ **Written Support of Key Stakeholders**

Draft letter for co-chairs' signatures is included here.



Reentry Council
City and County of San Francisco

DRAFT FOR REVIEW

August 12, 2014

Julienne James
Senior Policy Advisor
Bureau of Justice Assistance
U.S. Department of Justice
810 Seventh Street N.W.
Washington, D.C. 20531

Dear Ms. James,

On behalf of the members of the Reentry Council of San Francisco, we support the attached implementation plan and checklist for a Phase II Justice Reinvestment Initiative award. Thank you very much for considering San Francisco's application.

Sincerely,

Co-Chairs of the Reentry Council of San Francisco

Jeff Adachi, Public Defender

George Gascón, District Attorney

Paul Henderson, Deputy Chief of Staff and Public Safety Director, Mayor's Office

Ross Mirkarimi, Sheriff

Wendy Still, Chief Adult Probation Officer

Justice Reinvestment Initiative Phase II Planning & Implementation Checklist

San Francisco, CA

Submitted by
Crime & Justice Institute

August 2014



Table of Contents

- JRI Phase II Planning & Implementation Checklist 3**
- 1. The site has convened (and continues to convene) a JRI Task Force or Working Group. 3**
 - San Francisco’s Reentry Council.....3**
 - Membership..... 3
 - Subcommittees 4
- 2. The proposed policy and/or program options identified in Phase I, or revisions made to those original options, are appropriate and feasible in Phase II. 5**
 - Phase I Analysis5**
 - Strategy A: Eliminate Disproportionality of People of Color in San Francisco’s Criminal Justice System.5**
 - Related Initiatives 6
 - Why Focus on Disproportionality 6
 - Strategy B: Create a Uniform Early Termination Protocol for Probation8**
 - Strategy C: Maintain and Expand Pretrial Alternatives to Detention9**
- 3. The JRI Task Force / Working Group has identified and agreed on a reinvestment strategy.11**
 - Strategy B: Create a Uniform Early Termination Protocol for Probation.11**
 - Strategy C: Maintain and Expand Pretrial Alternatives to Detention.12**
 - Phase II Reinvestment Plan13**
 - Strategy A: Eliminate Racial Disproportionality..... 14
 - Strategy B: Create a Uniform Early Termination Protocol for Probation 14
 - Strategy C: Expand Pretrial Alternatives to Detention 14
 - Written Support.....14**
- 4. The site has developed an implementation plan for JRI Phase II..... 14**
 - Implementation Plan Summary16**
 - Phase II Implementation Plan Detail17**
- 5. Budget Request 20**
 - Phase II Budget Request Summary.....20**
 - One-time-Only costs 20
 - Sustained Costs..... 20
 - Budget Narrative20**
 - Strategy A: Eliminate Racial Disproportionality..... 20
 - Strategy B: Create a Uniform Early Termination Protocol for Probation 21
 - Strategy C: Expand Pretrial Alternatives to Detention 21

JRI Phase II Planning & Implementation Checklist

This submission includes the following documents in support of **San Francisco’s** bid to become a Justice Reinvestment Phase II site:

- ✓ Checklist Narrative
- ✓ Phase II Implementation plan
- ✓ Phase II Funding Request
- ✓ Written Support of Key Stakeholders

1. The site has convened (and continues to convene) a JRI Task Force or Working Group.

CJI certifies that the San Francisco Reentry Council has completed the following tasks:	<ul style="list-style-type: none"> ✓ Identified a leader for the initiative; ✓ Started or continued to hold meetings; ✓ Clearly defined its membership, issued invitations to additional stakeholders whose expertise would benefit the initiative, and clarified member roles and responsibilities through a team charter or work plan; ✓ Set a meeting schedule that allows all members to attend; Articulated a mission statement and a common set of goals; and ✓ Secured adequate staffing and resources to support the initiative.
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San Francisco’s Reentry Council

As part of San Francisco’s participation in the Justice Reinvestment Initiative (JRI), the Reentry Council of the City and County of San Francisco agreed to serve as the collaborative for JRI, coordinating the administration, oversight, and performance of JRI in the County. The Reentry Council will remain the lead collaborative group for JRI in Phase II.

The Reentry Council of the City and County of San Francisco is an advisory and policy body established by Chapter 5.1 of the San Francisco Administrative Code that enjoys the membership and active participation of San Francisco’s elected and appointed criminal justice leadership; department heads from a variety of City and County of San Francisco (CCSF) departments providing health, workforce, and social services to the community; and seven formerly incarcerated members. The Reentry Council coordinates local efforts to support adults exiting San Francisco County Jail, San Francisco juvenile justice out-of-home placements, California Department of Corrections and Rehabilitation facilities, and the United States Bureau of Prison facilities. The Reentry Council is chaired by the Chief Adult Probation Officer, the District Attorney, the Mayor, the Public Defender, and the Sheriff. The Council coordinates information sharing, planning, and engagement among all interested private and public stakeholders; makes recommendations to the Mayor and Board of Supervisors of San Francisco on matters relevant to the reentering criminal justice population; and supports and informs local departments in applying for federal and state funding for local reentry-related efforts. The Reentry Council convenes quarterly and all meetings are open to the public.

Membership

The Reentry Council is composed of 23 members (Appendix A). The membership includes 16 representatives of the following entities: the Office of the Mayor, the Public Defender’s Office, the District Attorney’s Office, the Sheriff’s Department, the Adult Probation Department, the Board of Supervisors, Police Department, the Juvenile Probation Department, the Department of Economic and Workforce Development, the Human Services Agency, the Department of Public Health, the Department of Children, Youth, and Their Families, the Department of Child Support Services, the San Francisco Superior Court, the California Department of Corrections and Rehabilitation Division of Adult Parole Operations, and

the United States Probation and Pretrial Services System.

Three Mayoral appointees and four individuals appointed by the Board of Supervisors make up the remaining seven seats on the Council. The appointees must be former inmates of the San Francisco County Jail, a California Department of Corrections and Rehabilitation facility, and/or a United States Bureau of Prison facility.

In addition to the 23 council members, dozens of individuals serve on three subcommittees, representing a range of individual and organizational stakeholders. The subcommittees each meet approximately every two months.

Subcommittees

The Reentry Council has three standing subcommittees, and convenes other ad hoc working groups, as needed. The Reentry Council subcommittees are composed of approximately 50 diverse stakeholders from across the City and County of San Francisco, and focus on each of the following areas:

- *Subcommittee on Assessment and Connections:* Improve assessments, referrals, and connections for individuals across systems and institutions, including appropriate connections between institutions and outside, and criminal justice and non-criminal justice entities.
- *Subcommittee on Support and Opportunities:* Develop, promote, and expand effective reentry programs, services, and systems. Support leadership development, education, and advocacy of individuals impacted.
- *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.

The Reentry Council is staffed by the San Francisco Adult Probation Department's Reentry Division. The Reentry Division directs collaborative efforts to promote policy, operational practices, and supportive services to effectively implement Public Safety Realignment, coordinate reentry services for returning adults, and engage diverse stakeholders in Citywide planning. The Reentry Division is responsible for ensuring that Public Safety Realignment services are implemented effectively in partnership with all affected departments, organizations, and communities. The Reentry Division provides lead staff for the City & County's Reentry Council, as well as the Community Corrections Partnership and its Executive Committee. The Reentry Division is responsible for coordinating the Department and Citywide efforts to reduce recidivism through the utilization of evidence-based practices and implementation of partnerships across departments, organizations, and communities.

The Reentry Division team is comprised of a Reentry Division Director, Research Director, Reentry Policy Coordinator, Reentry Prerelease Coordinator, Reentry Resource Coordinator, and Reentry Services Manager. This multidisciplinary team works together to support the Justice Reinvestment Initiative, as well as other Citywide initiatives of the Reentry Council.

2. The proposed policy and/or program options identified in Phase I, or revisions made to those original options, are appropriate and feasible in Phase II.

<p>CJI certifies that the San Francisco Reentry Council has completed the following analysis:</p>	<ul style="list-style-type: none"> ✓ The proposed policy or program changes are directly linked to the criminal justice population drivers identified during JRI Phase I data analysis and are directly linked to the site’s justice reinvestment goals; ✓ The proposed policy and program changes still represent a significant change from current practice; and ✓ The calculations and assumptions used to project costs and potential savings are valid.
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Phase I Analysis

During JRI’s Phase I, CJI analyzed data from the San Francisco Adult Probation Department, the Sheriff’s Department, the Superior Court, the Department of Public Health, and San Francisco’s Pretrial Diversion Program and presented its preliminary findings and analysis to the Reentry Council in August and September of 2012. These preliminary findings included:

- ▶ A large portion of the most common offenses in San Francisco are for drug sales/manufacture and drug use/possession.
- ▶ The average length of stay in jail of the large pretrial population may be affected by processing time.
- ▶ The standard three-year probation supervision sentence is twice the average length of time to probation failure.
- ▶ Court processing time for defendants with public or court-appointed defenders is shorter than for defendants with private defenders.
- ▶ African Americans, who make up 7% of San Francisco’s general population, are disproportionately represented in its criminal justice system, at a rate of more than 50%.

From CJI’s presentations to the Reentry Council, and based on these preliminary findings, the Reentry Council identified three policy areas with potential for achieving cost savings and reinvestment opportunities in the CCSF criminal justice system. The Council decided to explore these three areas further and each of its three subcommittees held focused conversations on the three strategies in October and November 2012 to ensure that the Council had an opportunity to be informed by community and other stakeholder input. On December 4, 2012, the Reentry Council determined that it will examine and promote three justice reinvestment policy strategies:

- A. Eliminate disproportionality in San Francisco’s criminal justice system
- B. Create a uniform early termination protocol for probation
- C. Maintain and expand pre-trial alternatives to detention

Strategy A: Eliminate Disproportionality of People of Color in San Francisco’s Criminal Justice System

The disproportionate representation of people of color, particularly African Americans, in San Francisco’s criminal justice system was identified as an opportunity for justice reinvestment in the County’s initial JRI Phase I application. This issue remains a priority in San Francisco’s JRI activities. As indicated in the Phase I findings, not only are African Americans disproportionately represented in the criminal justice system, race and ethnicity are inconsistently recorded in criminal justice departments’ data systems. The lack of a standardized format for race and ethnicity data collection across criminal justice agencies makes it impossible to ascertain what disparities may or may not exist for all communities of color. However, even with the limited data on race and ethnicity available, the disproportionality of people of color in the criminal justice system is apparent: African American adults represent less than 7% of CCSF’s general population, but more than 50% of its criminal justice population. The specific drivers of disproportionality

within SF's local criminal justice system remain unclear.

This is a large and complex issue that involves every criminal justice partner. Due to its complexity, developing a policy strategy that is feasible and effective at addressing the problem was beyond the scope of Phase I activities. Therefore, the Reentry Council has determined that using the technical assistance available in Phase II is the most effective way to explore the drivers of this issue and to develop policy strategies to address it. In Phase II, we will conduct a decision point analysis to identify the points in the criminal justice process from which these significant disparities arise.

Related Initiatives

Separately from the work of JRI, but clearly linked to Strategy A, the San Francisco District Attorney's Office (SFDA) has partnered with the Vera Institute of Justice, Prosecution and Racial Justice Project (PRJ) to enhance prosecutorial accountability and performance. Through this partnership PRJ will work collaboratively with the SFDA to analyze data about the exercise and impacts of prosecutorial discretion; assist in developing routine policies and practices that promote fairness, efficiency and professionalism in prosecution; and provide technical assistance to help prosecutors implement those measures. By partnering with PRJ, the SFDA stands to gain additional mechanisms for monitoring the exercise of discretion within the office to ensure that they represent the office values encouraging fairness, promoting efficiency and enhancing the integrity of the prosecutorial role. The SFDA and Vera team will share developments from PRJ during JRI Phase II to support the activities and analysis proposed above.

As a parallel and related policy strategy, the CCSF is working to eliminate discrimination against formerly-incarcerated individuals in employment and housing application processes. San Francisco Board of Supervisors Member Jane Kim has developed the Fair Chance Ordinance, which would provide that certain affordable housing providers, private employers with 20 or more employees, and contractors doing business with the City and County of San Francisco may not inquire into an individual's conviction history or include such an inquiry in their application for employment or housing until after the decision-maker has determined the individual's qualifications meet the requirements for the position or housing unit.

In early 2013, the Equal Employment Opportunity Commission released regulatory guidance on this issue and recommended such "ban the box" ordinances to reduce the disparate impact on people of color of using criminal history information as an initial screening for employment or housing eligibility. Due to the disproportionate involvement of people of color in the criminal justice system in San Francisco, such practices have a larger impact on San Francisco's communities of color. Banning such practices will reduce the long-term negative impacts of having a criminal record, and may help to address persistent disproportionality across the criminal justice system in San Francisco.

Why Focus on Disproportionality

In San Francisco's original application for a Justice Reinvestment Initiative (JRI) award, racial disproportionality in the local criminal justice system was cited as an area of concern and one for potential system-wide improvement. African Americans represent less than 7% of the City's general population, but comprise at least 50% of the justice-involved population. This dramatic disparity was addressed in the 2009 *Report of the San Francisco Mayor's Task Force on African-American Out-Migration*, which described criminal justice involvement as one of several troubling challenges faced by the African American community in San Francisco:

...the median income of African Americans in San Francisco, \$35,200, is nearly half that of Whites, \$70,800. The African American unemployment rate, 10.4 percent, far exceeds that of any other racial or ethnic group in San Francisco. Even as housing and homeownership are key issues for all communities, the mortgage rejection rate for African Americans is far above any other group, as

*one in every three applications by African Americans in San Francisco is rejected. Along with the economic barriers, African Americans in San Francisco are arrested at more than twice the rate of all other racial groups combined, and African American students have the highest dropout rate among first-year high school students, at 6.1 percent.*¹

Several strategies were identified by this report to address the issue of public safety and African Americans' high rates of criminal justice involvement: maintain funding and political support for violence prevention programs; expand support for victims of violence; actively monitor and facilitate better relationships between communities, police departments, and the criminal justice system; and develop community supports for the reentry population to lower recidivism. The Justice Reinvestment Initiative provides an opportunity to add to this list a strategy focused on identifying the points in the criminal justice system at which African American individuals may experience the impact of decision-making bias.

Across the nation, African Americans and Latinos are overrepresented in prisons, jails, and on community supervision. While innumerable studies, reports, analyses, and personal testimonials recount the impact of this disproportionality on the lives of individuals and their family members, and on communities as a whole, less is known about the inherent bias that exists at discrete decision points within a given adult criminal justice system which disproportionately ensnare African Americans. Moreover, disproportionate minority contact is a term of art explicitly linked to the juvenile justice arena (rather than to the justice system as a whole) by the Juvenile Justice and Delinquency Prevention Act of 2002, which supports "an examination of potential disproportionate representation at all decision points within the juvenile justice continuum and implementation of data-based prevention and system improvement efforts to reduce identified disproportionality."² Indeed, San Francisco is a Juvenile Detention Alternatives Initiative site and, as such, has conducted substantial discussion and action around reducing disproportionate involvement in the juvenile system. San Francisco's criminal justice leaders have now deliberately set out to conduct a thorough self-examination in order to answer questions about why so many African American adults are sentenced to jail, prison, or correctional supervision in this City.

Data analysis efforts conducted by the Crime and Justice Institute and partner firm JFA Institute during Phase I of San Francisco's JRI award yielded valuable insights into the scale of the challenge of identifying the drivers of disproportionality in San Francisco. These challenges include differences in the way that race is collected and recorded by law enforcement agencies, leading to difficulty in comparing groups across the system as a whole. Since then, the San Francisco Police Department has adopted a data collection system which captures race and ethnicity with far greater detail and reliability, and the San Francisco Adult Probation Department has made improvements to the consistency of its data collection practices. With additional resources, we would be able to provide this newly available data alongside updated data provided by other participating agencies.

During Phase I of San Francisco's JRI award, staff leading JRI activities convened partner agencies to conduct a detailed system-mapping exercise (see document included here), but were unable to harness the resources necessary to conduct a full-fledged decision point analysis to examine the points at which discretion or bias seem to drive up involvement of African Americans—and drive up costs as a result. Given the high proportion of African Americans involved in every level of San Francisco's criminal justice system, any steps taken to reduce this disparity could reduce costs accordingly. Using the system map generated during Phase I as a blueprint, the decision point analysis will add new dimensions to our understanding of the way bias in decision-making drives spending on public safety in the San Francisco. This analysis will also

¹ *Report of the San Francisco Mayor's Task Force on African-American Out-Migration*, 2009. Available at <http://www.sfdevelopment.org/Modules/ShowDocument.aspx?documentid=292>

² Office of Juvenile Justice and Delinquency Prevention, <http://www.ojjdp.gov/Programs/ProgSummary.asp?pi=18>

allow partners to explore the extent to which recent diversion-related initiatives—such as the District Attorney’s Office Neighborhood Courts program and Alternative Sentencing Planner, or the Adult Probation Department’s Cameo House Alternative Sentencing Program for pregnant and parenting women—hold potential for reducing disproportionality and redirecting resources. Other system changes we would explore implementing include:

1. the introduction of a risk assessment instrument to guide cite versus detain decisions by police officers³ and explore the expansion of community-based sites to serve as diversion service centers,
2. a validated risk assessment instrument for use at the pretrial stage,⁴
3. uniform protocols for administering the Sheriff’s Department’s home detention and early release authority,
4. uniform protocols for making recommendations to the Superior Court that individuals who have been successful on probation supervision be terminated early,⁵ and
5. implementation of recommendations stemming from findings by the Vera Institute regarding the role that race plays in charging practices in the San Francisco District Attorney’s Office.

Incorporating this focus on disproportionality into San Francisco’s Phase II JRI efforts ensures an enhanced, multi-dimensional approach to reducing criminal justice costs through system reform. Not only will this analysis inform all of San Francisco’s JRI strategies, but it will also result in a replicable model for addressing bias in decision-making in the criminal justice system.

Strategy B: Create a Uniform Early Termination Protocol for Probation

A majority of those sentenced to felony probation supervision in San Francisco County are sentenced to a probation term of three years. The Phase I analysis found that, while 63.5 percent of probationers successfully complete their probation terms, those who fail on probation do so in an average of 1.4 years, with 75 percent of those failing doing so within two years. The standard three-year probation supervision term therefore exceeds the average length of time to probation failure by more than 18 months, thus providing an opportunity to terminate probation terms early, while protecting public safety and providing effective community supervision. This change in local policy will avoid unnecessary costs, resulting in more resources available for those remaining on probation supervision.

Currently, on a case by case basis, probation may be terminated early by the Court, with a required individualized determination by the Adult Probation Department. During Phase II, San Francisco partners will work to codify criteria for enhanced and streamlined early termination of eligible probationers and subsequently develop and operationalize the policy in the Adult Probation Department. The Adult Probation Department would also initiate early termination motions for active probationers sentenced to three years of probation prior to the implementation of this phase of JRI. The new early termination protocol would not apply to sex offenders, those serving probation terms for domestic violence offenses, or other categories of individuals, as determined jointly by the Court, Adult Probation Department, the District Attorney, and the Public Defender. An early termination of probation would also require a review of victim restitution obligations.

An analysis of this policy strategy forecasts the impacts to the Adult Probation Department’s caseload if the felony probation sentences were shortened from three to two years for a majority of the clients who are eligible and remain in compliance. According to this analysis, conducted by CJJ economist Mike Wilson,

³As has been piloted by Eau Claire Police Department’s implementation of the Hawai’i Proxy tool at the time of arrest.

⁴The instrument in use at present was developed by the Pretrial Diversion Project of San Francisco.

⁵This mechanism for reducing the probation caseload would complement the reduced standard length of probation proposed under Phase II of San Francisco’s JRI application, which is a prospective policy change.

the impact on the probation caseload grows over the next seven years to an overall annual reduction from current caseload numbers of approximately 1,100 clients, or approximately 20 percent of APD's current caseload. Because APD caseload ratios currently exceed APPA recommended standards, the reduction in caseload size would not allow a reduction in APD staffing or costs that could be reinvested in services outside APD. Instead, the reduced caseload would allow APD to supervise the remaining probation clients in a manner more closely aligned with industry standards and evidence-based practices. APD staff efforts would be reinvested in the community supervision of those probationers remaining on APD's caseload, by providing lower client-to-officer caseload ratios and increased treatment and services per client. APD will therefore invest more in the remaining probation caseload, which will contain a higher proportion of those who have difficulty remaining in compliance with supervision requirements and those individuals who are in their highest risk performance period on supervision. Improved supervision practices for these individuals can, in turn, interrupt this cycle and have lasting effects and savings for the City/County's entire criminal justice system.

The Adult Probation Department and the District Attorney's Office have agreed to embark on a pilot project to implement the enhanced early termination protocol which will create an automatic review of eligible probation cases at 24 months, with the considerations noted above. This working group continues to meet and department heads regularly communicate one-on-one to explore opportunities for expediting the implementation of this strategy.

Strategy C: Maintain and Expand Pretrial Alternatives to Detention

San Francisco's Phase I JRI analysis identified an ongoing decline in the number of San Francisco County Jail bookings and the jail's Average Daily Population from 2007 through 2011, which has continued through 2013. During this time period, over 82 percent of the jail's population was pre-sentenced individuals. The Reentry Council and the CCSF's criminal justice partners agree that addressing the large number of individuals held in custody pre-trial is a vital step in addressing the key cost drivers of the CCSF's criminal justice system

The San Francisco Pretrial Diversion Project, an independent nonprofit organization which holds the Sheriff's Department contract for pretrial services, invested in a pretrial assessment tool and has been collecting data with that tool, but has not yet used the tool to inform release decisions. Funds from Phase II will provide for validation of the tool, training and coaching of partners and pretrial staff on tool use and benefits, and analysis of outcomes post-implementation. The assessment will be conducted on all or a specified subset of bookings, and the assessment results will be included in presentations made by pretrial staff to judges for consideration regarding pretrial release.

The Sheriff's Department currently funds a number of programs as alternatives to pre-trial incarceration. Three of these are pretrial release programs open to people charged with felonies and administered by San Francisco Pretrial Diversion Project: Own Recognizance (OR), Supervised Pretrial Release (SPR), and Court Accountable Homeless Services (CAHS). Even while San Francisco's pretrial diversion programs, such as the OR Project, are successful, the high proportion of individuals incarcerated in the County Jail pretrial is striking. Providing more pretrial alternatives to incarceration has therefore been identified as an opportunity to have positive impacts on individuals arrested in the CCSF, as well as on the costs of the CCSF's criminal justice system. A cost avoidance analysis by CJJ's Mike Wilson estimates that expanding pretrial release by just 10% over the next two years would potentially amount to a reinvestment opportunity of \$1,490,542 per year starting in 2016.

Following integration of the pretrial assessment tool into release decision-making, a secondary analysis will be completed to explore the characteristics of those who remain detained. Attempts to fully understand this population are muddled by incomplete data. The proposed secondary analysis would create the

technical infrastructure to ensure an ongoing analysis of low and medium risk defendants who are eligible for release based on the assessment tool, but who either are not referred by the arraignment judge or denied following a secondary screening by Pretrial staff. The process would provide the Sheriff's Department and San Francisco Pretrial Diversion Project with regular reports regarding those arraigned on new felony charges that would help clarify the drivers of the pretrial population.

One of the challenges of the initial JRI data collection phase was cross-referencing data obtained from the San Francisco Sheriff's Department's Jail Management System with data obtained from the San Francisco Pretrial Diversion Project. Pretrial Diversion Project proposes to purchase business intelligence software that will allow partners to blend information from disparate databases in a meaningful and visual manner without the need to build a separate data warehouse or infrastructure.

The population would be broken down into four groups:

- Number with non-releasable holds from other jurisdictions
- Number held on probation violations
- Number with multiple pending cases
- Number held solely for a new felony arrest

The ongoing analysis would illuminate who comprises the pretrial population in the San Francisco County Jails and would include a comparison of demographic information of those on bail and those on nonfinancial release.

The data analysis would provide a platform for engaging the Court on examining alternatives for individual low risk non-violent defendants who may be appropriate for Supervised Pretrial Release with special conditions or electronic monitoring/home detention. In addition, the analysis would inform the development/expansion of alternatives for specific subpopulations such as the mentally ill and chronic substance abusers who may be denied release due to a lack of resources in the community. This information could also greatly inform the ongoing examination of racial disparity within the criminal justice system.

3. The JRI Task Force / Working Group has identified and agreed on a reinvestment strategy.

CJI certifies that the San Francisco Reentry Council has completed the following tasks:	<ul style="list-style-type: none"> ✓ Developed a feasible process to track costs of and savings resulting from implementation of policy or program changes (tracking capability must be demonstrated within first three months for non-capital projects; within 12 months for projects involving capital changes); ✓ Plans to develop or expand specific programs / strategies by reinvesting or reallocating dollars saved through justice reinvestment work; and ✓ Secured the written support of all members of the Task Force / Working Group members and other relevant stakeholders for the reinvestment strategy, evidenced by voting records or a signed letter of support.
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During Phase II, San Francisco has incorporated a plan for establishing methods and ongoing tracking capacity for both outcomes and cost implications into strategies B and C. Since strategy A will include data collection and analysis, the cost implications of policy potential changes won't be illustrated until priorities are developed.

Strategy B: Create a Uniform Early Termination Protocol for Probation.

Strategy B was initially estimated prospectively and included a reduction of the standard probation sentence from three years to two years. The partners have subsequently decided to implement an enhanced early termination protocol based on a set of eligibility criteria. The initial cost analysis only applied to newly sentenced probationers, with no impact on the current probationers. Because these types of policy changes take time to implement, the cost analysis assumed that this change would take place gradually and would be fully implemented after 24 months. Due to this policy change being prospective, and with the assumption of gradual implementation, it will take many years for the impact to be fully realized. Therefore, the estimated probation caseload impacts are 0 at two years out, 279 at three years out, 809 at four years out, 1084 at 5 years out, and a little over 1100 into the future.

After estimating the impact on San Francisco's probation caseload, CJI estimated the cost avoidance associated with that impact. Currently, probation caseloads in San Francisco are much higher than the national standards. The current caseloads vary by risk level, with a probationer to officer ratio of 57:1 for high risk, 82:1 for medium risk, 704:1 for low risk and 102:1 for administrative or banked caseloads. Strategy A will reduce the average caseload from over 90 to fewer than 70 probationers per officer once fully implemented. The breakdown of the new caseloads by risk level is estimated to be 44:1 for high risk, 63:1 for medium risk, 542:1 for low risk, and 79:1 for administrative or banked caseloads.

If the Adult Probation Department were to reduce the caseloads to the same level by hiring staff, the department would need to hire 16 Deputy Probation Officers and two Supervising Probation Officers. The annual cost for the wages, benefits, training and overhead of the additional staff is just under \$3,000,000. This policy change would also increase the level of services that individuals receive. Currently the annual average cost of services per probationer is \$859. With over 1100 fewer probationers the department could provide \$1,084 worth of services to probationers with the same current budget. If the Probation Department were to provide that same level of services with the current caseload it would cost just under \$1,000,000. Adding the cost of services and the cost of staffing, the total cost avoidance once the policy is fully implemented is just under \$4,000,000.

Strategy C: Maintain and Expand Pretrial Alternatives to Detention.

As part of the technical assistance provided through the JRI process, the Crime and Justice Institute (CJI) examined recent jail and pretrial data to estimate the savings in jail bed days and costs from increased use of pretrial alternatives to detention. CJI originally examined the pretrial data to estimate the number of days reduced from the average length of stay in jail for those who were released through the San Francisco Diversion Project. This analysis found that those who were released through the Diversion Project spent an average of five days in jail. The time between the release from jail and the termination date was more than 107 days. CJI analysts felt this overestimated the reduction in jail time from the project. If the individual had been in jail instead of in the community, there likely would have been increased pressure to handle the case more quickly and the time in jail may have been significantly shorter. As an alternative CJI analysts used data from the jail by release type to estimate the reduction in the length of stay for those released through the pretrial project. In 2011 there were 998 individuals who stayed longer than five days in the jail and had a release type of OR. Their average length of stay was 38 days. There were also 1,100 pretrial releases that stayed longer than five days in jail and had a release type of “release.” Their average length of stay was 65 days. The final release category used in this calculation was SPR. For this category there were 114 releases that stayed more than five days with an average length of stay of 18 days.

Due to a lack of data CJI was unable to accurately estimate how many individuals would be impacted by this strategy. As an alternative, the jail bed impact and the cost impact of increasing pretrial releases was estimated under three different scenarios; 10, 20 and 30 percent increases in releases to the pretrial project from the three release categories described above. CJI assumed this change would begin in January of 2014 and would phase in over 24 months. Once fully implemented, the estimated impact on the jail population under these three scenarios is a 28 bed reduction in the average daily population with a 10 percent change, a 55 bed reduction with a 20 percent change and an 83 bed reduction with a 30 percent change. Data from the San Francisco Sheriff’s Department on the marginal cost of a jail bed was used to estimate cost avoidance of this policy. These costs include health care, meals, clothing and linens. Staffing costs were also included when the impact became larger than 40 beds.⁶ The estimated impact on the average daily population of the jail and the cost avoidance of these scenarios are displayed below.

Reduced Jail ADP from Pretrial Expansion, Three Scenarios			
Date	10% Impact	20% Impact	30% Impact
7/1/2014	7	14	21
7/1/2015	21	41	62
7/1/2016	28	55	83
7/1/2017	28	55	83
7/1/2018	28	55	83
7/1/2019	28	55	83

⁶ While a typical pod holds 40 inmates, the ability to change staffing is dependent upon the type of inmate. There would need to be a change of 40 or more inmates of the same custody type and gender in order to reduce staffing.

Avoided Annual Costs of Pretrial Expansion, Three Scenarios			
Year	10% Impact	20% Impact	30% Impact
2014	\$47,537	\$95,075	\$142,612
2015	\$151,255	\$869,020	\$1,586,784
2016	\$207,436	\$1,547,890	\$2,888,345
2017	\$207,436	\$1,547,890	\$2,888,345
2018	\$207,436	\$1,547,890	\$2,888,345
2019	\$207,436	\$1,547,890	\$2,888,345

Phase II Reinvestment Plan

Each of the three strategies identified in Phase I is anticipated to result in cost avoidance in San Francisco’s criminal justice system. These strategies will address racial disparities and inefficiencies throughout the system, avoiding quantifiable costs, such as jail bed days and probation resources used, as well as costs that are more difficult to quantify, such as the costs borne by those involved in the criminal justice system, and by their families and communities. The avoided costs achieved through decreasing the number of individuals involved in the criminal justice system, either through pre-trial diversion, enhanced early termination of eligible probationers, or reducing disparities, will allow justice partners to reinvest in better, more evidence-based services and allocate resources to those who remain involved in the system, thereby improving the effectiveness of the investment the City/County currently makes in criminal justice activities.

San Francisco’s jail system is currently at the lowest inmate population level seen in decades and the number of individuals on active probation supervision in the CCSF has decreased significantly (from 6700 in 2009 to a current total caseload size of 4500) over the last several years. The CCSF’s commitment to alternatives to incarceration, pre-trial diversion, collaborative courts, and evidence-based practices in sentencing and community supervision have all contributed to these astonishing trends. In spite of these accomplishments, there are still areas in need of reform, as evidenced by the following facts:

- while African Americans make up less than 7 percent of the CCSF’s residents, they make up over 50 percent of those involved in the criminal justice system;
- 80 percent of the CCSF’s jail population has not yet been sentenced; and,
- while most of those who fail on probation do so in under two years, the standard probation sentence given is three years.

In JRI Phase II, San Francisco will implement targeted, collaborative policy and operational strategies to address these disparities. The importance of these implementation strategies is further underscored by the CCSF’s developing plans to build a replacement jail facility for two County Jail sites currently housed at the Hall of Justice, whose 55-year-old linear architecture inhibits in-custody programming. The replacement jail would reduce the overall number of jail beds available in San Francisco, but would cost taxpayers millions of dollars in an era of already low incarceration rates.

Since the actual savings of San Francisco’s strategies are unknown at this point, it is possible that reinvestment funds will not be sufficient to support all of these potential reinvestments. The Reentry Council will determine the best use of available funds from this menu of opportunities.

Strategy A: Eliminate Racial Disproportionality

Reinvestment opportunities related to this strategy will be developed following the decision-point analysis and subsequent prioritization process.

Strategy B: Create a Uniform Early Termination Protocol for Probation

An analysis of this policy strategy forecasts the impacts to the Adult Probation Department’s caseload if the felony probation sentences were shortened from three to two years for a majority of the clients who are eligible and remain in compliance. According to this analysis, conducted by CJI economist Mike Wilson, the impact on the probation caseload grows over the next seven years to an overall annual reduction from current caseload numbers of approximately 1,100 clients, or approximately 20 percent of APD’s current caseload. Because APD caseload ratios currently exceed APPA recommended standards, the reduction in caseload size would not allow a reduction in APD staffing or costs that could be reinvested in services outside APD. Instead, the reduced caseload would allow APD to supervise the remaining probation clients in a manner more closely aligned with industry standards and evidence-based practices. APD staff efforts would be reinvested in the community supervision of those probationers remaining on APD’s caseload, by providing lower client-to-officer caseload ratios and increased treatment and services per client. APD will therefore invest more in the remaining probation caseload, which will contain a higher proportion of those who have difficulty remaining in compliance with supervision requirements and those individuals who are in their highest risk performance period on supervision. Improved supervision practices for these individuals can, in turn, interrupt this cycle and have lasting effects and savings for the City/County’s entire criminal justice system.

Strategy C: Expand Pretrial Alternatives to Detention

The initial cost avoidance analysis by CJI’s Mike Wilson estimates that expanding pretrial release by just 10% over the next two years would potentially amount to a reinvestment opportunity of \$1,490,542 per year starting in 2016. The Phase II implementation plan includes the validation and use of a pretrial assessment tool to guide and enhance release decisions by the courts. Assuming the use of this tool results in increased releases of at least 10%, the savings potential is substantial. That savings would be reinvested into pretrial staffing capacity; alternatives to detention including housing vouchers, electronic monitoring, and day programming; and related support services.

Written Support

Written support of San Francisco’s Reentry Council Co-chairs is included in attachment XX. The Phase I Final Report, Phase II policy strategies, cost analysis and reinvestment plan have been fully vetted with the Reentry Council

4. The site has developed an implementation plan for JRI Phase II.

CJI certifies that the San Francisco Reentry Council has developed a plan that:	<ul style="list-style-type: none">✓ Identifies the specific activities and sub-tasks that need to be completed in order to implement the larger policy or program options;✓ Indicates how key agencies and criminal justice stakeholders will be engaged in the implementation process;✓ Sets these activities and tasks to a timeline complete with milestones and deliverables;✓ Details the costs associated with new JRI policy or program changes, including start-up costs and operational (ongoing) costs, and specific metrics that will be used to track the outcome of these changes, in a preliminary budget proposal;✓ Articulates how new policies and program changes will be sustained after the completion of JRI Phase II; and✓ Incorporates the JRI Work Group’s reinvestment strategy.
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Implementation Plan Summary

		2014			2015			2015			2015		
		October	November	December	January	February	March	April	May	June	July	August	September
Strategy A: Eliminate Racial Disproportionality		W. Haywood Burns Institute conducts decision point analysis of data from San Francisco criminal justice partners to identify drivers of racial disproportionality in San Francisco.						Burns Institute presents findings to Reentry Council.	TA Provider convenes meetings with key partners to examine data and develop plan for addressing racial disproportionality across the San Francisco criminal justice system.				TA provider presents partners' proposed strategy to the Reentry Council for adoption.
		Contracted provider identified to coordinate implementation.				Contractor facilitates implementation of early termination protocol. Develops case identification & flagging methods and related SFAPD policy materials, trains staff, and monitors/reports on implementation.							
Strategy B: Create a Uniform Early Termination Protocol for Probation		TA provider facilitates working group comprising Chief Probation Officer, DA, PD, & Superior Court to finalize eligibility criteria for early termination protocol.				Eligibility criteria presented for review by Reentry Council.	Contractor works with SFAPD staff to draft departmental policy and implement early termination protocol for probationers.				Research Director presents early findings to Reentry Council.	SFAPD conducts initial caseload redistribution & reentry service prioritization to address needs of highest risk clients.	
		SFAPD Research Director & TA Provider develop metrics for ongoing fiscal analysis, caseload redistribution, & outcome analysis & monitoring.					Research Director begins collecting data on early termination, cost avoidance & caseload statistics.						
Strategy C: Expand Pretrial Alternatives to Detention		SF Pretrial Diversion recruits & hires additional staffing.	TA provider presents tool and data analysis to Sheriff, DA, PD, & Superior Court and reaffirms partners' commitment to using the tool.			SF Pretrial expands use of tool to all bookings through expanded staff capacity & training. Judges review results as part of release decision.		SF Pretrial Diversion continues to use assessment tool on all or specified subset of bookings.					
		TA Provider conducts analysis of existing pretrial risk assessment data to revalidate tool on population.	TA provider develops metrics for ongoing analysis.	Sheriff & SF Pretrial Diversion creates regular reporting schedule to DA, PD, & Court for ongoing quality assurance/monitoring.			Reentry Council reviews initial results & fiscal analysis.	Sheriff's Office, Pretrial Diversion, and TA provider implement software changes to allow enhanced data analysis of Jail & Pretrial data. (Explore inclusion of DPH and Jail Behavioral Health data for analysis)		Sheriff's Office, Pretrial Diversion and TA provider conduct analysis of individuals not released to OR, SPR, or CAHS. SF Pretrial. Prepare report & recommendations for Reentry Council.		Reentry Council considers analysis & recommendations for expansion of pretrial release.	

Phase II Implementation Plan Detail

Strategy	Task	Lead	Timeline	Output/Outcome
A. Eliminate Racial Disproportionality				
	Coordinate data sharing agreements between W. Haywood Burns Institute (BI), CJI, and San Francisco partners.	SF Reentry Council Staff and CJI TA staff	October 2014	Completed contracts and data sharing agreements
	Conduct decision point analysis of data from San Francisco criminal justice partners to identify drivers of racial disproportionality in San Francisco.	W. Haywood Burns Institute	March 2015	Completed decision point analysis report
	Present analysis findings and final report to Reentry Council.	W. Haywood Burns Institute	April 2015	Presentation to Council
	Convene meetings with key partners to examine data and develop plan for addressing racial disproportionality across the San Francisco criminal justice system.	CJI TA staff and SF Reentry Staff	May-August 2015	Completed plan for addressing disproportionality
B. Create a Uniform Early Termination Protocol for Probation				
	Identify and contract with a contracted consultant (Early Termination Coordinator) to coordinate implementation and policy development.	SFAPD	December 2014	Contract complete and work begun
	Finalize eligibility criteria for early termination protocol	SFAPD and CJI	December 2014	Completed eligibility criteria and protocol.
	Develop metrics for ongoing fiscal and outcome analysis, as well as caseload redistribution data.	SFAPD	December 2014	Completed framework, including metrics, format, and data collection and analysis protocol.
	Present final eligibility criteria and protocol to the Reentry Council	SFAPD Research Director	January 2015	Completed Presentation

Strategy	Task	Lead	Timeline	Output/Outcome
	Develop SFAPD policies and procedures for early termination, train staff, and implement new practices.	Early Termination Coordinator	January – September 2015	Implementation complete and all eligible cases being early terminated as per protocol.
	Collect data on early termination, cost avoidance and caseload statistics	SFAPD Research Director	February – June 2015	Data collected and analyzed and ongoing reporting schedule finalized.
	Data presented to Reentry Council.	SFAPD Research Director	July 2015	Presentation complete
	SFAPD conducts initial caseload redistribution & reentry service prioritization to address needs of highest risk clients.	Early Termination Coordinator	August 2015	Caseload redistribution complete
C. Expand Pretrial Alternatives to Detention				
	Recruit and hire additional staffing	SF Pretrial Diversion	October 2014	Staffing hired
	Conduct analysis of existing pretrial risk assessment data to revalidate tool.	Contracted Consultant	November 2014	Analysis and report complete
	Analysis and report presented to SF partners, including Sheriff, DA, PD, and Superior Court.	Contracted Consultant	December 2014	Presentation complete
	Develop metrics and protocol for ongoing analysis.	Contracted Consultant, Sheriff's Office and Pretrial Diversion	December 2014	Metrics and protocol complete.
	Develop reporting framework and schedule for reporting to partners for ongoing quality assurance and progress monitoring	Contracted Consultant, Sheriff's Office and Pretrial Diversion	February 2015	Report developed and regular reporting schedule implemented
	Use of assessment tool expanded to all bookings and data is used to guide release decisions.	Pretrial Diversion and Superior Court	February 2015	Assessment tool conducted on all bookings and used in release decisions
	Initial results and status update presented to Reentry Council	Pretrial Diversion, Sheriff's Office, and CJI	March 2015	Presentation complete
	Purchase and implement software to allow enhanced analysis of jail and pretrial data.	Contracted Provider	June 2015	Software purchased and implemented.
	Conduct secondary analysis of data for pretrial detainees not released following application of the assessment tool	Sheriff's Office, Pretrial Diversion, and CJI	August 2015	Secondary analysis complete

Strategy	Task	Lead	Timeline	Output/Outcome
	Present results of secondary analysis to Reentry Council for exploration of additional release opportunities and challenges	Sheriff's Office, Pretrial Diversion, and CJJ	September 2015	Presentation complete

5. Budget Request

San Francisco is requesting \$326,500 for Phase II work. The summary of the budget request is provided below, followed by a more detailed budget narrative.

Phase II Budget Request Summary

Strategy	Item	Cost	Subtotal
A. Eliminate Racial Disproportionality			
	Contracted technical assistance to conduct decision-point analysis	\$35,000	
	Contract with diversity facilitator	\$15,000	
	Subtotal		\$50,000
B. Create a Uniform Early Termination Protocol for Probation			
	Contract with Early Termination Coordinator for SFAPD implementation	\$100,000	
	Subtotal		\$100,000
C. Expand Pretrial Alternatives to Detention			
	Pretrial Diversion staffing resources	\$110,000	
	Contract for revalidation of pretrial assessment tool, presentation of report, and partner and staff training	\$25,000	
	Software purchase and implementation of database bridge to allow for secondary analysis of pretrial detainees	\$41,500	
	Subtotal		\$176,500
	Total Budget Request		\$326,500

One-time-Only costs

Several of the budget items are one-time costs and will not require on-going funding beyond Phase II. These include:

- Contracts for decision-point analysis and diversity facilitator
- Contract for early probation termination coordinator for SFAPD implementation
- Contract for revalidation of pretrial assessment tool and associated presentations and trainings
- Software purchase to support secondary analysis of pretrial diversion and Sheriff's Department data

Sustained Costs

Annual ongoing cost support will be needed for the pretrial diversion services staff and support for enhanced pretrial alternatives and services. If these initiatives prove to be effective in reducing jail bed days and improving public safety outcomes, available reinvestment funds would be available to provide ongoing support for these strategies.

Budget Narrative

Strategy A: Eliminate Racial Disproportionality

Contracted Technical Assistance for Decision Point Analysis (\$35,000)

The W. Haywood Burns Institute (BI) has been identified as a potential provider for this service. BI is a national non-profit organization that has worked successfully with local jurisdictions to reduce racial and ethnic disparities in the juvenile justice system.

A key component of BI’s work to reduce disparities involves analyzing data to learn whether and to what extent racial and ethnic disparities exist in criminal justice system processing.

BI will conduct a decision point analysis to review the extent of racial and ethnic disparities at five key decision points in the San Francisco Criminal Justice System processing:

1. Arrest;
2. Bail and Pre-Adjudication Jail;
3. Own Recognizance (OR) Project;
4. Sentencing; and
5. Motion to Revoke Probation (MTR)

The disparities analysis for each decision making point is contingent on available data and based on future conversations regarding the specific data related questions that will be answered.

<u>BI Technical Assistance</u>	<u>Cost</u>
(1) Clean Up and Analysis of Available Data	\$22,500
(2) Development of Presentation with Findings	\$10,000
(3) Presentation of Findings	\$2,500
TOTAL	\$35,000

Contracted Facilitator (\$15,000)

Funds will be used to contract with a consultant who holds expertise in facilitating conversations regarding racial justice issues. This individual will guide Reentry Council members through policy discussions around the results from the decision point analysis.

Strategy B: Create a Uniform Early Termination Protocol for Probation

Contracted Early Termination Coordinator (\$100,000)

Funds will be used to contract with an individual on a temporary, ten to twelve month basis, to support implementation of Strategy B: Creation of an Early Termination Protocol for Probation. This individual will provide support for policy development and implementation in the Adult Probation Department. Specific tasks will include the development of policies and procedures, conducting training for probation officers, and assisting the SFAPD Research Director in the development of metrics and reporting schedules to support monitoring and quality assurance.

Strategy C: Expand Pretrial Alternatives to Detention

Pretrial Diversion Staffing Resources (\$110,000)

Phase II funding is requested for a Policy Analyst and a Case Manager position to assist with the implementation of the pretrial assessment tool in pretrial diversion. The Policy Analyst will coordinate and monitor data collection and the implementation process for use of the pretrial assessment tool. The Case Manager position will provide additional staffing resources necessary to offset the time required to conduct the assessment on all individuals booked at the San Francisco Jail.

Pretrial Assessment Tool Validation (\$25,000)

Phase II funding is requested to support revalidation of the existing pretrial assessment tool. In addition, the contracted provider will present the results of the revalidation to San Francisco criminal justice partners,

provide training to staff and partners on tool implementation, and assist with development of methods and reports for ongoing outcome monitoring.

Software for Secondary Analysis of Pretrial Detainees (\$41,500)

Funds will be used to purchase and install software to bridge the Sheriff’s data and the Pretrial Diversion Program’s data to allow for analysis of the detainee population

<u>Secondary Analysis</u>	<u>Cost</u>
(1) Rental of virtual server	\$5,000
(2) Application Programming Interface Development (API)	\$5,000
(3) MicroStrategy Jump Start program	\$31,500
TOTAL	\$41,500

**Legislative and Policy Update
Reentry Council
August 12, 2014**

I. Statewide Legislation and/or Policy to Watch

The following legislation has been identified by Reentry Council staff as items of interest to Reentry Council members.

Proposed State Legislation:	SB 210 (Hancock): Criminal Procedure: Pretrial Release
Background:	<p>This bill would authorize a sheriff, county probation department, or other local governmental agency, with the concurrence of the board of supervisors, to employ an investigative staff for the purpose of recommending whether a defendant should be released on his or her own recognizance, and would require a pretrial investigative report to be prepared before a court may order a defendant released on his or her own recognizance in any case involving specified crimes, including a violent felony. The bill would authorize the preparation of a pretrial investigation report in all other cases in which a court, sheriff, county probation department, or other local governmental agency has employed an investigative staff to recommend whether the defendant should be released on his or her own recognizance. The bill would require any pretrial investigative report to include the results of an evidence-based pretrial risk assessment, as defined, evaluating the defendant’s probability of appearing at trial and potential risk to public safety. The bill would prohibit, for purposes of preparing the report, a defendant from being interviewed about the facts and circumstances of the defendant’s current offense. The bill would authorize a court, sheriff, county probation department, or other local governmental agency, with the concurrence of the board of supervisors, to employ supervision staff to monitor a defendant’s compliance with release conditions ordered by the court, as specified.</p>
Status:	<p>Passed Senate January 30, 2014. Ordered to the Assembly. Assembly read first time January 30, 2014, referred to Public Safety Committee. Passed out of Assembly Public Safety Committee June 17, 2014. Read second time by Assembly on June 19, 2014. Read third time July 1, 2014.</p>

Proposed State Legislation:	AB 1468: Budget Act of 2014
Background:	<p>Under existing law, a person convicted of specified drug offenses (including transporting, selling, furnishing, administering, giving away, possessing for sale, purchasing for purpose of sale, or manufacturing a controlled substance) is ineligible to receive CalFresh or CalWorks benefits.</p> <p>This bill, as of April 1, 2015, would authorize CalFresh and/or CalWorks benefits to be paid to an individual who is convicted in state or federal court after December 31, 1997, of any offense classified as a felony that has as an element the possession, use, or distribution of a controlled substance, as defined. If the person is on supervised release, he or she would be ineligible for CalFresh and/or CalWorks benefits during any period of revocation of that supervised release.</p> <p>Furthermore, Existing law authorizes the Secretary of the Department of Corrections and Rehabilitation to offer a program under which eligible female inmates who have been committed to state prison may be allowed to participate in a voluntary alternative custody program in lieu of confinement in state prison. Existing law defines that alternative custody program to include confinement to a residential home, a residential drug or treatment program, or a transitional care facility that offers appropriate services.</p> <p>This bill would authorize a sheriff or a county director of corrections to implement a similar voluntary alternative custody program for male and female inmates who have been committed to a county jail for a determinate term of imprisonment for a felony or for a misdemeanor, except that the bill would define an alternative custody program operated by a sheriff or a county director of corrections to additionally include confinement to a mental health clinic or hospital that offers appropriate mental health services, and would authorize, but not require, the sheriff or the county director of corrections to use electronic monitoring, global positioning system devices, or other supervising devices.</p>
Status	Signed by the Governor June 20, 2014

Proposed State Legislation:	AB 2060 (Pérez): Supervised Population Workforce Training Grant Program
Background:	This bill would establish the Supervised Population Workforce Training Grant Program to be administered, as provided, by the California Workforce Investment Board and funded, upon appropriation by the Legislature, using moneys from the Recidivism Reduction Fund. The bill, among other things, would provide grant program eligibility criteria for counties. The bill would also provide that eligible uses for grant funds include, but are not limited to, vocational training, stipends for trainees, and apprenticeship opportunities for the supervised population, which would include individuals on probation, mandatory supervision, and postrelease community supervision. By January 1, 2017, the board would be required to submit a report to the Legislature containing specified information, including an evaluation of the effectiveness of the grant program.
Status:	Passed Public Safety Committee, referred to Committee on Jobs, Economic Development & the Economy April 8, 2014. Passed Committee on Jobs, Economic Development & the Economy May 6, 2014, re-referred to Committee on Appropriations. Passed Committee on Appropriations May 23, 2014, ordered to second reading. On third reading, unanimously passed by Assembly and ordered to Senate on May 28, 2014. In Senate, read first time and re-referred to Committee on Appropriations June 25, 2014.

Proposed State Legislation:	AB 2129 (Jones-Sawyer): Inmates: reentry program
Background:	This bill would require the Department of Corrections and Rehabilitation to establish a voluntary prerelease reentry program for inmates in prison, to commence no later than 6 months prior to the inmate's release from prison. The program would include, among other things, education programs, transition programs including employment services and skills, and cognitive behavior therapy, including substance abuse treatment and anger management.
Status:	Passed by the Public Safety Committee on April 8, 2014 and referred to the Committee on Appropriations. Held under submission by Committee on Appropriations May 23, 2014.

Proposed State Legislation:	AB 966 (Bonta): Prisoner Protections for Family and Community Health Act
Background:	This bill would require the Department of Corrections and Rehabilitation to develop a 5-year plan to extend the availability of condoms in all California prisons.
Status:	Passed the Assembly on January 27, 2014. Referred to the Senate Public Safety Committee on February 6, 2014. Passed and referred to Committee on Appropriations on May 13, 2014. Placed on Appropriations suspense file June 23, 2014.

Proposed State Legislation:	AB 2308 (Stone): Prisoners: identification cards
Background:	This bill would require the Department of Corrections to ensure that all inmates released from state prisons have valid identification cards.
Status:	Passed the Public Safety Committee on April 2, 2014 and referred to the Committee on Appropriations. Passed Appropriations on May 23, 2014. Passed Assembly after third read on May 28, 2014, ordered to Senate. Referred to Senate Committee on Public Safety June 11, 2014. Passed Public Safety and re-referred to Appropriations on June 25, 2014.

Proposed State Legislation:	SB 957 (Vidak): Imprisonment: state prison
Background:	Under existing law, certain specified felonies are punished by imprisonment in a county jail for 16 months, or 2 or 3 years or, where the term is specified, for the term described in the underlying offense. Notwithstanding these provisions, existing law requires that a sentence be served in state prison where the defendant has a prior or current conviction for a serious or violent felony, has a prior felony conviction in another jurisdiction that has all of the elements of a serious or violent felony, is required to register as a sex offender, or has an aggravated white collar crime enhancement imposed as part of the sentence. This bill would additionally require a defendant to serve his or her sentence in state prison if he or she is convicted of a crime or crimes for which he or she is sentenced to an aggregate term of imprisonment of 10 years or more. This bill would declare that it is to take effect immediately as an urgency statute.
Status:	Referred to the Public Safety Committee on February 20, 2014. Bill failed in committee on April 29, 2014.

Proposed State Legislation:	SB 1054 (Steinberg): Mentally ill offender crime reduction grants
Background:	This bill would require the board to administer and award mentally ill offender crime reduction grants on a competitive basis to counties that expand or establish a continuum of swift, certain, and graduated responses to reduce crime and criminal justice costs related to mentally ill offenders. The bill would require board to establish minimum standards, funding schedules, and procedures for awarding grants. This bill would appropriate \$50,000,000 from the Recidivism Reduction Fund in the 2014-15 fiscal year for the mentally ill offender crime reduction grant program, and require that half of that amount be used for adult offenders and half for juvenile offenders.
Status:	Re-referred to the Public Safety Committee on April 7, 2014. Passed in Senate unanimously on May 28, 2014, ordered to Assembly. Passed Assembly Committee on Public Safety and re-referred to Committee on Appropriations June 19, 2014. Sent to Appropriations suspense file July 2, 2014.

Proposed State Legislation:	AB 218 (Dickinson): Ban the Box
Background:	Existing law prohibits both public and private employers from asking an applicant for employment to disclose, either in writing or verbally, any information concerning an arrest or detention that did not result in a conviction. This bill, commencing July 1, 2014, would prohibit a state or local agency from asking an applicant to disclose information regarding a criminal conviction, except as specified, until the agency has determined the applicant meets the minimum employment qualifications for the position. Certain employers, such as law enforcement, school districts, and any job positions subject to a criminal background check by an occupational or licensing law are exempt from the legislation.
Status:	Passed and approved by the Governor on October 10, 2013

Proposed State Legislation	ACR 155 (Bocanegra): Relative to Child Brain Development
Background:	This measure would urge the Governor to identify evidence-based solutions to reduce children’s exposure to adverse childhood experiences, address the impacts of those experiences, and invest in preventive health care and mental health and wellness interventions.
Status	Approved by the Committee on Health, ordered to third reading on June 18, 2014.

Proposed State Legislation	AB 1119 (Hagman): Postrelease Reentry Pilot Program
Background	<p>This bill would, until January 1, 2018, require the Secretary of the Department of Corrections and Rehabilitation to establish a 3-year postrelease reentry pilot program, using an existing Sacramento area-based parole reentry program as a model, in 3 additional counties to provide comprehensive, structured reentry services for offenders released from state prison. The bill would require the Counties of San Bernardino, San Joaquin, and San Mateo to participate in the pilot program, and would provide that parolees, persons on post-release community supervision, and probationers are eligible for participation in the program.</p> <p>The bill would require the secretary to submit a report on the effectiveness of the program for the 3 years of its operation to the Legislature on or before March 1, 2017, and a summary of the report to the Governor and the Legislature outlining the successes of the program. The bill would state the intent of the Legislature to appropriate \$1,200,000 per year per site from the state General Fund for the operation of the program, subject to matching funds from the county, and to appropriate an additional amount for the cost of evaluating the program.</p>
Status	Died in Public Safety Committee on January 31, 2014.

Proposed State Legislation	AB 2570 (Skinner): California Rehabilitation Oversight Board
Background	<p>Existing law requires the California Rehabilitation Oversight Board to regularly examine the various mental health, substance abuse, educational, and employment programs for inmates and parolees operated by the Department of Corrections and Rehabilitation and to report to the Governor and the Legislature on March 15 and September 15 each year, as specified, including findings on the effectiveness of treatment efforts and recommendations with respect to modification, addition, and elimination of rehabilitation and treatment programs.</p> <p>This bill would additionally require the board, beginning January 1, 2015, to examine the department's effort to assist inmates and parolees obtain postrelease health care coverage.</p>
Status	Unanimously passed Assembly on May 15, 2014. Unanimously passed Senate on July 3, 2014. Ordered back to Assembly with Senate amendments.

Proposed City/County Legislation:	SB 892 (Hancock): State Prisons
Background	The purpose of this bill is to: ensure prison inmates going through the gang validation process are provided adequate due process; create an infrastructure to provide oversight and accountability in the use of the Security Housing Unit (SHU); provide humane conditions for prison inmates in the SHU such as reducing the minimum amount of time in SHU; and provide evidence-based programming to prison inmates in the SHU. □
Status	Passed Assembly committee on Public Safety and referred to committee on Appropriations June 25, 2014

II. Local Legislation and/or Policy to Watch

Proposed City/County Legislation:	130650: Home Detention Program Sponsor: Sheriff’s Department
Background:	<p>Local law authorizes the Sheriff to operate a “Home Detention Program” for inmates sentenced to county jail or participating in the Work Furlough program as specified in California Penal Code Section 1203.016, subject to the inmate’s consent to the program’s conditions. Participation is limited to minimum security and low risk offenders. Section 1203.016 requires that all inmates participating must submit to electronic monitoring.</p> <p>For sentenced inmates and those on work furlough, the ordinance would remove the requirement that participants be minimum security and low risk offenders. For pretrial detainees being held in lieu of bail, the ordinance would authorize the Sheriff to operate an “Electronic Monitoring Program,” as permitted under Penal Code Section 1203.018, for release of such detainees. To participate, detainees would need to consent to the placement and the program’s conditions. The ordinance would require that the Sheriff notify the District Attorney prior to any placement of pretrial detainees, and, if the District Attorney objected, require that the Sheriff request a hearing in Superior Court regarding the placement.</p>
Status:	Not recommended by Neighborhood Services and Safety Committee July 22, 2014.

Proposed City/County Legislation:	140084: Jail Inmate Health Insurance Enrollment Ordinance Sponsor: Sheriff’s Department
Background:	This ordinance amends the Administrative Code to designate the Sheriff as the entity to assist county jail inmates with submitting an application for a health insurance affordability program, consistent with federal requirements.
Status:	Signed into law by the Mayor on April 18, 2014.

Proposed City/County Legislation:	Fair Chance Ordinance (Ordinance to Amend Police & Administrative Codes: Considering Criminal History in Employment and Housing Decisions) Sponsors: Kim, Cohen, Avalos, Campos, Chiu, Mar and Yee.
Background:	<p>The proposal is an extension of existing San Francisco law, which since 2006 has prohibited public employers from asking about someone's arrest or conviction record right away. Under both the existing and pending laws, employers and housing providers may conduct a background check, but not until later in the application process. This ordinance will make employment practices more consistent with the Equal Employment Opportunity Commission’s recommended best practices on hiring people with arrest and conviction records and standardize the practices for nonprofit affordable housing providers city-wide. The ordinance would apply to:</p> <ul style="list-style-type: none"> • Employers: Employers with 20 or more employees regardless of location, but would only apply to employment situations located in whole or in substantial part in San Francisco. The ordinance would not apply to the City government or to other governmental entities, local, state, or federal. • Housing: Entities that own, master lease, or develop affordable housing (as defined in ordinance) in the City. • Contractors: A contractor’s operations to the extent they are in furtherance of performing a contract or property contract. Certain types of contracts (for example, for a cumulative amount of \$5,000 or less in a fiscal year) and property contracts (for example, for a duration of less than 30 days) are not covered by the ordinance. <p>Office of Labor Standards Enforcement shall be responsible for administrative enforcement and tracking complaints of employment portions of the ordinance. The Human Rights Commission (HRC), in consultation with the Mayor’s Office of Housing and Community Development, shall be responsible for administrative enforcement of the housing portions of the ordinance, and HRC shall be responsible for tracking complaints.</p>
Status:	Signed into law by the Mayor on February 14, 2014.

<p>Proposed City/County Legislation:</p>	<p>Secure Reentry Program Facility Resolution Sponsor: Sheriff’s Department</p>
<p>Background:</p>	<p>Resolution authorizing the Sheriff’s Department to enter into a contract with the California Department of Corrections and Rehabilitation (CDCR) to accept and expend up to \$4,195,576 to establish the Secure Reentry Program Facility (SRPF). The Sheriff’s Department will provide custodial supervision appropriate for program delivery; the Adult Probation Department will provide intensive, in-custody evidence-based reentry programming, which will address offenders’ underlying criminogenic needs. The Sheriff’s Department and Adult Probation Department shall jointly report to the State Legislature and the CDCR on the implementation of this SRPF after a period of one, two, and three years as part of this pilot program, to commence upon Board approval for a three-year term. The resolution would facilitate a partnership between CDCR, Adult Probation, and the Sheriff’s Department so that CDCR prisoners who are eligible for Postrelease Community Supervision (PRCS) in San Francisco can serve the last 60 days of their sentence in the Reentry Pod. The Reentry Pod, a collaboration between Adult Probation, the Sheriff’s Department, and community partners, opened its doors in February 2013 and is specifically designed to house this PRCS population.</p>
<p>Status:</p>	<p>Approved by the Mayor on March 12, 2014.</p>

For questions or comments about this memo, please contact Jennifer Scaife, Director of the Reentry Division, at reentry.council@sfgov.org or (415) 553-1593.