

Reentry Council

City & County of San Francisco

AGENDA

Tuesday, February 11, 2014
10:00 a.m.
Milton Marks Conference Center
455 Golden Gate Avenue
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 December 10, 2013 (discussion & possible action).
4. Discussion and Possible Adoption of Draft Ordinance to Renew Reentry Council and Draft Report to Board of Supervisors Recommending Renewal of Reentry Council and Amendments to Administrative Code; Possible Nomination of Reentry Council Member to Sponsor the Legislation (discussion and possible action).
5. Regular Update on Reentry Related Funding and Update on Implementation of the Second Chance Act funded projects (discussion only).
6. Update on Implementation of the Justice Reinvestment Initiative, with Presentation by Mike Wilson and Lore Joplin of the Crime and Justice Institute on Cost Avoidance Analyses for Proposed Expansion of Pre-Trial Diversion and Reduction of Standard Probation Terms. (discussion only).
7. Regular Update on Legislative and Policy Issues Related to Reentry, and Discussion of Proposed Ordinances Related to Home Detention and Health Care Enrollment (discussion only).
8. 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).
12. Council Members’ Comments, Questions, and Requests for Future Agenda Items (discussion only).
13. Public Comment on Any Item Listed Above, as well as Items not Listed on the Agenda.
14. Adjournment.

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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: Sara Felicia Moore-Jordan, Reentry Policy Coordinator, 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 Sara Felicia Moore-Jordan at (415) 553-1047 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 Sara Felicia Moore-Jordan, at reentry.council@sfgov.org or (415) 553-1047 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 Sara Felicia Moore-Jordan, at reentry.council@sfgov.org or (415) 553-1047 at least two business days before the meeting.

CHEMICAL SENSITIVITIES

To assist the City in its efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City accommodate these individuals.

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Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library, and on the City's web site at: www.sfgov.org/sunshine.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT A VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE:

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

CELL PHONES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Co-Chairs may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

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Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by San Francisco Lobbyist Ordinance (SF Campaign and Governmental Conduct Code sections 2.100-2.160) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco CA 94102, telephone (415) 581-2300, FAX (415) 581-2317, and web site <http://www.sfgov.org/ethics/>

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DRAFT MINUTES

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

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

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

1. Call to Order and Introductions.

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

2. Public Comment on Any Item Listed Below.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

There was no discussion regarding this agenda item.

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

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

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

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

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

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

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

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

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

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

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

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

8. Discussion of Reentry Housing Strategy.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14. Adjournment.

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



Reentry Council City and County of San Francisco

February 11, 2014

Honorable David Chiu, President of the Board of Supervisors
Honorable John Avalos
Honorable London Breed
Honorable David Campos
Honorable Malia Cohen
Honorable Mark Farrell
Honorable Jane Kim
Honorable Eric Mar
Honorable Katy Tang
Honorable Scott Wiener
Honorable Norman Yee
City Hall, 1 Carlton B. Goodlett Place
San Francisco, CA 94102

Dear Members of the Board of Supervisors,

The purpose of this letter is to recommend that the legislation authorizing the Reentry Council of the City and County of San Francisco be renewed with the revisions noted on Attachment A. San Francisco Administrative Code Sec. 5.1 establishes the Reentry Council of San Francisco, the purpose of which is to coordinate local efforts to support adults exiting San Francisco County Jail, San Francisco juvenile justice system out-of-home placements, the California Department of Corrections and Rehabilitation facilities, and the United States Federal Bureau of Prison facilities. The Council provides the Mayor, the Board of Supervisors, the public, and any other appropriate agency with accurate and comprehensive information about programs that serve this population, barriers faced by this population, best practices to meet the needs of this population, and funding sources for programs and practices that address the needs of this population. The Council coordinates information sharing, planning, and engagement among all interested private and public stakeholders to the extent permissible under Federal and State law.

The Council was established in 2009 to sunset June 1, 2014, unless the Board of Supervisors adopts an ordinance continuing its existence. Per the legislation, the Council shall submit a report to the Board of Supervisors "recommending whether the Council should continue to operate, and if so, whether the Board of Supervisors shall consider legislative changes that would enhance the capacity of the Council to achieve the goals that the ordinance creating the council identifies." Please accept this letter, along with attachments, as the report required by Sec. 5.1-6.

The Reentry Council has had a remarkable initial four years, as evidenced by the following highlighted accomplishments and milestones:

The purpose of the Reentry Council is to coordinate local efforts to support adults exiting San Francisco County Jail, San Francisco juvenile justice out-of-home placements, the California Department of Corrections and Rehabilitation facilities, and the United States Federal Bureau of Prison facilities.

- Since 2009, the Reentry Council has met 20 times, or about four times per year, and enjoys robust regular attendance by its members, San Francisco residents, and other stakeholders. Attachment B provides a roster of members. The Reentry Council currently has three subcommittees: the Subcommittee on Assessment and Connections, the Subcommittee on Support and Opportunities, and the Subcommittee on Policy and Operational Practices. Attachment C provides an overview of the issue areas addressed by each subcommittee, which meet bi-monthly.
- The Reentry Council serves as the Reentry Task Force required by the Bureau of Justice Assistance for all applications for Second Chance Act grants, “comprised of relevant state, tribal, territorial, or local leaders and representatives of relevant agencies, service providers, nonprofit organizations, and other key stakeholders. The Task Force should examine ways to pool resources and funding streams and collect data and best practices in offender reentry from stakeholder agencies and organizations... provid[ing] a key opportunity for local policymakers to work together to identify and address local barriers to effective reentry, including barriers that are policy or procedural in nature.” San Francisco has received eight federal Second Chance Act grants since 2009, and grantees regularly report to the Reentry Council on implementation progress. Staff presented on the role of the Reentry Council at the 2012 Second Chance Act grantee conference in Washington, D.C.
- The recipient of a federal Justice Reinvestment Initiative (JRI) technical assistance grant, the Reentry Council has since 2011 participated in a rigorous investigation of local criminal justice processes and data during Phase I of the Initiative. An application for a Phase II award is pending review by the Bureau of Justice Assistance. If awarded, the Reentry Council would oversee the exploration of three strategies for reducing costs across San Francisco’s criminal justice system: reducing the standard length of probation from three to two years for certain individuals, reducing racial disproportionality across the system, and expanding pretrial alternatives to incarceration. Phase II awards carry up to \$300,000 in seed funds to implement JRI strategies.
- The Reentry Council has earned regional, statewide, and even national recognition for its unique membership structure, particularly the inclusion of formerly incarcerated appointed members. Reentry Council staff spurred the creation of a California Reentry Council Network, funded by the Rosenberg Foundation and administered by Californians for Safety and Justice, which connects individuals involved in formalized and ad hoc reentry councils and task forces throughout California. The Reentry Council is listed as a resource on the website of the National Reentry Resource Center, a project of the Council on State Governments.

The recommended revisions to the Administrative Code, as indicated in Attachment A will strengthen the representation of key communities and populations by adding the requirement that one of the formerly incarcerated appointed members be a survivor of crime or violence; bring quorum requirements in line with standard practice for Boards and Commissions by increasing the number of members from eleven to twelve for the purposes of establishing quorum; will codify the relationship between the Reentry Council and the San Francisco Sentencing Commission as required by San Francisco Ordinance 270-07; and will extend the sunset date until June 1, 2019.

The purpose of the Reentry Council is to coordinate local efforts to support adults exiting San Francisco County Jail, San Francisco juvenile justice out-of-home placements, the California Department of Corrections and Rehabilitation facilities, and the United States Federal Bureau of Prison facilities.

We urge you to vote in support of renewing the authorizing legislation for the Reentry Council, with the changes recommended above. We look forward to continuing to make recommendations to this body and the Mayor on reentry policy and operational issues in the coming years. If you have any questions or would like additional information about any of these efforts, please contact staff at reentry.council@sfgov.org or (415) 553-1593.

Sincerely,

Members of the Reentry Council of the City and County of San Francisco

Attachment A: Proposed revisions to Administrative Code Sec. 5.1

Attachment B: Roster of Members

Attachment C: Overview of Reentry Council Subcommittee issue areas

The purpose of the Reentry Council is to coordinate local efforts to support adults exiting San Francisco County Jail, San Francisco juvenile justice out-of-home placements, the California Department of Corrections and Rehabilitation facilities, and the United States Federal Bureau of Prison facilities.

880 Bryant Street, Room 200 • San Francisco, California 94103 • ph: 415.553.1593 • email: reentry.council@sfgov.org • web: <http://sfreentry.com>

FILE NO.

ORDINANCE NO.

1 [Administrative Code - Reentry Council; Composition of Membership, Powers and Duties, and
2 Sunset Date]

3 **Ordinance amending San Francisco Administrative Code Sections 5.1-1, 5.1-3, 5.1-4,**
4 **and 5.1-6 to amend the membership, powers and duties, and sunset date of the Reentry**
5 **Council.**

6 NOTE: Additions are *single-underline italics Times New Roman*;
7 deletions are ~~*strike-through italics Times New Roman*~~.
8 Board amendment additions are double-underlined;
9 Board amendment deletions are ~~strikethrough normal~~.

9 Be it ordained by the People of the City and County of San Francisco:

10 Section 1. The San Francisco Administrative Code is hereby amended by amending
11 Section 5.1-3, to read as follows:

12 **SEC. 5.1-3. MEMBERSHIP AND ORGANIZATION.**

13 (a) Members. The Council shall consist of 23 members, seven of whom shall be
14 former inmates in the San Francisco County Jail, a California Department of Corrections and
15 Rehabilitation adult facility, and/or a United States Bureau of Prison facility. The Mayor, or his
16 designee, shall serve as a member, and shall also appoint three of these seven members. Of
17 these three members, at least one must be between the ages of 18 to 24 at the time of
18 appointment, and at least one shall have expertise in providing services to individuals exiting
19 the criminal justice system. The Board of Supervisors shall designate one of its members to
20 serve as a member of the Council, and shall appoint the other four of the seven members who
21 are former inmates. Of these four members, at least one shall have expertise in providing
22 services to individuals exiting the criminal justice system, at least one must have been
23 released from custody within two years of his or her appointment, ~~and~~ at least one must have
24 served multiple terms of incarceration, and at least one must self-identify as a survivor of violence
25

1 or crime. All members of the Council shall be exempt from the Charter requirement that they
2 be electors of the City and County of San Francisco.

3 The following City departments or agencies shall appoint one member each to the
4 Council: the Public Defender's Office, the District Attorney's Office, the Sheriff's Department,
5 the Police Department; the Adult Probation Department, the Juvenile Probation Department,
6 the Department of Economic and Workforce Development, the Human Services Agency, the
7 Department of Children Youth and Families, and the Department of Public Health. In addition,
8 Council co-chairs shall invite the San Francisco Superior Court, the Department of Child
9 Support Services, the California Department of Corrections and Rehabilitation Division of
10 Adult Parole Operations, and the United States Probation and Pretrial Services System to
11 appoint one member each to the Council. If any of these four agencies does not appoint a
12 representative, the Council co-chairs shall appoint an additional member.

13 Members shall serve two-year terms and shall serve at the pleasure of the appointing
14 authority. Members may serve multiple terms.

15 (b) Quorum. ~~Eleven~~ Twelve members of the Council shall constitute a quorum, and the
16 Council shall have the authority to act on the vote of the majority of the quorum.

17 (c) Officers. The four members appointed by the Adult Probation Department, District
18 Attorney's Office, the Public Defender's Office, and the Sheriff's Department, respectively, as
19 well as the Mayor or the Mayor's representative, shall co-chair the Council.

20 (d) Subcommittees. The Council may establish subcommittees to be convened as
21 directed by the Council. The Council's co-chairs shall appoint members to the
22 subcommittees. Subcommittees shall report findings and make recommendations to the full
23 Council for their consideration. The membership of these subcommittees shall be open to
24 non-members of the Council who shall be drawn from a range of diverse experiences,
25 identities, and interests related to the issue of reentry.

1 (e) Meeting Frequency. The Council shall meet in full at least three times per year.

2 (f) Roles of Council Members. Each member of the Council shall retain his or her
3 official authority and duties granted under State law. In adopting this legislation, the Board of
4 Supervisors recognizes that each member of the Council retains his or her authority and
5 duties under State law and that where conflicts may arise out of members' dual roles. State
6 powers and duties shall supersede the duties that the ordinance creating the Council imposes
7 on Council members.

8 Section 2. The San Francisco Administrative Code is hereby amended by amending
9 Section 5.1-4, to read as follows:

10 **SEC. 5.1-4. POWERS AND DUTIES.**

11 The Council shall have the following powers and duties:

12 (a) Identifying Funding Streams. The Council shall identify funding at the local, State,
13 and Federal level that is earmarked or available for services or programs designed to serve
14 individuals exiting the criminal justice system. In addition, the Council shall identify conditions,
15 restrictions, or limitations on each funding stream, and shall document these findings in its
16 reports to the Mayor, the Board of Supervisors, and other appropriate entities consistent with
17 subsection (d) below.

18 (b) Identifying Programs Serving Individuals Exiting the Criminal Justice System. The
19 Council shall identify programs serving individuals exiting the criminal justice system who
20 reside in San Francisco or who will be released to San Francisco, including program capacity.

21 (c) Identifying Needs of Reentry Population. The Council shall identify any unmet
22 needs of this population, and propose ways to meet those needs based on existing research
23 and best practices.

1 (d) Identifying Barriers. The Council shall also identify barriers to safe and successful
2 reentry presented by local, State, and Federal law, and propose ways to reduce the impact of
3 these barriers.

4 (e) Reports. At least once a year, the Council shall prepare and submit a report that
5 shall include but not be limited to information required under subsections (a), (b), (c), and (d)
6 above. City departments shall respond within 30 days to reasonable requests for information
7 submitted by the Council relevant to its ability to discharge its powers and duties under this
8 Chapter, provided that the disclosure of such information shall not be required where it would
9 violate Federal or State law. The Council shall provide the reports to: 1) the Mayor, 2) the
10 Board of Supervisors, 3) any City department or program identified by the Council in a report:
11 and 4) the public. These reports shall be public documents. Any City department identified in
12 a report may provide a response, within 30 days of issuance of the report, for inclusion into
13 the final report submitted to the Mayor and the Board of Supervisors, among others,
14 consistent with this subsection.

15 (f) The Council shall share information and work in collaboration with the San
16 Francisco Community Corrections Partnership, as established by the California Community
17 Corrections Performance Incentives Act of 2009 (CA Penal Code Section 1228-1233.8).

18 (g) Retaliation Prohibited. No City officer or employee may retaliate against other City
19 staff or the staff of programs identified by the Council for cooperating with the Council or for
20 participating in any activity involving the Council. This section is not intended to create a
21 private right of action against the City and County of San Francisco.

22 (h) The Council shall share information and work in collaboration with the San
23 Francisco Juvenile Justice Coordinating Council, as required by the Juvenile Crime
24 Enforcement and Accountability Challenge Grant Program (CA Welfare and Institutions Code
25 Section 749.2-749.27).

1 (i) The Council shall appoint one member to the Workforce Investment Community
2 Advisory Committee, as required by San Francisco Ordinance 270-07 (SF Administrative
3 Code Section 30.7).

4 (j) The Council shall share information and work in collaboration with the San Francisco
5 Sentencing Commission, as required by San Francisco Ordinance 10-12 (SF Administrative Code
6 Section 5.250-2).

7 Section 3. The San Francisco Administrative Code is hereby amended by amending
8 Section 5.1-6, to read as follows:

9 **SEC. 5.1-6. SUNSET CLAUSE.**

10 This legislation shall expire June 1, ~~2014~~ 2019, unless the Board of Supervisors adopts
11 an ordinance continuing its existence. The Council shall submit a report to the Board of
12 Supervisors ~~no fewer than six months prior to the expiration date~~ by January 1, 2019 recommending
13 whether the Council should continue to operate, and if so, whether the Board of Supervisors
14 shall consider legislative changes that would enhance the capacity of the Council to achieve
15 the goals that the ordinance creating the council identifies, amendments that further the
16 Council's goals. The Council's recommendations shall include drafts of ordinances that would
17 implement its recommendations.

18 APPROVED AS TO FORM:
19 DENNIS J. HERRERA, City Attorney

20 By: _____
21 Deputy City Attorney

Regular Update on Reentry-Related Funding
Reentry Council
February 11, 2014

I. Active Reentry-Related Funding

As a regular informational update to the full Reentry Council, staff compiles a list of *active* state and federal funding that will be used to provide in-custody or out-of-custody services to the adult reentry population (identified below as FEDERAL, STATE, COUNTY, or JJOHP [Juvenile Justice Out of Home Placement]). Agencies represented on the Council were asked to report on any relevant grants or earmarks currently in progress. Staff will maintain this list and present it to the full Reentry Council at each meeting as an informational update. The information provided below may not be complete, but is that which was reported by agencies to staff as of February 7, 2014.

Funding Source:	US Department of Justice
Funding Program:	Adult Drug Court Discretionary Grant Program
Amount and Term of Grant:	\$199,000, September 2011-August 30, 2013. Grant was extended to March 2014.
Grantee:	San Francisco Superior Court
Activities:	Part time clinical position for co-occurring disorders, housing and transitional housing support.
Population Served:	COUNTY: Drug Court clients
Reentry Area Addressed:	Community Justice & Alternatives to Incarceration; Health & Wellbeing of Currently & Formerly Incarcerated People.

Funding Source:	US Department of Justice
Funding Program:	Second Chance Act Juvenile Demonstration Grant
Amount and Term of Grant:	\$461,166 for October 1, 2012-September 30, 2013
Grantee:	San Francisco Juvenile Probation Department
Activities:	<i>JCRU Program.</i> Expands on success of JCRT program by offering coordinated and comprehensive reentry case planning and aftercare services for all youth in long term commitments, including youth represented by private bar.
Population Served:	JJOHP: Youth returning to the community from long term commitments.
Reentry Area Addressed:	Health & Wellbeing of Currently & Formerly Incarcerated People; Self-Sufficiency of Currently & Formerly Incarcerated People; Welfare & Safety of Families, Victims & Communities.

Funding Source:	US Department of Justice
Funding Program:	Second Chance Act Adult Demonstration Grant
Amount and Term of Grant:	\$600,000 awarded in FY09. \$800,000 awarded in September 2011 for year two. \$1,200,000 awarded September 2012 for two additional years.
Grantee:	San Francisco Department of Public Health
Activities:	<i>With Open Arms Initiative.</i> Wraparound services and intensive case management provided from a trauma-informed, gender-responsive approach.
Population Served:	STATE and COUNTY: Women sentenced to state prison or on parole in San Francisco; women on post-release community supervision and mandatory supervision in San Francisco.
Reentry Area Addressed:	Health & Wellbeing of Currently & Formerly Incarcerated People; Self-Sufficiency of Currently & Formerly Incarcerated People.

Funding Source:	US Department of Justice & Department of Health and Human Services
Funding Program:	Enhancing Adult Drug Court Services, Coordination, and Treatment
Amount and Term of Grant:	\$325,000/year, September 2010-September 2013
Grantee:	San Francisco Department of Public Health
Activities:	Creation of an onsite Co-Occurring Intensive Outpatient Program for participants of the Community Justice Center: brief therapy, process groups, anger management, substance abuse and mental health treatment, medication management. Services provided by Community Behavioral Health Services, Department of Public Health.
Population Served:	COUNTY: Adults with co-occurring disorders participating in the Community Justice Center.
Reentry Area Addressed:	Community Justice & Alternatives to Incarceration; Health & Wellbeing of Currently & Formerly Incarcerated People.

Funding Source:	Substance Abuse and Mental Health Services Administration
Funding Program:	Expand Substance Abuse Treatment Capacity for Adult Drug Courts
Amount and Term of Grant:	\$325,000/year, September 2010-September 2013.
Grantee:	San Francisco Department of Public Health
Activities:	Creation of a Co-Occurring Intensive Outpatient Program for defendants in the Adult Drug Court: brief therapy, process groups, anger management, substance abuse and mental health treatment, medication management. This service will be under a sub-contract with Asian American Recovery Services, Inc.
Population Served:	COUNTY: Adults who are active participants in Drug Court.
Reentry Area Addressed:	Community Justice & Alternatives to Incarceration; Health & Wellbeing of Currently & Formerly Incarcerated People.

Funding Source:	US Department of Justice
Funding Program:	Second Chance Act Offender Reentry Substance Abuse Collaboration
Amount and Term of Grant:	\$599,298/year, October 1, 2010-September 30, 2012. No-cost extension granted through September 30, 2014.
Grantee:	San Francisco Sheriff's Department
Activities:	<i>Keystone Program</i> . In-custody assessment, engagement, treatment, motivation enhancement, and reentry case planning, followed by six months of community-based reentry case management, linkage and referral services.
Population Served:	COUNTY: 145 adult male and female detainees housed in the San Francisco Jail who have significant co-occurring substance abuse and mental health disorders.
Reentry Area Addressed:	Health & Wellbeing of Currently & Formerly Incarcerated People.

Funding Source:	US Department of Justice via California Emergency Management Agency (CalEMA)
Funding Program:	Stop Violence Against Women Act Formula Grant Program; Probation Specialized Supervision Program
Amount and Term of Grant:	\$100,000/year October 1, 2010-September 30, 2012; reduced to \$96,660 in 2012 for October 1, 2012-September 30, 2013. APD was recently awarded a renewal grant, amount of award to be determined.
Grantee:	San Francisco Adult Probation Department
Activities:	The San Francisco Adult Probation Department Domestic Violence Program will increase field supervision and enhance the outreach services to Domestic Violence victims. The Probation Specialized Supervision Program would reduce violence of Domestic Violence Probationers by exercising principles of evidence based probation practices; adopt a victim centered approach; revise the certification process for the 52 Weeks Batterers Intervention Programs; and implement performance measures.
Population Served:	COUNTY: Adult probationers on the Domestic Violence caseload who reside in the Bayview/Hunters Point District.
Reentry Area Addressed:	Health & Wellbeing of Currently & Formerly Incarcerated People; Welfare & Safety of Families, Victims & Communities.

Funding Source:	US Department of Justice
Funding Program:	Justice Reinvestment Initiative
Amount and Term of Grant:	Technical assistance grant during Phase I for 6-8 months; Phase II application is pending submission to the Bureau of Justice Assistance.
Grantee:	Reentry Council of San Francisco
Activities:	Development of a comprehensive community corrections model which would include expanded alternatives to incarceration, case management of offenders, and improved services to the communities most impacted by crime and incarceration.
Population Served:	COUNTY: All individuals involved in San Francisco's criminal justice system.
Reentry Area Addressed:	Community Justice & Alternatives to Incarceration; Civil Rights & Civic Engagement of Formerly Incarcerated People; Health & Wellbeing of Currently & Formerly Incarcerated People; Self-Sufficiency of Currently & Formerly Incarcerated People; Welfare & Safety of Families, Victims & Communities.

Funding Source:	Department of Labor
Funding Program:	Enhanced Transitional Jobs Demonstration
Amount and Term of Grant:	\$6,000,000 over four-year period beginning October 2011.
Grantee:	San Francisco Office of Economic and Workforce Development in partnership with the San Francisco Department of Child Support Services
Planned Activities:	Enhanced case management and transitional employment services.
Population to be Served:	COUNTY: Low income, "non-job ready," non-custodial parents who have children living in San Francisco and are at least 121 days delinquent in their child support payments (about 1317 caseloads in SF).
Reentry Area Addressed:	Self-Sufficiency of Currently & Formerly Incarcerated People; Welfare & Safety of Families, Victims & Communities.

Funding Source:	US Department of Justice
Funding Program:	Justice and Mental Health Collaboration Program: Planning and Implementation
Amount and Term of Grant:	\$249,662, October 1, 2011-September 30, 2013
Grantee:	San Francisco Sheriff's Department
Planned Activities:	<i>COVER Program.</i> Mental health and related services to address PTSD and other challenges. Services to be provided in collaboration with Jail Psychiatric Services.
Population to be Served:	COUNTY: Veterans incarcerated in County Jail.
Reentry Area Addressed:	Health & Wellbeing of Currently & Formerly Incarcerated People.

Funding Source:	State of California
Funding Program:	AB 109 Implementation
Amount and Term of Grant:	\$17,497,869, July 1, 2013 through June 30, 2014
Grantee:	City and County of San Francisco
Planned Activities:	Funds are used to implement public safety realignment, including post-release community supervision, mandatory supervision under 1170(h), local incarceration, District Attorney and Public Defender costs of revocation proceedings, substance abuse treatment, mental health treatment, housing subsidies, and other realignment-related expenses.
Population to be Served:	COUNTY: Individuals eligible for local incarceration under AB 109 and individuals on post-release community supervision or mandatory supervision.
Reentry Area Addressed:	Community Justice & Alternatives to Incarceration; Civil Rights & Civic Engagement of Formerly Incarcerated People; Health & Wellbeing of Currently & Formerly Incarcerated People; Self-Sufficiency of Currently & Formerly Incarcerated People; Welfare & Safety of Families, Victims & Communities.

Funding Source:	Zellerbach Family Foundation
Funding Program:	None Specified
Amount and Term of Grant:	\$60,000
Grantee:	San Francisco Adult Probation Department
Planned Activities:	Conduct an independent review of 400-600 pre-sentence investigations that include the Family Impact Statement to determine if the recommendations effectively address the needs of minor children and other family members.
Population to be Served:	COUNTY, STATE: All individuals with minor children, and their families, who are facing a jail or prison commitment.
Reentry Area Addressed:	Community Justice & Alternatives to Incarceration; Welfare & Safety of Families, Victims & Communities.

Funding Source:	US Department of Justice
Funding Program:	Second Chance Act Reentry Program for Adult Offenders with Co-Occurring Mental Health and Substance Abuse Disorders
Amount and Term of Grant:	\$599,894, October 1, 2012-September 30, 2014
Grantee:	San Francisco Sheriff's Department
Planned Activities:	<i>Keys to Freedom:</i> Case management, trauma-informed services, groups, risk/need assessments, referrals and other services for women in county jail.
Population to be Served:	COUNTY: Women and transgender women in San Francisco County Jail.
Reentry Area Addressed:	Health & Wellbeing of Currently & Formerly Incarcerated People.

Funding Source:	US Department of Justice via National Council on Crime and Delinquency (NCCD)
Funding Program:	Prison Rape Elimination Act (PREA) Training & Technical Assistance
Lead Applicant:	San Francisco Sheriff's Department (San Francisco Juvenile Probation Department as sub-grantee)
Amount of Request:	\$200,000, April 1, 2013-March 31, 2014
Proposed Activities:	Provide staff training and related activities to achieve full PREA-compliance throughout all local detention facilities; education and services to those at-risk for or who have been a victim of sexual assault within a correctional facility.
Population to be Served:	COUNTY: Adults and youth in custody in San Francisco.
Reentry Area Addressed:	Civil Rights & Civic Engagement of Formerly Incarcerated People; Health & Wellbeing of Currently & Formerly Incarcerated People; Welfare & Safety of Families, Victims & Communities.

Funding Source:	California Department of Corrections and Rehabilitation
Funding Program:	Parolee Services Network (BASN)
Amount and Term of Grant:	\$1,223,227 for FY2013-2014
Grantee:	San Francisco Department of Public Health
Planned Activities:	Provide a spectrum of treatment services for parolees under the supervision of California Department of Corrections and Rehabilitation
Population to be Served:	STATE: Adult parolees residing in San Francisco referred from Parole and Community Services Division of the California Department of Corrections and Rehabilitation.
Reentry Area Addressed:	Health & Wellbeing of Currently & Formerly Incarcerated People.

Funding Source:	California Department of Corrections and Rehabilitation
Funding Program:	Integrated Services for Mentally Ill Parolees
Amount and Term of Grant:	\$1,731,528, August 1, 2009-June 30, 2012. DPH is in negotiation with CDCR over a renewal.
Grantee:	San Francisco Department of Public Health
Planned Activities:	<i>Bridges Program</i> - Intensive Outpatient/Day Treatment for mentally ill adult, men and women.
Population to be Served:	STATE: Adult parolees under supervision of Parole and Community Services Division of CDCR, previous participant in EOP or CCCMS programs while in-custody.
Reentry Area Addressed:	Health & Wellbeing of Currently & Formerly Incarcerated People.

Funding Source:	California Department of Alcohol and Drug Programs
Funding Program:	Prop 36 Treatment Funding
Amount and Term of Grant:	\$448,976/year, July 1, 2011-June 30, 2012. DPH now provides these services without state funding.
Grantee:	San Francisco Department of Public Health
Planned Activities:	Coordinated case management services for Prop. 36 eligible probationers in San Francisco County.
Population to be Served:	COUNTY: Adult, San Francisco residents, Prop. 36 eligible individuals in San Francisco County referred from the Adult Probation Department.
Reentry Area Addressed:	Health & Wellbeing of Currently & Formerly Incarcerated People.

Funding Source:	Community Corrections Performance Incentive Fund
Funding Program:	Evidence Based Probation Supervision
Amount and Term of Grant:	\$831,075 for FY11/12; \$1,397,920 for FY12/13; \$632,779 for FY13/14
Grantee:	San Francisco Adult Probation Department
Planned Activities:	Funds are used for services, treatment, and housing through Department of Public Health, Human Services Agency, and directly to community based partners.
Population to be Served:	COUNTY: Individuals on felony probation.
Reentry Area Addressed:	Community Justice & Alternatives to Incarceration; Civil Rights & Civic Engagement of Formerly Incarcerated People; Health & Wellbeing of Currently & Formerly Incarcerated People; Self-Sufficiency of Currently & Formerly Incarcerated People; Welfare & Safety of Families, Victims & Communities.

Funding Source:	US Department of Justice
Funding Program:	Justice and Mental Health Collaboration Program (JMHCPC)
Amount and Term of Grant:	\$280,000. October 1, 2012 to September 30, 2014.
Grantee:	San Francisco Collaborative Courts
Planned Activities:	Housing and Employment for Recovery Outcomes (HERO) program: Integrated supportive housing and employment to groups of 13 Behavioral Health Court clients at a time over six month intervals. Supported employment services will commence in jail and continue on-site for the duration of the client's stay in transitional housing.
Population to be Served:	COUNTY: Clients of the Behavioral Health Court.
Reentry Area Addressed:	Community Justice & Alternatives to Incarceration; Health & Wellbeing of Currently & Formerly Incarcerated People; Self-Sufficiency of Currently & Formerly Incarcerated People.

Funding Source:	US Department of Justice
Funding Program:	Byrne Criminal Justice Innovation
Amount and Term of Grant:	\$997,217. October 1, 2013 to September 30, 2016.
Grantee:	San Francisco District Attorney's Office
Planned Activities:	Reduce crime in Bayview/Hunters Point by providing critical services to victims of crime, and also by supporting and increasing community engagement.
Population to be Served:	COUNTY: Victims of crime in the Bayview/Hunters Point communities.
Reentry Area Addressed:	Civil Rights & Civic Engagement of Formerly Incarcerated People; Health & Wellbeing of Currently & Formerly Incarcerated People; Self-Sufficiency of Currently & Formerly Incarcerated People; Welfare & Safety of Families, Victims & Communities.

Funding Source:	US Department of Justice
Funding Program:	Encouraging Innovation
Lead Applicant:	San Francisco Public Defender's Office in partnership with Center for Court Innovation
Amount of Request:	\$395,231. October 1, 2013 to September 30, 2016.
Planned Activities:	Checklists for Defense: A Training Strategy for Public Defenders Project: Program will create the first-ever local and nationally-applicable checklist system for public defenders. Checklists will include topics such as Trial Objections, Jury Selection, and The First 30 Days of a Homicide Case. The goal of the checklists will be to efficiently and substantively improve the effectiveness of indigent defense providers and thereby enhance the delivery of justice to low-income clients.
Population to be Served:	Not a direct service application
Reentry Area Addressed:	Community Justice & Alternatives to Incarceration; Civil Rights & Civic Engagement of Formerly Incarcerated People.

II. Pending Applications

There are no pending grant applications at this time.

III. Reentry Issue Areas and Components

The chart below presents the “Reentry Areas” referenced in the tables above and the components of each.

Areas	Components
Community Justice & Alternatives to Incarceration	Diversion & Collaborative Courts Sentencing & Release Alternatives Probation & Parole
Civil Rights & Civic Engagement of Formerly Incarcerated People	Identification & Voting Collateral Consequences of Criminal Records Public Education & Civic Participation
Health & Wellbeing of Currently & Formerly Incarcerated People	Housing Physical Health Behavioral Health Wellbeing
Self-Sufficiency of Currently & Formerly Incarcerated People	Employment Education Income Supports & Financial Empowerment Financial Obligations
Welfare & Safety of Families, Victims & Communities	Families of Currently & Formerly Incarcerated Victims & Survivors Communities

For questions, comments, or to provide updated information to this memo, please contact Jennifer Scaife, Acting Reentry Division Director, at reentry.council@sfgov.org or (415) 553-1593.

Regular Update on the Second Chance Act Funded Projects

Reentry Council

February 11, 2014

I. Background

The Second Chance Act of 2007: Community Safety Through Recidivism Prevention (P.L. 110-199), which reauthorizes the grant program contained in the Omnibus Crime Control and Safe Streets Act of 1968 for reentry of offenders into the community, was signed into law on April 9, 2008. The Second Chance Act authorizes various grants to government agencies and nonprofit organizations to provide employment assistance, substance abuse treatment, housing, family programming, mentoring, victims support, and other services that can help reduce recidivism.

The purpose of the Second Chance Act is (1) to break the cycle of recidivism, increase public safety, and help states, local units of government, and Indian tribes better address the growing population of criminal offenders who return to their communities and commit new crimes; (2) to promote stable families and communities by rebuilding ties between offenders and their families; (3) to encourage the development and support of, and to expand the availability of, evidence-based programs that enhance public safety and reduce recidivism; (4) to protect the public and promote law-abiding conduct by providing necessary services to offenders, while the offenders are incarcerated and after reentry into the community; (5) to assist offenders reentering the community from incarceration to establish a self-sustaining and law-abiding life by providing sufficient transitional services; and (6) to provide offenders in prisons, jails or juvenile facilities with educational, literacy, vocational, and job placement services to facilitate re-entry into the community.

Section 101 of the Second Chance Act states that, “as a condition of receiving financial assistance under this section, each applicant shall establish or empower a Reentry Task Force, or other relevant convening authority, to examine ways to pool resources and funding streams to promote lower recidivism rates for returning offenders and minimize the harmful effects of offenders’ time in prison, jail, or a juvenile facility on families and communities of offenders by collecting data and best practices in offender reentry from demonstration grantees and other agencies and organizations” and to provide “a plan for analysis of the statutory, regulatory, rules-based, and practice-based hurdles to reintegration of offenders into the community.” The Reentry Council of San Francisco serves as the Reentry Taskforce for the projects described below.

II. Second Chance Act Appropriations Status

House and Senate appropriators have released the \$1 trillion omnibus federal spending package, which includes a \$51.6 billion Commerce-Justice-Science (CJS) appropriations bill. In the bill, CJS Programs would see an increase of \$1.4 billion over the pre-sequester level of \$50.2 billion enacted for fiscal 2013, according to a summary of the legislation provided by House Appropriations Committee. Under this bill, the Second Chance Act would be funded at \$67.7 million, the Mentally Ill Offender Treatment and Crime Reduction Act (MIOTCRA) would receive \$8.2 million, and the Justice Reinvestment Initiative would receive \$27.5 million, which includes \$1 million for the Colson Task Force. Votes on the bill are forthcoming.

III. Status of San Francisco’s Seven Second Chance Act Projects

The following information has been provided to Reentry Council staff by departments leading efforts on implementation of the Second Chance Act projects.

<p><i>With Open Arms: A San Francisco Initiative for Women</i></p>
<p>Second Chance Act Funding Program: Adult Demonstration Grant (FY09)</p>
<p>Grantee: San Francisco Department of Public Health</p>
<p>Amount and Term of Grant: \$600,000 year one; \$800,000 for year two, including evaluation activities; award for \$1,200,000 continuation/supplemental funding made October 2012 for two additional years of funding.</p>
<p>Updates on Grant Implementation: The grant was awarded in October 2009, and the Board of Supervisors and Mayor approved acceptance and expenditure of the grant in January 2010. Contracts with service providers have been executed and services officially began in April 2010. Implementation of services for Year 3 is underway.</p>
<p>Program Design and Population Served: Wraparound services and intensive case management for women and transgender women of San Francisco who are in San Francisco county jail, prison or who are living in San Francisco on parole, PRCS and mandatory supervision. Case Management begins in county jail upon sentencing; clients are provided with a case manager who works to enhance each woman’s potential for success on their journey throughout their incarceration and upon their release to the community. Case managers arrange transportation from state prison to San Francisco, which is at least a three hour drive. Services offered in the community include connections’ to residential and outpatient, drug treatment, job training, legal assistance, sober living environments, mental health services, housing assistance, employment assistance, prenatal care, HIV treatment and a range of other services.</p>
<p>Evaluation activities: Social Policy Research Associates is conducting a cross-site evaluation of several demonstration projects, including With Open Arms. Clients referred to the initiative are randomly assigned either to receive services or be in a comparison group. The Department of Public Health is conducting a local evaluation focused on the experiences of women in the criminal justice system.</p>
<p>Program milestones: 1) All women incarcerated in the Central Valley continue to be housed at the only female institution in Chowchilla, Central California Women’s Facility (CCWF). HealthRIGHT 360 continues to maintain a close relationship with CCWF staff in order to continue identifying San Francisco women. The WOA team of staff conducts weekly visits to CCWF to provide case management services to the women who are eligible for the program. HealthRIGHT 360 continues to make contacts with Folsom and California Institute for Women as well. 2) WOA has implemented presentations within the community at residential facilities and the Women’s Re-Entry Center, with the goal of recruiting eligible client’s within the community. 3) WOA conducts weekly group interventions to keep clients engaged in the case management process and on target with use of referrals. 4) Muni tokens, snacks and hygiene products are given to assist clients. 5) A higher percentage of WOA clients are participating in residential treatment episodes which assists in improved retention, use of case management services and outcomes.</p>

Intensive Supervision Court (ISC), formerly Probation Alternatives Court (SFPAC)**Second Chance Act Funding Program:** Reentry Courts (FY10)**Grantee:** Adult Probation Department**Amount and Term of Grant:** \$500,000 for 1 year; \$500,000 supplemental funding awarded in 2011. No cost extension granted through December 2013.**Updates on Grant Implementation:** The grant was awarded in September 2010, and the San Francisco Board of Supervisors and Mayor approved acceptance and expenditure of the grant in November 2010. Collaborative strategic planning with SF Superior Courts, SF Public Health, Public Defender and the District Attorney for implementation of the SF Probation Alternatives Court (SFPAC) began in October 2010. Staff assignments in partnering agencies were completed in January 2011. The Intensive Supervision Court commenced January 14, 2011. A no-cost extension granted in September 2012 allowed the Intensive Supervision Court to continue operations until December 2013. The San Francisco Adult Probation Department will continue to prioritize services and placements for individuals in Intensive Supervision Court using existing funding and partnerships.**Program Design and Population Served:** The Intensive Supervision Court includes coordination with the Collaborative Courts Division of the San Francisco Superior Court, the Public Defender, District Attorney and the Department of Public Health. The goal is to reduce recidivism through the use of validated risk/needs assessments, evidence based sentencing, evidence based treatment, early termination from probation as an evidence based incentive, and close judicial and community monitoring using the collaborative approach. All program participants are linked to wrap around services to help them remain arrest-free and complete probation supervision successfully. Services include assistance with housing, employment, education, family services, health and mental health. The target population is high risk/high need probationers who are facing probation revocation to state prison or county jail.**Project Accomplishments/Milestones:** 100% of clients have received an individualized reentry plan by risk assessment level, and 100% of clients have been enrolled in at least one in-custody or out-of-custody program. Most have received services from multiple programs that meet goals identified in their reentry plans. Eighteen clients have successfully completed residential treatment, nine have successfully completed outpatient treatment, and many others have actively engaged in treatment. Forty-two post-release participants remained arrest free since program acceptance, and less than 5% of clients have been convicted of a new offense. There have been only four violent arrests among participants since the program's inception. Of clients who absconded from or were terminated from programs in the last quarter, roughly 40% immediately self-reported to Intensive Supervision Court staff for re-referral to other programs. Post-release reporting among participants has increased throughout the course of the program. Five clients have successfully discharged from parole, eight have obtained gainful employment, six have enrolled in college classes, and eight are working toward their high school diplomas and GEDs.**Number of clients served to date:** 110, including thirty graduations (defined as successful completion of the program, resulting in early termination from probation) and 28 terminations (defined as terminated from program, resulting in either probation revocation or continuing on general probation without the possibility of early termination).

The Keystone Program

Second Chance Act Funding Program: Offender Reentry Substance Abuse Collaboration (FY10)

Grantee: San Francisco Sheriff's Department

Amount and Term of Grant: \$599,298/year, October 1, 2010 through September 30, 2012

Updates on Grant Implementation: A no-cost extension was granted to extend program operations through September 2013. A further extension was granted through September 2014.

Program Design and Population Served: The target population is 145 adult male and female detainees housed in the San Francisco Jail who have significant co-occurring substance abuse and mental health disorders, and who are not already identified to receive case management services upon release through other resources in the system of care. The San Francisco Sheriff's Department provides in-custody assessment, engagement and treatment, motivation enhancement, and re-entry case planning, followed by six months of community-based re-entry case management, linkage and referral services, and additional supportive services. The funder has approved using remaining funds for residential treatment beds. Based on spending as of July 2013, this will allow approximately 12 adults with co-occurring disorders to transition from jail into 90-day treatment at HealthRIGHT 360.

Project Accomplishments/Milestones:

- Implementation of Criminal and Addictive Thinking, Seeking Safety, Strength and Safety Group
- Linkages with numerous agencies-Pretrial, Behavioral Health Court, Court Accountable Homeless Services, Probation Alternative Court, Citywide, Adult Probation Department
- Linkages/referrals internally with HealthRIGHT 360 residential and outpatient services along with outside agencies. Linkage with Five Keys Charter School.
- Collaboration with CPS.
- Clients participated in Day Reporting Center/STEPS job fair.

Reentry SF
Second Chance Act Funding Program: Planning and Demonstration Grant (FY11)
Grantee: San Francisco Adult Probation Department
Amount and Term of Grant: \$747,817 October 1, 2011 through September 30, 2012
Updates on Grant Implementation: A no-cost extension was granted to extend program operations through December 2013.
Program Design and Population Served: The program design for Reentry SF aligns in-jail intensive case management, work readiness training, behavioral health interventions, education programs, vocational skills training, supportive services, and job placement and retention into one comprehensive reentry pathway for people under PRCS and Mandatory Supervision. San Francisco will create an unprecedented reentry pathway and strategically address the imminent reentry and recidivism challenges of state realignment. Its successes over time will be reduced recidivism, improved public safety and an inspiring enrichment of both human and social capital.
Project Accomplishments/Milestones: Reentry SF (RSF) was officially launched in March 2012 and its term expired on December 31, 2013. SFAPD staff made referrals to Reentry SF Partners, Goodwill Industries and HealthRIGHT360. As of December 31, 2013, 40 individuals had enrolled in Phase I (Pre-Release) and 118 individuals in Phase II (Post-Release). 73 individuals successfully completed a two week Job Readiness Training (JRT), provided by Goodwill Industries. Of those individuals, 35 or 48% have since received employment. During the final reporting period of RSF, 13 participants successfully completed the pre-release phase of RSF and 19 participants successfully completed the post release phase. These numbers are indicators of the success of RSF, given that 88% of the population served is assessed as high risk and that 50% of these individuals have 8 or more prior felony convictions. Furthermore, because all service contracts ceased, 18 referrals were made for RSF participants to receive similar reentry services at the Community Assessment and Services Center (CASC). RSF program accomplishments relied heavily on job placements through RSF partners, successful RSF completions and transitions, and referrals to the CASC. It is also worth noting that the re-arrest rate for active Reentry SF clients is 22% compared to a re-arrest rate of 31% for all AB109 clients. Finally, clients who had a history of behavioral health issues received one on one attention from HealthRIGHT360 and were referred to the Department of Public Health when necessary. The Senior Ex Offender Program provided mentoring services to individuals that are 25 and older. The RSF team met weekly to discuss referrals, client needs and troubleshoot client issues.
Evaluation activities: The Bridging Group has conducted a preliminary, one-year outcome and process evaluation of the program.

Juvenile Collaborative Reentry Unit

Second Chance Act Funding Program: Juvenile Demonstration Grant (FY12)

Grantee: Juvenile Probation Department

Amount and Term of Grant: \$461,166 for 1 year.

Updates on Grant Implementation: JPD’s previous Juvenile Demonstration Grant concluded in 2012. This new award was received October 2012 and the program began in January 2013.

Program Design and Population Served: The Juvenile Collaborative Reentry Unit (JCRU) is a collaboration of the San Francisco Juvenile Probation Department, the San Francisco Public Defender’s Office and the Center on Juvenile and Criminal Justice. The JCRU expands on a pilot program established by the previous grant to provide coordinated and comprehensive reentry case planning and aftercare services for youth returning from out-of-home placement. JCRU is now a fully staffed unit within JPD’s Probation Services Division, and includes juvenile probation officers, social workers, and case management coordinators. The JCRU partners with a dedicated public defender as well as the private bar and a Reentry Court, established for JCRU youth. The program works with all youth in long-term commitments including out-of-home placement and Log Cabin Ranch. Approximately ninety days prior to exiting placement, the JCRU develops an individualized case plan that is presented to the court. The JCRU continues to work with the youth and their families throughout their time in the program and upon their reentry into the community. Services offered to JCRU youth include but are not limited to linkages to housing, substance abuse treatment, mental health treatment, case management, education/vocational support, and community activities.

Project Accomplishments/Milestones: The Juvenile Collaborative Reentry Unit has been in place for one year. The program has become established and is continuing to expand. Protocols and practices have been developed and integrated into day-to-day functions and there is a systemic understanding and appreciation for the work of JCRU. Our Probation Officers, attorneys, case planners, and case coordinators are constantly looking for programs, partnerships, and services to improve outcomes for our youth. Examples include establishing relationships with local transportation agencies to obtain free or discounted public transportation for our youth, incorporating a paid work program at Log Cabin so that youth who are reentering have money to pay towards restitution, and “JCRU field trips” where all members of the team, including the Judge, visit schools or other programs that serve our youth, solidifying those relationships. With the expansion of JCRT into JCRU, JPD had specific challenges to overcome. Prior to the expansion of JCRU to include Log Cabin Ranch graduates, there was already a practice for re-entry planning at Log Cabin Ranch. Log Cabin Ranch staff expressed concern as to how JCRU would align with what they were already doing. However, once the model was explained (i.e., youth are introduced, while at the Ranch, to people they will be working with after graduation), buy-in was obtained. Another challenge faced was the expansion of attorneys that JCRU is working with. Under the previous program, JCRT included one dedicated public defender, while the new model includes approximately 30 panel attorneys. In October 2013, the JCRU unit, in cooperation with the Administrative Office of the Courts, conducted a training session for the panel attorneys that greatly improved their understanding and belief in the program. The success of JCRU has been staggering, surpassing even our own expectations. In 2013, 59 youth were served, of which only 7 (less than 12%) have been adjudicated for another offense. Several of those 7 youth are some of the most gang-entrenched or criminally sophisticated youth in the system. The remainder are youth who have significant mental health/competency issues. Nonetheless, given the extremely difficult population served by JCRU, a 12% recidivism rate is a significant improvement over the rates previously seen. It should be noted that there are a few minors who have been rearrested but not yet adjudicated, but the number of youth that are seeing ongoing success is increasing at a comparable rate, resulting in what is anticipated to be a steady recidivism rate.

Keys to Freedom

Second Chance Act Funding Program: Reentry Program for Adult Offenders with Co-Occurring Substance Abuse and Mental Health Disorders

Grantee: San Francisco Sheriff's Department

Amount and Term of Grant: \$599,894/ for 2 years, October 1, 2012 through September 30, 2014

Updates on Grant Implementation: The Accept and Expend Ordinance was adopted by the Board of Supervisors and approved by the Mayor in March 2013. Services are fully implemented both in-custody and post-release. Sole source for HealthRIGHT360 contracted services was approved by DOJ on January 10, 2014. A further budget modification will be requested.

Program Design and Population Served: Keys to Freedom will target women and transgender people incarcerated in San Francisco. Both in-reach while in custody and post-release community-based services will address co-occurring disorders and reentry needs. The program will utilize evidence-based cognitive-behavioral therapy approaches, including Seeking Safety and other skills-based curricula that address symptom management and criminal thinking. The community-based milieu provides the opportunity to offer more intensive services to higher risk offenders post-release, and Motivational Interviewing and contingency management strategies will encourage program participation and retention. The Sheriff's Department will collaborate with HealthRIGHT 360 and other community based agencies to serve clients. The overarching goal is to promote public safety by reducing recidivism to increase clients' chances of being self-supporting and living independently in the community following incarceration.

Project Accomplishments/Milestones: To date, Keys to Freedom has provided evidence based treatment both in and out of custody to upwards of 90 women and individuals that identify as trans-women. There are currently 31 active clients and we anticipate serving another 55 individuals before the end of the grant period. Jail Behavioral Health Services was recently brought on to ensure continuity of care between the jail and the community and to assist with screening potential participants using validated risk and needs assessments. Assessment tools being used include Texas Christian University's Psychological Functioning Form, Criminal Thinking Scales, Drug Screen, and Criminal History Scale; SAMHSA's Simple Screening Instrument for Substance Abuse, and Project Return Foundation's Mental Health Screening Form III. Use of these assessment tools will ensure that medium to high risk offenders are being targeted, which is both a requirement of the grant and best practice. A steering committee is meeting on a monthly basis to guide the service delivery and develop opportunities for coordinating with other local efforts to serve these populations.

For questions, comments, or to provide updated information to this memo, please contact Jennifer Scaife, Acting Reentry Division Director, at reentry.council@sfgov.org or (415) 553-1593.



Reentry Council City and County of San Francisco

January 27, 2014

Juliene 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,

Please accept this Letter of Interest for consideration for a Justice Reinvestment Initiative (JRI) Phase II award. This award will support targeted technical assistance for the City and County of San Francisco's implementation of the three justice reinvestment strategies identified in JRI Phase I.

San Francisco's JRI Collaborative: The Reentry Council of the City and County of San Francisco

As part of San Francisco's application to participate in Justice Reinvestment Initiative Phase I, 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 San Francisco. 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, which is the only government body of its kind in the nation, 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 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 Reentry Council, as well as the state-mandated Community Corrections Partnership and its Executive Committee. The Reentry Division is responsible for coordinating departmental 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 Pre-Release 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.

Summary of San Francisco's JRI Phase I Activities

During JRI's Phase I, the Crime and Justice Institute (CJI) analyzed data from the San Francisco Adult Probation Department, the Sheriff's Department, the Superior Court, the Department of Public Health, and the San Francisco Pretrial Diversion Project 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.

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:

1. Eliminate disproportionality in San Francisco's criminal justice system
2. Shorten standard length of probation sentences
3. Maintain and expand pre-trial alternatives to detention

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, shorter probation sentences, 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 community supervision in the CCSF has decreased significantly over the last several years as well. The CCSF's commitment to alternatives to incarceration, pre-trial diversion, collaborative courts, and evidence-based practices in sentencing and community supervision has significantly 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 policy strategies to address these opportunities for reforms.

The importance of the Phase II implementation strategies is further illustrated by the CCSF's developing plans to build a replacement jail facility for two County Jail sites currently housed at the Hall of Justice, which has been deemed seismically unsafe and whose 55-year-old linear architecture inhibits meaningful in-custody programming. While the replacement jail would reduce the overall number of jail beds available in San Francisco, significant concerns remain about the timing of this construction against the backdrop of dramatic reductions in criminal justice populations Citywide.

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

The disproportionate representation of people of color 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, but 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 seven percent of CCSF's general population, but more than 50% of its County Jail population. The specific drivers of disproportionality within our 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.

During the decision point analysis process, criminal justice partners throughout the CCSF will have the opportunity to examine this issue, analyze departmental policies and practices, and identify strategies to address racial disparities at every step in the criminal justice process. While the specific strategies that will result from this analysis are not yet known, it is anticipated that the process of conducting the analysis itself will create the dialogue necessary to collaboratively develop and implement strategies to address this contentious issue. The strategies that are developed through this analysis will be aimed at decreasing the number of African Americans involved in the criminal justice system, resulting in cost avoidance and savings from a decrease in the use of bed days, court resources, probation supervision, and other cost drivers in the CCSF, as well as a decrease in the costs to the individuals involved, their families, and communities.

The Adult Probation Department, the Department of Child Support Services, the District Attorney's Office, the Police Department, and the Public Defender's Office were among the Reentry Council member departments that, during Phase I, committed to take a lead on exploring this strategy and developing policy options.

Strategy A discussions have resulted in the following proposed activities and analyses:

- a) Collect, assess, and summarize existing and past efforts on disproportionality in San Francisco to identify possible strategies for consideration by the Reentry Council, including those led by the Human Rights Commission, the Council on State Governments, the San Francisco Bar Association, the Center for Juvenile and Criminal Justice, and the Mayor's Office;
- b) Engage in a system-wide decision point analysis of the San Francisco criminal justice system to assess where racial/ethnic disparities are occurring and which decision points contribute to exacerbating this issue;
- c) Use criminal justice agencies' data systems, modifying them as necessary, to accurately collect and report on relevant racial and ethnic categories to inform a meaningful policy discussion in San Francisco;

- d) Recommit Reentry Council agencies to comprehensive cultural competency trainings and standards of practice across the criminal justice system; and require that each agency present regularly on ongoing cultural competency trainings and assurance of use of best practices, including objective decision-making tools.

While separate 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. Building on prior efforts undertaken by Reentry Council members and staff, 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.

Earlier this year, 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.

Strategy B: Shorten Standard Length of Probation Sentences

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 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 shorten standard probation terms while protecting public safety and providing effective community supervision. This will avoid unneeded 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. Options for policy change around this strategy include shortening the standard length of time spent on probation through an examination of sentence lengths, credits, or other elements, ultimately resulting in the County adopting a standard felony probation sentence that automatically terminates in 24 months if the individual remains in compliance. On a case-by-case basis, individuals who are excelling could be terminated earlier from probation.

This shortened length of probation 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. A shortened length 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 standard felony probation sentence 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. 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 therefore are more likely to cycle through the criminal justice system after leaving APD supervision. Improved supervision practices for these individuals can, in turn, interrupt this cycle and have lasting effects and savings for the CCSF's entire criminal justice system.

The Reentry Council members who committed to lead this strategy include the Adult Probation Department, the Department of Child Support Services, the District Attorney's office, and the Public Defender's office. The Adult Probation Department and the District Attorney's Office have agreed to embark on a pilot project to reduce the standard length of felony probation sentences in San Francisco from 36 months to 24 months, for a to-be-defined segment of the population. A working group continues to meet and department heads regularly communicate one-on-one to explore opportunities for implementing this strategy. During Phase II, this group will work to implement a local policy proposal, to be reported to the Reentry Council in 2014.

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 examining 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

Currently, the San Francisco Sheriff's Department 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 the non-profit San Francisco Pretrial Diversion Project: Own Recognizance (OR), Supervised Pretrial Release (SPR), and Court Accountable Homeless Services (CAHS). While San Francisco's pre-trial diversion programs are successful, the high proportion of individuals incarcerated in the County Jail pre-trial is striking. Providing more pre-trial 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 CJI's Mike Wilson estimates that expanding pre-trial 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 the Phase I analysis presentation to the Reentry Council, the District Attorney's office, the Public Defender's office, and the Sheriff agreed to take on leadership roles in exploring policy options for this strategy. The leadership on this issue has identified two policy options to address this strategy:

- a. Expand eligibility of pretrial programs to include a broader set of cases, especially related to drug-related offenses.
- b. Recommend changes to the County's statutory bail schedule and bail system, which would include involvement and collaboration with the Superior Court.

In Phase II, this group will develop a local policy proposal, to be reported to the Reentry Council in 2014.

We appreciate this opportunity to share our progress and our commitment to further system-wide work. Thank you for considering our application for a Phase II JRI award.

Sincerely,

Co-Chairs of the Reentry Council of the City and County of San Francisco

Edwin M. Lee, Mayor
Jeff Adachi, Public Defender
George Gascón, District Attorney
Ross Mirkarimi, Sheriff
Wendy Still, Chief Adult Probation Officer

Cc: Nancy G. La Vigne, Ph.D., Director, Justice Policy Center
Lore Joplin, Crime and Justice Institute

**Justice Reinvestment in
San Francisco**

**COST ANALYSIS
FEBRUARY 11TH, 2014**

MICHAEL WILSON


CRIME AND JUSTICE INSTITUTE

San Francisco JRI Strategies

- **Strategy A: Consider Shortening Length of Probation Sentences**
- **Strategy B: Maintain and Expand Pretrial Alternatives to Detention**
- **Strategy C: Eliminate Disproportionality of People of Color in Criminal Justice System**


CRIME AND JUSTICE INSTITUTE

Cost and Impact Analysis of Strategy A

- From 2010-2011 we examined probation sentences that were longer than three years
- We assumed that most would now receive 24 month sentences
- We excluded certain crime types from the impact
- Based on historical data we estimated that 30% would be unsuccessfully terminated
- Assumed the policy would take 24 months until full implementation.



Caseload Impact Analysis Strategy A

- 4,322 individuals in 2011 and 2012 with 3+ year probation sentence
- Assumed 21% excluded based on crime type
- Estimated prospectively, meaning no impact on current probationers

Date	Caseload Change
1/1/2014	0
1/1/2015	0
1/1/2016	-75
1/1/2017	-541
1/1/2018	-1008
1/1/2019	-1103
1/1/2020	-1124
1/1/2021	-1126
1/1/2022	-1126
1/1/2023	-1126



Probation Cost Estimate

- Current caseloads are over 90 probationers per officer
- Policy would reduce caseloads to 70 probationers per officer
- To get the same caseload reduction by hiring staff would require 16 Deputy Probation Officers and two Supervising Probation Officers
- This policy change would also increase the level of services that individuals receive



Cost Analysis of Strategy A

Cost of Added PO's Needed to Achieve the Same Caseload and Services as Policy Impact Reduction			
Year	Services	Staff	Total
2014	\$0	\$0	\$0
2015	\$8,960	\$0	\$8,960
2016	\$230,673	\$0	\$230,673
2017	\$667,621	\$1,011,120	\$1,678,741
2018	\$920,139	\$2,506,815	\$3,426,954
2019	\$957,429	\$2,675,335	\$3,632,764
2020	\$966,754	\$2,991,390	\$3,958,144
2021	\$967,110	\$2,991,390	\$3,958,500
2022	\$967,110	\$2,991,390	\$3,958,500
2023	\$967,110	\$2,991,390	\$3,958,500



Cost and Impact Analysis of Strategy B

- Average length of stay of those released through the San Francisco Diversion Project was five days
- Based on jail data for 2011 there were 998 individuals with release type OR that stayed in jail for an average of 38 days
- There were also 2,688 individuals with release type “Other” that stayed in jail for an average of 58 days
- We estimated the jail impact of different scenarios that increased the number of people released through the diversion project



Jail Impact Analysis of Strategy B

Avoided Jail Beds of 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



Jail Cost Estimate



- Estimated marginal cost of a jail bed
- Cost estimate includes health care, meals, clothing and linens
- Staffing costs are also included when the impact is larger than 40 beds
 - Based on two deputies per pod



Cost Analysis of Strategy B



Avoided 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



Contact Information



- **Michael Wilson, Economist and Research Consultant**
 - Mike.wilson.inc@gmail.com
 - 503-949-8702



Strategy A: Shorten Terms of Probation

Based upon data from 2010 to 2011, CJJ determined there were 4,332 individuals sentenced to three or more years of probation over that two-year period. From discussions with San Francisco probation staff, CJJ also determined that some of these individuals would not be eligible for the new 24 month sentence because of their crime type or for other discretionary reasons.¹ Based on those exclusions, CJJ estimated that 79 percent of the probationers with sentences of three years or longer would be eligible for a two year sentence. In light of historical data, CJJ also estimated that 30 percent of the eligible individuals would be unsuccessfully terminated and serve the entire three year sentence.

Strategy A was estimated prospectively, meaning that this change in policy only applies to newly sentenced probationers, with no impact on the current probationers. Because these types of policy changes take time to implement, CJJ 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, CJJ 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.

¹Based on conversations with San Francisco's Probation staff, for the three year sentences CJJ excluded all domestic violence assaults, weapons law violations, robbery and pornography/sex offenses from the impact. CJJ also assumed that 10 percent of the remaining offenses would be excluded for discretionary reasons. For the sentences longer than three years CJJ assumed that only drug sales/manufacturing, theft, drug use and vandalism would be included. CJJ also assumed that 50 percent of these probationers would be excluded from the reduced sentences for discretionary reasons.

Cost of Added PO's Needed to Achieve the Same Caseload and Services as Policy Impact Reduction			
Year	Services	Staff	Total
2014	\$0	\$0	\$0
2015	\$8,960	\$0	\$8,960
2016	\$230,673	\$0	\$230,673
2017	\$667,621	\$1,011,120	\$1,678,741
2018	\$920,139	\$2,506,815	\$3,426,954
2019	\$957,429	\$2,675,335	\$3,632,764
2020	\$966,754	\$2,991,390	\$3,958,144
2021	\$967,110	\$2,991,390	\$3,958,500
2022	\$967,110	\$2,991,390	\$3,958,500
2023	\$967,110	\$2,991,390	\$3,958,500

Strategy B: Pretrial Cost Analysis

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.¹ The estimated impact on the average daily population of the jail and the cost avoidance of these scenarios are displayed below.

¹ 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.

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

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

Bureau of Justice Assistance

Justice Reinvestment Initiative

Phase II Application Process

1. **JRI Phase II Letter of Intent:** The site, with support from the technical assistance provider, the Crime & Justice Institute (CJI), submits Phase II letter of intent (LOI) to the Justice Reinvestment Initiative (JRI) Steering Committee for review and approval.
2. **Phase II Checklist:** CJI and the site work together to complete JRI Phase II Planning & Implementation Checklist. CJI submits the completed checklist to BJA for consideration. The checklist ensures that:
 - a. The site has convened (and continues to convene) a JRI Task Force that has:
 - ✓ 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
 - ✓ Established by-laws (if needed); and
 - ✓ Secured adequate staffing and resources to support the initiative.
 - b. 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. CJI verifies that:
 - ✓ 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.
 - c. The JRI Task Force has identified and agreed on a reinvestment strategy and has:
 - ✓ 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 members and other relevant stakeholders for the reinvestment strategy, evidenced by voting records or a signed letter of support.
- d. The site has developed a JRI Phase II implementation plan that:
 - ✓ 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 Task Force's reinvestment strategy.
- 3. **Phase II Funding Request:** Upon completion of steps 3a-d, the site will submit a detailed Phase II funding request to CJI (who will forward to BJA for consideration), outlining milestones, deliverables, and projected savings. Performance measures will also be developed as part of the Phase II funding request.
 - a. Cash Award Prerequisites:
 - i. The site's proposal is well justified with regard to the data and population analyses of leading drivers of criminal justice costs completed in Phase I of JRI. In addition, the proposal must be supported by evaluative research (e.g., evidence-based).
 - ii. The site's proposal is well justified with regard to the estimated costs of current practice(s) and the projected savings associated with the outcomes anticipated from the proposed strategy(ies).
 - iii. The above two prerequisites will be documented by CJI in support of a pass through funding request submitted to BJA. Further, Phase II seed funding should not be used for reinvestment activities, but used rather to kick-start or initiate Phase I policy recommendations into practice.
 - iv. The site has mechanisms in place for tracking actual costs, measurable outcomes, and achieved savings in accordance with negotiated milestones and an associated timeline (please see the section below, "Tracking" for examples of potential costs, outcomes, and savings to track). The tracking mechanisms must be specified in the sub-contract issued to initiate pass through funds and submitted to BJA for approval
- 4. **Subaward:** If the implementation plan and funding request are approved, the JRI Steering Committee will direct CJI to enter into a subaward with the site.
- 5. **Implementation:** Upon approval of the funding request and execution of the subaward agreement, the site will begin implementation. Most technical assistance and subaward grant periods are for 12 months.

**Legislative and Policy Update
Reentry Council
February 11, 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.

Adopted State Legislation:	AB 218 (Dickinson): Employment Applications: Criminal History
Background:	The law prohibits 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. The approved legislation specifies findings and declarations of the Legislature that “consistent with the 2011 Realignment Legislation addressing public safety, increasing employment opportunities for people who have previously offended will reduce recidivism and improve economic stability in our communities.”
Status:	Signed into law by the Governor on October 10, 2013.

Adopted State Legislation:	AB 624 (Mitchell): County Jail: Rehabilitation Credits
Background:	Under existing law, CDCR inmates can earn credits for good behavior and for participation in qualifying assignments or educational, vocational, and substance abuse programs. While county jail inmates can earn half-time credits for time served in jail or on a sheriff’s work release program under PC 4019, sheriffs are currently unable to offer sentence reduction credits to jail inmates as an incentive to complete in-custody rehabilitative programming. AB 624 adds Section 4019.4 to the Penal Code to allow a sheriff to award sentence reduction credits to an inmate upon successful completion of specific program performance objectives for rehabilitative programming, including academic programs, vocational programs, vocational training, substance abuse programs, and core programs such as anger management and social life skills. These program credit reductions may be for one to 6 weeks and may be forfeited in the same manner as other program credit reductions.
Status:	Signed into law by the Governor September 9, 2013.

Adopted State Legislation:	AB 651 (Bradford): Convictions: Expungement
Background:	Under previous law, courts could grant expungement, with specified exceptions, for a misdemeanor or felony conviction for which the sentence included a period of probation if the petitioner is not serving a sentence for, on probation for, or charged with the commission of any offense. AB 651 expands this eligibility to people sentenced under PC 1170(h), either for a split sentence or a straight sentence. Individuals become eligible for expungement one year following the completion of the 1170(h) sentence, provided that he or she is not under post-release community supervision pursuant to Realignment or is not serving a sentence for, on probation for, or charged with the commission of any offense.
Status:	Signed into law by the Governor on October 13, 2013.

Adopted State Legislation:	AB 721 (Bradford): Controlled Substances: Transporting with Intent to Sell
Background:	<p>Existing law, subject to exceptions, makes it an offense to, among other things, transport specified Schedule I and II controlled substances, or any Schedule III, IV, or V controlled substance which is a narcotic drug, unless upon written prescription. Additionally, existing law, subject to exceptions, makes it an offense to, among other things, transport specified Schedule III, IV, or V controlled substances which are not a narcotic drug, unless upon written prescription.</p> <p>AB 721 instead defines “transports” for those purposes to mean to transport for sale. According to the author, “AB 721 would clarify the Legislature’s intent to only apply felony drug transportation charges to individuals involved in drug trafficking or sales. Currently, an ambiguity in state law allows prosecutors to charge drug users – who are not in any way involved in drug trafficking – with TWO crimes for simply being in possession of drugs. While current law makes it a felony for any person to import, distribute or transport drugs, the term 'transportation' used in the Health and Safety Code has been widely interpreted to apply to ANY type of movement – even walking down the street – and ANY amount of drugs, even if the evidence shows the drugs are for personal use and there is no evidence that the person is involved in drug trafficking. As a result, prosecutors are using this wide interpretation to prosecute individuals who are in possession of drugs for only personal use, and who are not in any way involved in a drug trafficking enterprise.”</p>
Status:	Signed into law by the Governor on October 3, 2013.

Adopted State Legislation:	AB 720 (Skinner): Inmates: Health Care Enrollment
Background:	The original legislation would have required counties to enroll eligible inmates into the Medi-Cal program 30 days before being released from custody. The final approved legislation expresses the intention to ensure that county human services agencies recognize that (a) federal law generally does not authorize federal financial participation in Medi-Cal for inmates, (b) federal financial participation is available to inmates upon release from jail, and (c) counties can process applications while the applicant is an inmate. The final approved legislation authorizes – but does not require – the county Board of Supervisors to designate an entity or entities to assist county jail inmates with submitting applications for Medi-Cal, the children’s health insurance program (CHIP), or qualified programs on the California Health Benefit Exchange. The Board of Supervisors may designate an entity or entities to assist inmates with applications as follows: 1) The county sheriff only if the sheriff agrees to perform that function; or 2) A community-based organization, subject to the jail administrator’s approval of that designation.
Status:	Signed into law by the Governor on October 8, 2013.

Adopted State Legislation:	AB 752 (Jones-Sawyer): Extending Effective Work Furlough Options
Background:	Under existing law, people who are in county jail for a misdemeanor, nonpayment of a fine, contempt, or as a condition of probation for a criminal offense, are eligible for work furlough programs focused on job training and rehabilitation. These programs also allow people with employment to maintain those jobs (key to reducing recidivism) and reserves jail space for higher-risk people. AB 752 extends these programs to people serving time for specific low-risk felonies in county jail.
Status:	Signed into law by the Governor on July 3, 2013.

Proposed State Legislation:	AB 938 (Weber): Voting: Felons
Background:	Under California law, any person who is imprisoned or on parole for the conviction of a felony is prohibited from voting and elections officials are required to cancel the voter registrations of such individuals. However, a person who is on probation for the conviction of a felony is permitted to vote. AB 938 would require the superior court clerk, when furnishing the elections official with a list of persons who have been convicted of felonies, not to include any person who was placed on probation, and to also include the last four digits of the social security number of each person (if available)

	in addition to their name, address, and date of birth. The bill also specifies that the county elections official is required to cancel the affidavit of registration of a person imprisoned or on parole for a felony conviction whose name, address, date of birth, and the last four digits of his or her social security number, if available, are the same as reported on the court clerk's statement. According to the author, "AB 938 will protect the integrity of our voting system by ensuring the accuracy of our voter rolls, preventing over- or under-purging. AB 938 will eliminate ambiguity in the law and confusion among California voters. Confusion around voter eligibility is a contributing factor to the state's low voter registration rate. California has one of the lowest voter registration rates in the nation, falling behind 44 other states."
Status:	Passed Assembly on May 30, 2013. Currently in Senate - Elections and Constitutional Amendments

Adopted State Legislation:	SB 513 (Hancock): Diversion Programs: Sealed Records
Background:	Existing law provides that in any case where a person successfully completes a drug diversion program or deferred entry of judgment program the person can have his/her arrest record and related court record sealed by the court in the interest of justice. However, existing law lacks a similar mechanism for individuals who successfully complete a prosecutor- administered pre-filing diversion program such as Neighborhood Courts to have their arrest record sealed. SB 513 addresses this disparity by providing that, two years after successfully completing a pre-filing diversion program, an individual may petition the court to have the arrest records sealed.
Status:	Signed into law by the Governor on October 13, 2013.

Adopted State Legislation:	SB 580 (Leno): Expanding Trauma Recover Services for Crime Victims
Background:	To provide comprehensive healing and wellness services to victims of crime, this bill supplies grants from the state's existing Restitution Fund to replicate the successful Trauma Recovery Center in San Francisco across the state. Victims often experience long-term effects (e.g., trauma and mental health conditions) that can, if unaddressed, impact their ability to recover – and may lead to further financial and mental health problems (e.g., substance abuse, depression and further victimization).
Status:	Signed in 2013 as a budget trailer bill.

Proposed State Legislation:	AB 560 (Ammiano): Split Sentences for Low Level Offenses to Reduce Recidivism
Background:	<p>This bill was sponsored by Californians for Safety and Justice and was intended to expand on the vision of Realignment to implement research-based practices and effective community supervision. The first component of the bill would have required all individuals who are sentenced to county jail for specified felonies under Penal Code 1170(h) to serve a “split sentence,” whereby individuals would serve at least the final six months of the sentence under mandatory supervision through the County Probation Department. This bill would have enhanced Realignment to allow opportunity for all PC 1170(h) sentenced individuals to receive support, guidance and supervision during those first pivotal months of reentry. The second component of the bill would have authorized the sentencing court, on its own motion or at the request of the county sheriff, to recall and resentence any individual sentenced under 1170(h). This was designed to give the courts and counties another tool to help manage their jail population, and encourage the use of split sentences for those individuals already serving 1170(h) sentences in county jails.</p>
Status:	<p>Passed Assembly Public Safety Committee on April 17, 2013. Referred to Appropriations Committee, but Committee held the bill under submission; since the bill was not passed by the Senate prior to January 31, 2014, it died pursuant to Joint Rule 56 of the Senate and Assembly</p>

Proposed State Legislation:	SB 210 (Hancock): Criminal Procedure: Pretrial Release
Background:	<p>According to the author, “SB 210 would create an effective framework for managing pretrial population in two ways. First, it would revise the criteria both for setting bail and determining eligibility for pretrial release. It would require a court to consider a defendant’s ties to the community, current participation in educational or vocational training, and any mental health or drug dependency issues. It would also require consideration of the circumstances and seriousness of the alleged crime. Second, it would authorize a local government agency to conduct a pretrial investigation report to determine the defendant’s potential threat to public safety and probability of making future court appearances. Any such report must include the results of an evidence-based risk assessment.</p>
Status:	<p>Passed Senate. Currently in Assemble Appropriations Committee</p>

Proposed State Legislation:	SB 283 (Hancock): Restoration of Food Stamps for Eligible Drug Felons
Background:	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 benefits. Existing law authorizes the payment of CalFresh benefits to other convicted drug felons who have participated in, or are on the waiting list for, a drug treatment program, or who can show other evidence that the illegal use of controlled substances has ceased. This bill would authorize CalFresh 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 benefits during any period of revocation of that supervised release where the revocation results in the individual's incarceration.
Status:	Passed by the Senate, held under submission in Assembly Appropriations Committee since August 30, 2013. Currently no motion for the bill to progress out of Committee.

Proposed State Legislation:	SB 480 (Yee): Suspension of Benefits for County Jail Inmates
Background:	This bill would have required that CalWORKS, CalFresh, and Medi-Cal benefits be suspended rather than terminated when a person becomes an inmate of a public institution, but would automatically allow reinstatement either on the date of his or her release or one year from the date he or she becomes and inmate, whichever is sooner.
Status:	This bill was set for hearing in the Senate Human Services Committee in April 2013; the hearing was then postponed by the Committee. Since the bill was not passed by the Senate prior to January 31, 2014, it died pursuant to Joint Rule 56 of the Senate and Assembly.

Proposed State Legislation:	SB 649 (Leno): Possession of Controlled Substances: Penalties
Background:	This bill would have given District Attorneys and Judges discretion to charge simple possession of certain controlled substances as either a misdemeanor or a felony. Existing law provides that the unlawful possession of certain controlled substances, including, among others, opiates, opium, opium derivatives, mescaline, peyote, tetrahydrocannabinols, and cocaine base, is a felony punishable by imprisonment in a county jail for 16 months, or 2 or 3 years. This bill would have made the unlawful possession of any of those substances punishable as either a felony punishable in county jail or as a misdemeanor punishable in a county jail for not more than one year.
Status:	Passed Senate and Assembly, vetoed by the Governor on October 12, 2013.

Proposed State Legislation:	SB 716 (Lara): Inmates: Civil Rights
Background:	This bill requires state, local and private correctional facilities to create a safe environment free from sexual abuse for inmates or detainees by adopting policies implementing the U.S. Prison Rape Elimination Act (PREA), which are currently binding on state and local facilities. PREA, which establishes a zero-tolerance standard for prison rape, requires all adult prisons and jails, lockups, community confinement facilities, juvenile facilities and immigrant detention centers to fully comply with regulations crafted to prevent, detect and respond to all forms of sexual abuse and sexual harassment. PREA prescribes staffing levels, timelines, training, investigative procedures, education and surveillance. PREA specifies a state that does not certify full compliance with PREA standards is subject to the loss of five percent of any U.S. DOJ grant for prison purposes.
Status:	Passed Senate May 29, 2013. As of August 30, 2013, held in Assembly Appropriations Committee and under submission.

Proposed State Legislation:	SB 892 (Hancock): State Prisons
Background:	This bill would declare that it is the intent of the Legislature to enact legislation to address or modify the use of segregated housing units in the state prison system.
Status:	Introduced January 13, 2014, currently in Senate Rules Committee

II. Local Legislation and/or Policy to Watch

<p>Proposed City/County Legislation:</p>	<p>Home Detention Program Sponsor: Sheriff’s Department</p>
<p>Background:</p>	<p>State law permits the Sheriff, with approval from the Board of Supervisors, to release inmates on electronic monitoring in lieu of holding them in jail. This includes individuals in jail awaiting trial. Local law currently 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. The ordinance would expand the category of sentenced jail inmates and those on work furlough who are eligible for the Home Detention Program by removing the consent requirement and the requirement that participants be minimum security and low risk offenders. Additionally, the ordinance would authorize the Sheriff to implement an Electronic Monitoring Program, as permitted under Penal Code Section 1203.018, to pretrial detainees being held in lieu of bail.</p>
<p>Status:</p>	<p>Heard in Neighborhood Services and Safety Committee February 6, 2014. Continued to the call of the chair.</p>

<p>Proposed City/County Legislation:</p>	<p>Jail Inmate Health Insurance Enrollment Ordinance Sponsor: Sheriff’s Department</p>
<p>Background:</p>	<p>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.</p>
<p>Status:</p>	<p>Received from Department January 28, 2014. Scheduled for Board hearing on February 11, 2014. Assigned under 30 day rule to the Neighborhood Services and Safety Committee.</p>

<p>Proposed City/County Legislation:</p>	<p>Fair Chance Ordinance (Ordinance to Amend Police & Administrative Codes: Considering Criminal History in Employment and Housing Decisions)</p> <p>Sponsors: Kim, Cohen, Avalos, Campos, Chiu, Mar and Yee.</p>
<p>Background:</p>	<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>
<p>Status:</p>	<p>Introduced by Supervisors Kim and Cohen in December 2013. Approved by Land Use and Economic Development Committee, Small Business Commission, Youth Commission. Unanimously passed on first reading by Board of Supervisors on February 4, 2014. The Board must vote one more time on February 11, 2014 before it is sent to the Mayor.</p>

<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>Submitted to Clerk of the Board on December 10, 2013. Currently pending committee action.</p>

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

1 [Administrative Code - Jail Inmate Health Insurance Enrollment]

2

3 **Ordinance amending the Administrative Code, to designate the Sheriff as the entity to**
4 **assist county jail inmates with submitting an application for a health insurance**
5 **affordability program consistent with federal requirements.**

6 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
7 **Additions to Codes** are in *single-underline italics Times New Roman font*.
8 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.
9 **Board amendment additions** are in double-underlined Arial font.
10 **Board amendment deletions** are in ~~strikethrough Arial font~~.
11 **Asterisks (* * * *)** indicate the omission of unchanged Code
12 subsections or parts of tables.

10

11 Be it ordained by the People of the City and County of San Francisco:

12 Section 1. Findings.

13 1. California Penal Code section 4011.11(a) authorizes the board of supervisors in
14 each county, in consultation with the county sheriff, to designate an entity or entities to assist
15 county jail inmates to apply for a health insurance affordability program.

16 2. California Penal Code section 4011.11(f) defines health insurance affordability
17 programs to include: (1) The state's Medi-Cal program under Title XIX of the federal Social
18 Security Act; (2) The state's children's health insurance program (CHIP) under Title XXI of the
19 federal Social Security Act; (3) A program that makes coverage in a qualified health plan
20 through the California Health Benefit Exchange established pursuant to Section 100500 of the
21 California Government Code with advance payment of the premium tax credit established
22 under Section 36B of the Internal Revenue Code available to qualified individuals; and (4) A
23 program that makes available coverage in a qualified health plan through the California Health
24 Benefit Exchange established pursuant to Section 100500 of the California Government Code

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1 with cost-sharing reductions established under Section 1402 of the federal Patient Protection
2 and Affordable Care Act (Public Law 111-148) and any subsequent amendments to that act.

3 Section 2. The Administrative Code is hereby amended by adding Section 13.5 in
4 Chapter 13, Article I, to read as follows:

5 **SEC. 13.5. SHERIFF TO ASSIST COUNTY JAIL INMATES WITH HEALTH**
6 **INSURANCE AFFORDABILITY PROGRAM ENROLLMENT.**

7 *The Sheriff's Department is designated as the entity to assist county jail inmates with*
8 *submitting an application for a health insurance affordability program consistent with federal*
9 *requirements, as permitted by California Penal Code section 4011.11(a). For purposes of this Section*
10 *13.5, a "health insurance affordability program" shall be defined pursuant to California Penal Code*
11 *section 4011.11(f).*

12 Section 3. Effective Date. This ordinance shall become effective 30 days after
13 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
14 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
15 of Supervisors overrides the Mayor's veto of the ordinance.

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18 APPROVED AS TO FORM:
19 DENNIS J. HERRERA, City Attorney

20 By: _____
21 JANA CLARK
22 Deputy City Attorney

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1 [Administrative Code - Home Detention and Electronic Monitoring Program]

2

3 **Ordinance amending the Administrative Code to expand the category of jail inmates**
4 **eligible for the Home Detention Program; and authorizing the Sheriff to implement an**
5 **Electronic Monitoring Program to pretrial detainees being held in lieu of bail.**

6

NOTE: Additions are *single-underline italics Times New Roman*;
7 deletions are ~~*strike-through italics Times New Roman*~~.
8 Board amendment additions are double-underlined;
Board amendment deletions are ~~strikethrough normal~~.

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Be it ordained by the People of the City and County of San Francisco:

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Section 1. Findings.

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1 incarcerated is 22 percent lower than family income was the year before a father is
2 incarcerated.”

3 By removing low-level offenders from jails and prisons and putting them under house
4 arrest, local, state and federal governments could dramatically reduce their spending on
5 incarceration. At the same time it would allow families to remain intact, and allow offenders to
6 obtain treatment and employment, pay restitution, support their communities as a whole and
7 reduce their likelihood of reoffending.

8 In April 2011, Governor Brown signed AB109, which made fundamental changes to the
9 costly, ineffective and unsafe “revolving door” incarceration of low level offenders. AB 109
10 added California Penal Code Section 1203.018, which permits the Board of Supervisors to
11 authorize the “correctional administrator”, defined in that statute as the Sheriff, Probation
12 Officer, or Director of the Department of Corrections, in those counties having such a
13 department, to allow inmates being held in county jail in lieu of bail to be released on
14 electronic monitoring after 30 days for those awaiting trial on misdemeanor charges and 60
15 days for those facing felony charges. The Board of Supervisors, after consulting with the
16 Sheriff and the District Attorney, may prescribe reasonable rules and regulations under which
17 an electronic monitoring program authorized by Penal Code Section 1203.018 may operate.

18 Currently there are over 500 low-level offenders in San Francisco County Jails awaiting
19 trial or disposition. Many of these offenders have the capability to work and support their
20 families; others are in need of rehabilitation for substance abuse or mental health issues,
21 which can better be addressed in noncustodial settings – increasing the likelihood of a
22 successful reentry, lowering the incidence of recidivism, and improving public safety in our
23 communities.

24 Section 2. The Administrative Code is hereby amended by revising Section 13.63, and
25 adding section 13.64, to read as follows:

1 **SEC. 13.63. HOME DETENTION PROGRAM FOR SENTENCED INMATES.**

2 (a) The Sheriff is authorized to ~~offer~~implement a Home Detention Program as specified
3 in Section 1203.016 of the California Penal Code, in which ~~minimum security prisoners and low-~~
4 ~~risk offenders inmates~~ committed to the County Jail or other County correctional facility or
5 inmates participating in a Work Furlough program may voluntarily participate ~~or involuntarily be~~
6 placed in a Home Detention Program during their sentence in lieu of confinement in ~~the a~~
7 County Jail or other County correctional facility.

8 (b) The Sheriff may administer the Home Detention Program authorized in subsection (a)
9 pursuant to written contracts with one or more appropriate public or private agencies or entities,
10 subject to the requirements for contracting out these services set forth in Penal Code Section 1203.016
11 and in accordance with the County laws and policies governing procurement of personal services.

12 **SEC. 13.64. ELECTRONIC MONITORING PROGRAM IN LIEU OF BAIL.**

13 (a) The Sheriff is authorized to offer an Electronic Monitoring Program as specified in Section
14 1203.018 of the California Penal Code, to inmates being held in lieu of bail in a County Jail or other
15 County correctional facility.

16 (b) The Sheriff may administer the Electronic Monitoring Program authorized in subsection (a)
17 pursuant to written contracts with one or more appropriate public or private agencies or entities,
18 subject to the requirements for contracting out these services set forth in Penal Code Sections 1203.018
19 and in accordance with the County laws and policies governing procurement of personal services.

20 Section 3. Effective Date. This ordinance shall become effective 30 days after
21 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
22 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
23 of Supervisors overrides the Mayor's veto of the ordinance.

24 Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
25 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,

1 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
2 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
3 additions, and Board amendment deletions in accordance with the "Note" that appears under
4 the official title of the ordinance.

5 APPROVED AS TO FORM:
6 DENNIS J. HERRERA, City Attorney

7 By: _____
8 JANA CLARK
9 Deputy City Attorney

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George Gascón
District Attorney

February 5, 2014

Honorable Ed Lee
Mayor, City and County of San Francisco
1 Dr. Carlton B. Goodlett Place, Room 200
San Francisco, Ca 94102

Dear Mayor Lee:

Electronic monitoring and other alternatives to incarceration are essential to San Francisco's ongoing effort to meet and exceed the goals of realignment. When implemented properly such programs can reduce our jail population and provide significant cost savings for taxpayers. It is crucial, however, that such programs consider critical information such as an offender's risk factors in order for in-home detention to be implemented safely.

The Courts and District Attorney are currently entrusted with the decision to release pretrial detainees because we have the most information about the defendant, the victim, and the concerns of the community. We know an offender's full criminal history and we are in contact with their victims. We address the safety concerns of victims and witnesses, and provide relocation when necessary.

This information and level of insight is absolutely critical to determining who should remain in custody and who can be entrusted to be released into the community. In fact, my office is working to develop a scientifically based risk assessment tool for this very purpose. We want to find safe ways to reduce the pre-trial population. However, in light of the fact that 80% of our pretrial population is being held on felony charges, it is important that we do this with extraordinary care and diligence.

Granting the authority to release large swaths of this population without critical information pertaining to an offender's risk factors puts the public, victims and witnesses at risk. As the custodial agent the Sheriff does not have the information necessary to make these important determinations. They are not present in court during bail review and do not have access to the important arguments in support or opposition to pretrial release that are made at these hearings. As a result, they do not

have the necessary information and are not the proper agency to make determinations about pretrial release.

The Sheriff does have a role in post-conviction release. However, this proposal would grant broad release authority without requiring that information held within other criminal justice agencies be considered. The Adult Probation Department and District Attorney's Office have essential information that must be considered in making these very important determinations, but the Sheriff does not. This raises serious concerns that determinations of risk for sentenced offenders will be uninformed and made in a vacuum.

Of additional concern is the concept of placing individuals on electronic monitoring on an involuntary basis. As written, the legislation enables sentenced offenders who have indicated no intention of honoring the terms of their release to be eligible for the program. Electronic monitoring should be reserved for those who agree to the terms of their release. San Francisco would be creating a threat to public safety by releasing anyone who has not indicated their intention to comply with those terms.

I am a strong proponent of alternatives to incarceration - but not at the expense of public safety. Accurate and informed risk assessment is the hallmark of a successful electronic monitoring program, and I'm very concerned that this legislation would erode San Francisco's ability to adequately determine who is and who is not a good candidate for in-home custody programs.

Sincerely,



George Gascón
District Attorney
City and County of San Francisco

CC: Honorable David Chiu
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, Ca 94102

Honorable David Campos
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, Ca 94102

Honorable Eric Mar
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Honorable Norman Yee
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Honorable Mark Farrell
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Honorable Jane Kim
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Honorable Malia Cohen
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Honorable London Breed
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Honorable Katy Tang
1 Dr. Carlton B. Goodlett Place, Room 244
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Honorable Scott Wiener
1 Dr. Carlton B. Goodlett Place, Room 244
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Honorable John Avalos
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, Ca 94102



Post Release Community Supervision (PRCS) Status Report

San Francisco Adult Probation Department

As of January 9, 2014

As of October 1, 2011, *The Public Safety Realignment Act* (AB109), required people in State Prison for a non-violent, non-serious, non-sex-offender felony offense be released to Post Release Community Supervision, the responsibility of the SF Adult Probation Department, for up to three years.

As of 1/9/2014	
Total packets received from CDCR and processed by APD:	825
Number Transferred to Other County:	56
Number Ineligible for PRCS:	31
Number Denied Transfer In:	58

	Those on PRCS To Date		Those Expected to Date (Packets Received but Not Released from Prison)		Total Active, Completed, and Expected to Date	
	Number	Percent of Total	Number	Percent of Total	Number	Percent of Total
Total PRCS Population To Date	647		16		663	
Total Number of RTCs Completing PRCS	20		NA			
Total Number Successfully Completing PRCS Early	4					
Total Number Successfully Completing PRCS at 1 year	216					
Total Number of completions due to court termination	46					
Total Number of completions due to client's death	7					
Total Completions to Date	293					
Current Holds						
Number with ICE Holds	3	0%	4	25%	7	1%
Number with Federal Holds	0	0%	0	0%	0	0%
Number with State Holds	0	0%	0	0%	0	0%
Number with Other County Holds	16	2%	3	19%	19	3%
Total Active on PRCS (Not Including Holds)	334		9		343	
Gender¹						
Male	308	92%	9	100%	317	92%
Female	26	8%	0	0%	26	8%
Age						
Average Age	40		35		39	
Men	40		36		43	
Women	37		NA		36	
18 - 24	31	9%	2	22%	33	10%
25 - 39	129	39%	4	44%	133	39%
40 - 54	149	45%	3	33%	152	44%
55 - 69	24	7%	0	0%	24	7%
70 and over	1	0%	0	0%	1	0%
Race/Ethnicity²						
Black	197	59%	6	67%	203	59%
White	75	22%	2	22%	77	22%
Hispanic	36	11%	1	11%	37	11%
Other	6	2%	0	0%	6	2%
Asian	13	4%	0	0%	13	4%
Filipino	2	1%	0	0%	2	1%
Samoan	1	0%	0	0%	1	0%
Native American	1	0%	0	0%	1	0%
Vietnamese	0	0%	0	0%	0	0%
NA	3	1%	0	0%	3	1%
Risk and Needs Assessments, as of 1/2/14³						
Number of Assessments Completed	305	91%	of active PRCS clients			
Number Assessed as High Risk	269	88%	of PRCS clients assessed			
Number Assessed as Medium Risk	15	5%	of PRCS clients assessed			
Number Assessed as Low Risk	21	7%	of PRCS clients assessed			

¹ As reported by CDCR.

² Race/ethnicity information for those active on PRCS is as recorded by Deputy Probation Officers. Race/ethnicity information for individuals not yet released to PRCS from CDCR is as reported by CDCR and is limited to: White, Black, Hispanic, and Asian.

³ As recorded in APD's case management system. While all PRCS clients are assessed, there may be a delay in recording the results in the case management system.



Post Release Community Supervision (PRCS)

Status Report

San Francisco Adult Probation Department

As of January 9, 2014

	Those Active on PRCS To Date		Those Expected to Date (Packets Received but Not Released from Prison)		Total Active and Expected to Date	
	Number	Percent of Total	Number	Percent of Total	Number	Percent of Total
Residence by District, as Reported to CDCR⁴						
District 1	7	2%	0	0%	7	2%
District 2	1	0%	1	11%	2	1%
District 3	7	2%	0	0%	7	2%
District 4	6	2%	0	0%	6	2%
District 5	17	5%	0	0%	17	5%
District 6	57	17%	0	0%	57	17%
District 7	2	1%	0	0%	2	1%
District 8	5	1%	1	11%	6	2%
District 9	15	4%	0	0%	15	4%
District 10	46	14%	0	0%	46	13%
District 11	17	5%	2	22%	19	6%
Homeless	66	20%	0	0%	66	19%
Out of County	1	0%	0	0%	1	0%
Unknown	87	26%	5	56%	92	27%
Days in CDCR Custody Prior to Release						
Average Number of Days in CDCR Custody	432		669		440	
Less than 1 year	204	62%	6	50%	210	62%
1 - 2 Years	85	26%	1	8%	86	25%
2 - 5 Years	34	10%	5	42%	39	11%
5 or More Years	5	2%	0	0%	5	1%
Prior Convictions						
Average Number of Prior Convictions	8		8		8	
0 Prior Convictions	7	2%	0	0%	7	2%
1 - 2 Prior Convictions	31	9%	1	11%	32	9%
3 - 5 Prior Convictions	92	28%	4	44%	96	28%
6 - 10 Prior Convictions	124	37%	1	11%	125	36%
11 or More Prior Convictions	80	24%	3	33%	83	24%
Type of Most Serious Prior Conviction						
Arson	1	0%	1	8%	2	1%
Drug Crime	28	8%	1	8%	29	8%
Fraud	2	1%	0	0%	2	1%
Gang Crime	2	1%	1	8%	3	1%
Property Crime	64	19%	0	0%	64	18%
Sex Offense	8	2%	0	0%	8	2%
Vehicle Crime	9	3%	0	0%	9	3%
Violent Crime	179	52%	6	50%	185	52%
Weapons Crime	52	15%	3	25%	55	15%
Total with violent, weapons, or sex crime	239	72%	9	100%	248	69%

⁴ Residence information is based on addresses individuals provide to CDCR prior their to release to PRCS. Current residence information will be included in future reports.



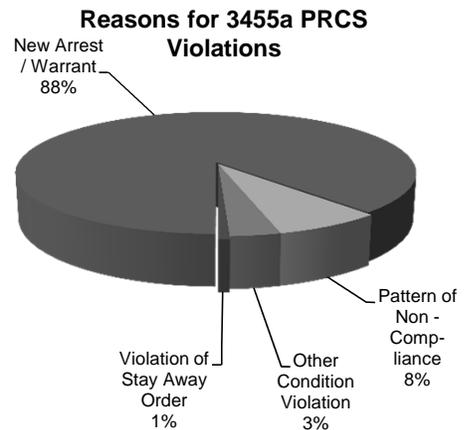
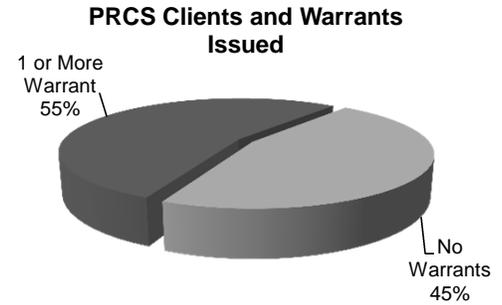
Post Release Community Supervision (PRCS) Status Report

San Francisco Adult Probation Department

As of January 9, 2014

Those Active on PRCS To Date

	Number	Percent of Total
PRCS Compliance Summary		
Number Who Have Reported	624	99% of PRCS to date
Number Who Have Reported within 2 Days	555	88% of PRCS to date
PRCS Warrants		
Number with an Active Warrant	77	23% of active
Number of Individuals With One or More Warrant	339	54% of PRCS to date
Number of PRCS clients to Date with No Warrants	288	46% of PRCS to date
Total Number of Warrants Issued ⁵	930	
Warrants Recalled	78	8% of all warrants
Warrants Served	774	83% of all warrants
Warrants issued for initial no-show	69	7% of all warrants
Warrants issued for non-compliance	705	76% of all warrants
PRCS Violations (3455a)		
Total Number of EM Sanctions Imposed	15	
Total Number of 3455a Violations Issued	520	
For New Arrest/Warrant	459	88% of violations
For Pattern of Non-Compliance	39	8% of violations
For Other Condition Violation	18	3% of violations
For Violation of Stay Away Order	4	1% of violations
Number with One or More 3455a Violation	264	42% of PRCS to date
Number of Women with One or More 3455a	24	
Number of Men with One or More 3455a	240	
Flash Incarcerations (3454b)		
Total Number of Flash Incarcerations Imposed	470	
No. of Individuals Receiving One or More Flash	215	34% of PRCS to date
Number of Women Receiving One or More Flash	37	
Number of Men Receiving One or More Flash	178	
No. of Individuals Requesting Attorney Consult	3	
No. of Flashes Involving Admin. Hearing	1	
Average Length of Flash Incarceration	9 days	



⁵ Total warrants issued for those who were active PRCS clients on the date of this report, including recalled warrants.



Post Release Community Supervision (PRCS) Status Report

San Francisco Adult Probation Department

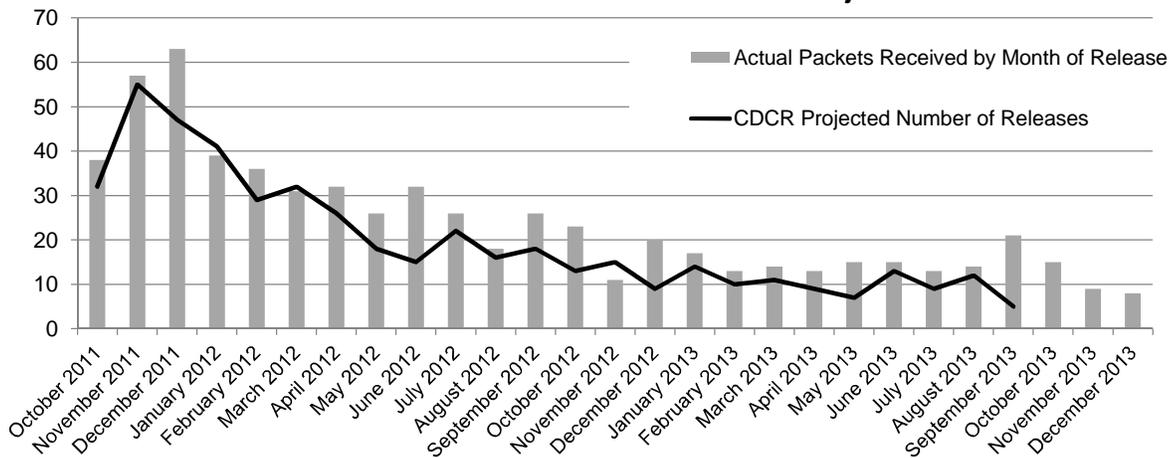
As of January 9, 2014

Actual Number Released to PRCS Compared to CDCR Projections

	Actual Packets Received to Date by Month of Release	Actual Cumulative Total	CDCR Projection ⁴	CDCR Projected Cumulative Total	Cumulative Actual as % of Cumulative Projection	Average Number of Days Packets Received Prior to Release Date
October 2011	38	38	32	32	119%	13
November 2011	57	95	55	87	109%	20
December 2011	63	158	47	134	118%	32
January 2012	39	197	41	175	113%	23
February 2012	36	233	29	204	114%	58
March 2012	31	264	32	236	112%	30
April 2012	32	296	26	262	113%	26
May 2012	26	322	18	280	115%	18
June 2012	32	354	15	295	120%	23
July 2012	26	380	22	317	120%	28
August 2012	18	398	16	333	120%	28
September 2012	26	424	18	351	121%	38
October 2012	23	447	13	364	123%	18
November 2012	11	458	15	379	121%	47
December 2012	20	478	9	388	123%	27
January 2013	17	495	14	402	123%	20
February 2013	13	508	10	412	123%	36
March 2013	14	522	11	423	123%	34
April 2013	13	535	9	432	124%	10
May 2013	15	550	7	439	125%	-9
June 2013	15	565	13	452	125%	49
July 2013	13	578	9	461	125%	32
August 2013	14	592	12	473	125%	15
September 2013	21	613	5	478	128%	35
October 2013	15	628		478	131%	53
November 2013	9	637		478	133%	73
December 2013	8	645		478	135%	44

⁴ Per CDCR's revised projections, as of November 2012.

Actual Number Released to PRCS vs. CDCR Projections





Post Release Community Supervision (PRCS) Status Report

San Francisco Adult Probation Department

As of January 9, 2014

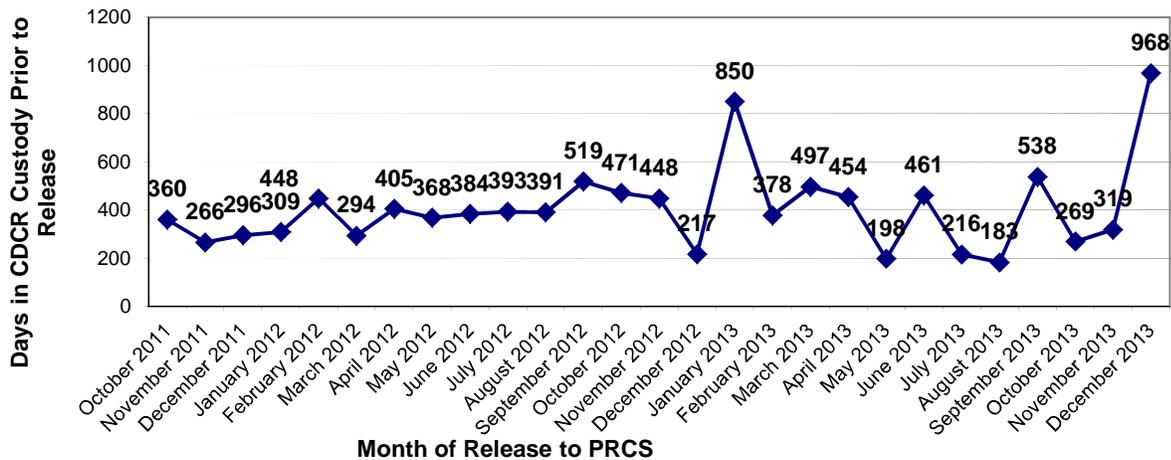
Current and Expected PRCS Clients, by Releasing CDCR Facility

Does not include Court Walkovers and clients transferring in from another county

(71 clients, 21% of current and expected clients)

CDCR Facility	Location	Approx. Miles from SF	PRCS Clients Released from Facility:	
			Number	%
California State Prison, San Quentin	San Quentin	25	121	35%
California Correctional Center	Susanville	285	23	7%
Folsom State Prison	Represa	110	14	4%
Deuel Vocational Institution	Tracy	70	11	3%
Valley State Prison for Women	Chowchilla	155	11	3%
Avenal State Prison	Avenal	200	9	3%
California Medical Facility	Vacaville	55	9	3%
California State Prison, Solano	Vacaville	55	9	3%
Sierra Conservation Center	Jamestown	125	9	3%
Correctional Training Facility	Soledad	130	8	2%
High Desert State Prison	Susanville	270	8	2%
CA Substance Abuse Treatment Facility	Corcoran	240	7	2%
California Correctional Institution	Tehachapi	330	7	2%
California Men's Colony	San Luis Obispo	235	6	2%
California State Prison, Corcoran	Corcoran	240	6	2%
North Kern State Prison	Delano	265	5	1%
California Institution for Men	Chino	415	4	1%
Central California Women's Facility	Chowchilla	155	4	1%
Mule Creek State Prison, Ione	Ione	120	4	1%
Pelican Bay State Prison	Crescent City	360	4	1%
Salinas Valley State Prison	Soledad	130	4	1%
California Institution for Women	Corona	420	3	<1%
Contract Bed Unit	Unknown	Unknown	3	<1%
California State Prison, Sacramento	Represa	110	2	<1%
Calipatria State Prison	Calipatria	571	1	<1%
Centinela State Prison	Imperial	600	1	<1%
Kern Valley State Prison	Delano	265	1	<1%

Average Number of Days in CDCR Custody, by Month of Release to PRCS





1170(h) Mandatory Supervision Sentencing Status Report

San Francisco Adult Probation Department

As of January 9, 2014

The Public Safety Realignment Act (AB 109) provided new sentencing guidelines for those convicted non-violent, non-serious, non-sex offender felonies. These crimes are now sentenced under PC1170(h) to terms dictated by the relevant sentencing triad. Terms will be served in County Jail only (under PC1170(h)(5)(a)), or split between County Jail and Mandatory Supervision (MS) (under PC1170(h)(5)(b)), which is the responsibility of the SF Adult Probation Department.

	Number	Percent of Total
Total Number Sentenced to Mandatory Supervision (MS) under 1170(H)(5)(b)¹	281	
Total Number Completed MS	83	30% of total sentenced
Successful Completions	28	34% of completions
Unsuccessful Completions	30	36% of completions
Other Completions (transfers, expired)	25	30% of completions
Current Holds		
Number with Current ICE Holds	0	0%
Number with Current Federal/Other Holds	0	0%
Number Currently on Parole	2	1%
Gender		
Male	184	65%
Female	97	35%
Age		
Average Age	37	
Men	49	
Women	10	
18 - 24	45	16%
25 - 39	125	44%
40 - 54	88	31%
55 - 69	23	8%
70 and over	0	0%
Race/Ethnicity		
White	76	27%
Black	157	56%
Hispanic	27	10%
Asian	10	4%
Other	1	0%
Unknown	10	4%
Risk and Needs Assessments, as of 1/2/14		
Number of Assessments Completed	140	77% of those supervised
Number Assessed as High Risk	123	88% of those assessed
Number Assessed as Medium Risk	10	7% of those assessed
Number Assessed as Low Risk	7	5% of those assessed
Total Number Currently Being Supervised on MS	181	



1170(h) Mandatory Supervision Sentencing Status Report

San Francisco Adult Probation Department

As of January 9, 2014

Current Residence by District

District 1	2	1%
District 2	2	1%
District 3	7	4%
District 4	0	0%
District 5	11	6%
District 6	25	15%
District 7	2	1%
District 8	6	4%
District 9	3	2%
District 10	24	14%
District 11	5	3%
Homeless	50	29%
Unknown / Awaiting Address Verification	25	15%
Out of County	9	5%

1170(H)(5)(b) Sentence Lengths (in months)²

	Average	Median	Low	High
Length of Total Sentence Ordered (Jail + MS)	38	36	12	108
Length of Jail Portion of Sentence Ordered	13	12	0	55
Jail Time Served after Credits (ave if > 0)	3		0	29
Length of MS Portion of Sentence Ordered	25	24	0	78
MS Sentence Served after Credits (ave if > 0)	23	24	0	78

¹ An individual may receive an 1170(h)(5)(b) sentence while on OR and not remanded and not in custody, and therefore the Sheriff's Department does not receive and record the sentence. This results in variations between the numbers of 1170(h)(5)(b) sentences reported by APD and the Sheriff. Sentencing Status Report on 1170(h)(5)(a) County Jail only sentences is forthcoming.

² Sentences served include 4019 credits for jail time served pre- and post-sentencing (2 days of credit for every day in custody). Any credits in excess of jail sentence ordered, with 4019 credits, are subtracted from the Mandatory Supervision sentence ordered.



Reentry Pod Status Report

**San Francisco Adult Probation Department
San Francisco Sheriff's Department**

As of January 9, 2014

The Reentry Pod, which opened on February 28, 2013, is a collaborative effort of the San Francisco Adult Probation and Sheriff's Departments to deliver intensive reentry planning and evidence-based interventions to individuals 30 to 120 days prior to release from jail. The Reentry Pod joins pre and post release programs to improve public safety, reduce recidivism and provide the necessary continuum of resources for a successful reentry into the community and the tools to complete community supervision productively. It provides focused reentry services, including but not limited to: educational credit through 5 Keys Charter School, substance abuse treatment, Thinking for a Change courses, case management, cognitive behavioral programs and access to other community based services and programs. Furthermore, the Reentry Pod allows easier access to probation officers as individuals prepare to be released back to the community.

The Reentry Pod is located in SF County Jail #2A, housing up to 56 individuals who will be released to Mandatory Supervision pursuant to PC § 1170(h)5(b) ("split sentence"), or Felony Probation who have been assessed as medium-high or high risk for recidivism. APD and SFSD plan to collaborate with CDCR, allowing individuals who will be released on Post Release Community Supervision to participate in the Reentry Pod, 60 - 120 days prior to their release dates.

Number of individuals in the Reentry Pod, as of		1/9/2014		12	
Type of Sentence:	1170(h) split sentence	2	17%		
	PRCS violation	3	25%		
	1170(h) Mandatory Supervision violation	0	0%		
	Probation violation or CJ/felony probation	7	58%		

Number of individuals in the Reentry Pod to date		138	
Type of Sentence:	1170(h) split sentence	22	16%
	PRCS violation	29	21%
	1170(h) Mandatory Supervision violation	6	4%
	Probation violation or CJ/felony probation	80	58%

Number of individuals who have exited the Reentry Pod	123
Average number of days in the Reentry Pod	37

Number of individuals considered and found unsuitable for the Reentry Pod		209	
Reasons:	Classification / Housing	43	
	In other program	30	
	Term date	37	
	Other jurisdiction hold	14	
	Out of County address	12	
	Med/Low risk level	8	
	APD determination	10	
	Other	55	

Prepared by the SF Adult Probation Department

For more information, contact:

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Gabe Calvillo, Supervising Probation Officer, 1170(h) Unit

gabe.calvillo@sfgov.org