

Reentry Council

City & County of San Francisco

AGENDA

Tuesday, April 29, 2014
10:00 a.m.
Milton Marks Conference Center Auditorium
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 February 11, 2014 (discussion & possible action).
4. Welcome New Reentry Council Member Keenia Williams, Mayoral Appointee (discussion only).
5. Staff Report on Activities of the Reentry Council (discussion only).
6. Regular Update on Reentry Related Funding and Update on Implementation of the Second Chance Act funded projects, with Presentation by Gary Levene, Supervising Probation Officer, Juvenile Probation Department, on the Juvenile Collaborative Reentry Unit (JCRU) (discussion only).
7. Regular Update on Legislative and Policy Issues Related to Reentry (discussion only).
8. Presentation by Zoë Polk, Director of Policy and Social Justice, San Francisco Human Rights Commission, on the Implementation of the Fair Chance Ordinance (discussion only).
9. Update on Implementation of the Justice Reinvestment Initiative, with Presentation by Lore Joplin of the Crime and Justice Institute (discussion only).
10. Presentation by Whitney Tymas, Director of the Prosecution and Racial Justice Program, Vera Institute of Justice (discussion only).
11. Regular Update on Activities of the Juvenile Justice Coordinating Council, Sentencing Commission, Workforce Investment Community Advisory Committee, Community Corrections Partnership and Collaborative Courts (discussion only).
12. Regular Update on the Implementation of Public Safety Realignment (discussion only).
13. Council Members’ Comments, Questions, and Requests for Future Agenda Items (discussion only).
14. Public Comment on Any Item Listed Above, as well as Items not Listed on the Agenda.
15. Adjournment.

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

MEETING MATERIALS

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

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TRANSLATION

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City Hall, Room 244
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San Francisco, CA 94102-4683.
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DRAFT MINUTES

February 11, 2014
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: Christine DeBerry (alternate for District Attorney George Gascón (co-chair)), Paul Henderson (alternate for Mayor Edwin Lee (co-chair)), Sheriff Ross Mirkarimi (co-chair), Simin Shamji (alternate for Public Defender Jeff Adachi (co-chair)), Martin Krizay (alternate for Chief Wendy Still (co-chair)), Joseph Calderon, Jasmine Dawson, Armel Farnsworth, Stanley Goff, Omorede Rico Hamilton, Ernest Kirkwood, Jo Robinson, Freda Randolph Glenn (alternate for Karen Roye), James Whelly, David Shinn, Allen Nance, Leslie Levitas

Members Absent: Rhonda Simmons, Chief Yador Harrell, Robert Bowden.

1. Call to Order and Introductions.

At 10:05 am, Simin Shamji called the meeting to order and welcomed the public and the Council. She acknowledged the co-chairs and asked other members to introduce themselves.

2. Public Comment on Any Item Listed Below.

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

3. Review and Adoption of Meeting Minutes of December 10, 2013.

Simin Shamji asked members to review the minutes from the last meeting. Shamji asked for any comments from council members and upon hearing none, asked for a motion to approve the minutes. James Whelly motioned, Jo Robinson seconded and the motion carried at 10:11.

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

Shamji explained that the Reentry Council was established in 2009 by an ordinance that will expire this year. The Reentry Council must make a recommendation to the Board of Supervisors in order to renew the ordinance. Shamji introduced Jennifer Scaife, Acting Division Director of the Adult Probation Department's Reentry Division, to explain the ordinance renewal and changes to the ordinance that the Reentry Council has discussed.

Jennifer referred to Agenda Item 4, a draft letter to the Board of Supervisors summarizing the Reentry Council's accomplishments, suggesting the ordinance be extended, and making

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recommendations for slight changes to the administrative code regarding the Reentry Council. The agenda packet also includes a draft of the renewing ordinance that will be submitted to Board of Supervisors, pending adoption by Reentry Council. Most urgently, the Council must submit the letter to the Board in order to get on its legislative agenda, even if there are outstanding questions on the specifics in the legislation. This will allow the Reentry Council to continue meeting after June 1, when the ordinance expires. Jennifer then walked through the draft letter to the Board of Supervisors, providing an overview of the Council's accomplishments of last four years. The roster of current Reentry Council members is not included in the agenda packet but will be included with the letter. Jennifer explained that there is still one outstanding appointment for an 18-25 year old and we hope to have that seat filled when we submit this letter to the Board. The letter will also include an attachment explaining the Council's subcommittees.

The highlights of the Reentry Council's accomplishments include: the Council serves as task force for overseeing Second Chance Act funding; staff has attended several Second Chance Act conferences; the Council was a recipient of a Justice Reinvestment Initiative (JRI) grant in 2011 and is in the process of applying for a JRI Phase II award; the Council has received recognition for its unique membership; and the Council participates in the California Reentry Council Network.

Jennifer provided an overview of the draft proposed ordinance, included in the agenda packet. The proposed changes are underlined in the document. As discussed during the December 10, 2013 Reentry Council meeting, we propose to designate one of the seats to be filled by a survivor of crime or violence, to acknowledge the impact of crime and violence on those in the criminal justice system. We also propose to increase the number of members required for quorum to be $50\% + 1$, in line with standard practice. On page 3 of the draft ordinance, there is one grammatical change. The last substantive changes are on page 5. In previous ordinances the code was amended to change the reporting relationships between bodies and this change would formalize the relationship between the Reentry Council and the Sentencing Commission. Finally, we propose extending the sunset date five years to a fixed date of January 1, 2019, to clarify the time frame.

Shamji asked the Council for questions or comments. Chief Allen Nance asked about the proposed sunset date: Would a June date be better than January, since the legislative calendar is more challenging towards the end of the year? Shamji explained that the current sunset date is in June, but that the January date is when the Council is required to submit a report to the Board of Supervisors (six months prior to sunset date). The proposed ordinance would give a fixed date for the report, but the ordinance would still sunset in June. Chief Nance voiced his support for extending ordinance with the amendments proposed, adding that we need now more than ever to focus on reentry and that this focus requires substantial thought and coordination. This Council, he explained, leads the way in creating collaborations and thoughtful discussions of reentry issues and we want to sustain this collaboration going forward.

Shamji asked for motion. A member made motion, Stanley Goff seconded. Shamji asked for comments. Armel Farnsworth asked whether the name of Ross Mirkarimi should be removed;

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Sheriff Mirkarimi explained that his name is on the ordinance because he originally proposed the legislation as Supervisor and that his name will remain because it is an extension of the original ordinance. Shamji asked for public comment. There was none. The motion passed at 10:24.

Shamji explained that a member of the Council is needed to shepherd this ordinance through the legislative process. Shamji volunteered the Public Defender's office. Sheriff Mirkarimi stated that, for historical context, the original ordinance was spearheaded by him and the Public Defender. Chief Nance moved that Sheriff Mirkarimi shepherd the process. Calderon seconded. Chief Nance amended the motion to be co-sponsored by Sheriff Mirkarimi and the Public Defender. Farnsworth seconded. Shamji asked for public comment. There was none. The motion passed at 10:26.

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

Shamji explained that staff regularly prepares a report for the Council on reentry-related funding. Jennifer Scaife, Acting Director of the Reentry Division of the Adult Probation Department was called to give an update. She introduced the two standard memos that are presented at each meeting. She explained that we are going into new grant cycle, so there was not much new to report since December.

Jennifer Scaife explained that the memo had been revised to remove grants that are no longer active, to move the reference table to the back page of the memo, and to include the issue area for each grant.

Jennifer Scaife explained that the second memo in the agenda packet is about the Second Chance Act projects. Two Second Chance Act grants which are held by the Adult Probation Department have completed their final phase, the Probation Alternatives Court and Reentry SF. There are final notes on those projects in the memo. The memo also includes a substantive update from the Juvenile Probation Department on their collaborative project. The Council will hear a more extensive oral update on this project at the next Council meeting. Lastly, the memo lists two grant programs and their updates from the Sheriff's Department.

Staff will be meeting next week to discuss grant opportunities that are forthcoming and will on the outcomes of this meeting at the next Council meeting.

Shamji asked for questions or comments. There were none. There was no further discussion regarding this agenda item.

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.

Shamji introduced Justice Reinvestment Initiative technical assistance providers, Lore Joplin and Mike Wilson, from Crime and Justice Institute.

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Jennifer Scaife provided an update on the Council's JRI Phase II application. The Phase II Letter of Inquiry is provided in the agenda packet.

Jennifer Scaife explained that the Letter of Inquiry was approved by the Council co-chairs and will be submitted to the Bureau of Justice Assistance (BJA) for their March review. BJA meets monthly to review these letters. Jennifer Scaife provided an overview of the three strategies that were developed during Phase I of JRI and on which we propose to work during Phase II. The three strategies are: reduce the standard probation term length from three to two years, reduce the pre-sentenced population in County Jail, and reduce disproportionality of people of color in the criminal justice system in the County. Jennifer then introduced Lore Joplin and Mike Wilson.

Mike Wilson, an economist working with CJI, will provide an overview of the cost analyses he has prepared about two of the JRI strategies: shortening probation terms and reducing the pre-trial jail population.

Mike Wilson introduced himself and explained his background in conducting cost analyses and cost benefit work in the criminal justice arena. He explained that he analyzed the potential cost savings/cost avoidance of the three strategies proposed. This analysis is a required step under JRI, to estimate what the cost impacts in the future will be of adopting the proposed strategies. He then explained the three proposed JRI strategies and the data available to conduct this analysis for each strategy.

Mike Wilson referred to slide 3 and explained how he conducted the cost analysis for the probation strategy. First, he looked at two years' worth of data from the Adult Probation Department and excluded those with certain crime types. He then estimated what would happen if the remaining probationers had two year rather than three year probation terms. He examined historical data to arrive at the assumption that around 30 percent of probationers would be unsuccessfully terminated, and therefore wouldn't benefit from reduced sentence length. Then, assuming the shorter terms are phased in for those receiving new probation sentences, slide 4 shows the analysis. The full probation population, less those with the excluded crimes, less those that are terminated unsuccessfully, less those not included based on discretion, result in about 1,100 individuals not on probation due to this change when fully implemented. This is an almost 25 percent reduction in probation clients. He explained that the assumptions used throughout the analysis were conservative ones. He then put a dollar value on this reduction, explaining that there are two ways to go about this. One, we can estimate the dollar savings if we were to cut staff and services by about 25 percent, given the reduction in clients. However, given that caseloads are already larger than recommended, this is not an optimal response. The other way of estimating the cost impact is to ask how many probation officers and services would we need to hire if we did not have this policy change to get the new lower caseload ratio we get by reducing the caseload by 25 percent?

This policy would reduce the average caseload ratio from 90:1 to 70:1. What would it cost to achieve this lower ratio by hiring officers rather than reducing clients? In this approach, when we look at the dollar values, it isn't a true savings or cost reduction we see, but instead an avoided cost of getting to the lower caseload ratios without the policy. In order to achieve these lower

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ratios and higher level of services, APD would need to hire 16 Deputy Probation Officers and two Supervising Probation Officers, as well as fund additional services for clients. It would cost \$4 million to get to the same outcome that this policy would achieve, which is its opportunity cost, or what it would cost to buy these outcomes rather than achieve them through the policy change.

The second strategy analysis involved analyzing potential expansions to pre-trial release from County Jail and the potential impacts of this policy. Sheriff's Department data from 2011 was used for this analysis. Mike Wilson explained that the analysis included those pre-sentenced individuals who were in jail for more than five days, with a release type of OR (own recognizance). There were almost 1,000 such individuals who were in jail for 38 days on average. Another 1,100 pre-sentenced individuals were in jail for more than five days and had a release type of "other". These individuals were in jail for an average of 58 days. The analysis then estimated the impact of a policy that allowed them to get out of jail more quickly by estimating the number of individuals that would be affected, how long they spend in jail before the policy change, and the savings that could be achieved of letting them out of jail sooner. The data available for this analysis was not as extensive as that available for the probation analysis. Mike Wilson explained that he looked at three scenarios: reduce the number of people in these categories (in jail pre-sentence for more than five days and released on OR or for "other" reason) by 10%, 20%, or 30%. The jail bed savings for these three scenarios range from 28 to 80 beds. He then estimated the cost savings of reducing the jail population by this amount by estimating the marginal cost of a jail bed day. The marginal cost, which is different from the average cost, is the small incremental increase in costs of a jail bed when the population changes moderately. Per conversations with Sheriff's Department staff, the analysis assumes that marginal cost savings are achieved when the jail population decreases by 40 individuals, as a new pod, with the associated staffing, is needed for each 40 inmates. Mike Wilson further explained the cost analysis, which includes incremental costs for changes below 40 individuals, such as food and linen costs, and then larger costs for changes above 40 individuals, such as staffing costs.

Mike Wilson explained that he was unable to do a cost analysis for the third strategy on disproportionality since there is not yet a clear policy proposal to analyze for this strategy.

Mike Wilson then asked for questions from the Council.

Farnsworth asked if Strategy A is not a budget savings but Strategy B is an actual budgetary savings? Mike Wilson answered that this is correct. For Strategy A it didn't make sense to cut probation staff when cases are reduced because caseload ratios are currently too high.

Deputy Shinn asked about the exclusions in Strategy A. Were similar considerations taken into account for Strategy B? Mike Wilson answered that he didn't have the individual-level data for the Strategy B analysis which is why he showed the 10, 20, and 30 percent scenarios. For the probation strategy the data allowed us to see that 71% of individuals would be impacted. For strategy B, because of data limitations, he couldn't exclude certain crimes but did exclude 90, 80, and 70 percent of individuals instead.

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Chief Nance asked if consideration was given to other risk factors than crime, such as risk level, for Strategy A. Mike Wilson and Leah Rothstein, Reentry Division Research Director for the Adult Probation Department, answered that this was taken into account by excluding a percentage of those crime-ineligible individuals due to the court's discretion. Again, this exclusion attempted to account for these other considerations without having the individual-level data available. Chief Nance suggested that another policy consideration could be to review probation lengths at certain intervals during the sentence to reduce sentences.

Sheriff Mirkarimi asked about the date range of the data used for the pre-trial analysis. The data from 2010-11 is not necessarily the best to determine cost impacts in 2014. The analysis could be updated to be more current as well as take into account individual eligibility determinations.

Stanley Goff asked about Strategy C and stated that we are all interested in the issue of disproportionality. Mike Wilson answered that his job was to try to put dollar values on these strategies and that Strategy C was very hard to monetize. However, this does not mean that it is not an important strategy for the County. He referred to Jennifer Scaife for more explanation. Jennifer Scaife directed the Council to the letter of interest's page 4, which acknowledges that this is a large, complex, and important question. We are not sure what the drivers of the disproportionality are so one of the activities of Phase II would be to try to figure out what the drivers are of the disproportionality by conducting a decision point analysis. This will allow us to develop policy strategies and do future cost analyses on those strategies. Other efforts are also underway to address this issue. For example, the District Attorney is working with the Vera Institute to examine disproportionality in sentencing; the Council committed to cultural competency trainings; and legislative changes are happening that address these issues, such as the recently passed Ban the Box ordinance.

Christine DeBerry explained that the District Attorney's work with the Vera Institute is examining the DA's role in contributing to disproportionality. Rather than estimating the cost of disproportionality, this work is aimed at identifying policies that can be changed. Once the work is completed, the DA will present this to the Council. Stanley Goff stated that he is very interested to hear about this.

Armel Farnsworth stated that other jurisdictions have likely done similar research and/or implemented policy changes around this issue. Rather than re-invent the wheel, why not look at what other jurisdictions are doing and implement what works? Jennifer Scaife explained that if awarded a Phase II grant, a literature review will be among the Phase II tasks.

Joseph Calderon asked whether, as a part of this strategy, we can look at preventative strategies that can be used in the community to reduce the disproportionate impact. Jennifer Scaife explained that JRI allows us to take savings and reinvest them in strategies like prevention.

Shamji asked for other comments from the Council. There were none. She thanked Mike Wilson for his presentation and invited Lore Joplin to explain the Phase II implementation process.

Lore Joplin explained that she has taken over for Peter Ozanne as technical assistance provider for Phase II. She then explained the Phase II process. First, the Letter of Interest will be heard at

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BJA's meeting in March. Lore Joplin will advocate for San Francisco's application at this meeting. After this is approved, she will work with Jennifer Scaife on a series of documents that must be completed before Phase II work can begin: the Phase II checklist, a description of the JRI task force, the Phase II implementation plan, and the funding request. The jurisdiction can request funding along with technical assistance, which can include funding activities such as developing performance measures and tracking cost savings. The funding awards average around \$300,000 and are usually used as seed money to kick off work the jurisdiction is doing on implementing the strategies. The grant period is usually 12 months, but can be as long as 24 months. Some grantees are using the funding for personnel but BJA is interested in the funding being used as seed funding and in the jurisdiction having a sustainability plan in place. Assuming all of the documents are approved by BJA, the jurisdiction then will start working on implementation.

Armel Farnsworth asked whether in Phase II we have to pick one strategy or if we can work on all strategies at the same time. Lore Joplin answered that we would work on all strategies at the same time.

Shamji asked for additional questions from the Council. There were none.

7. Regular Update on Legislative and Policy Issues Related to Reentry and Discussion of Proposed Ordinances Related to Home Detention and Health Care Enrollment.

Shamji introduced the update on State and local legislation. She was pleased to announce that the Board of Supervisors passed unanimously in the first reading the Fair Employment and Housing legislation. The Board will vote again this afternoon to finalize the legislation. Armel Farnsworth asked when it will be in place. Jennifer Scaife answered that she will provide more information soon. Armel Farnsworth stated that this will be a great boon to those on supervision in San Francisco.

Shamji asked Sheriff Mirkarimi to provide an update on legislation regarding home detention and health care. Sheriff Mirkarimi explained the health care ordinance. He stated that we want to dismantle barriers for those coming out of the criminal justice system and that healthcare is another challenge for this population. Ninety percent of people coming through the jail do not have healthcare when they leave. This is a particular concern for those struggling with addiction and mental health issues. The Affordable Care Act (ACA) allows counties to designate the Sheriff to sign people up for healthcare in the jail system. Legislation is being submitted next month to the Board of Supervisors to allow the Sheriff to do this. This allows the county to cast a large net. The Sheriff can sign people up at intake, injury, or release, but need the Board's designation in order to do so. Sheriff's staff will then go through a training. The Sheriff can then make sure they sign people up at various points prior to release. Right now, the Sheriff cannot sign people up for ACA.

Armel Farnsworth asked if nonprofits can sign people up. Sheriff Mirkarimi said that they can but they still have to go through the training process and that it is a highly regulated process. Armel Farnsworth asked, assuming this takes place, the Sheriff's Department can sign people up

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at any point in the process? Sheriff Mirkarimi answered yes and that it makes sense for sheriffs to do this, especially in California and in San Francisco, given the size of the incarcerated population. Armel Farnsworth asked about the health care provided to those in jail. Sheriff Mirkarimi answered that fortunately the Sheriff's Department is connected with the Department of Public Health to provide health care in jail.

Ernest Kirkwood asked what agency trains nonprofits to sign people up? Jo Robinson answered that the agency is called CMS.

James Whelly asked whether we can anticipate some county savings by doing this. Sheriff Mirkarimi answered that yes, ACA will take over some of the people currently on Healthy SF, which will generate cost savings for the county. Shamji added that incarceration is not an impediment to enrollment in ACA, which is significant.

Chief Nance thanked Sheriff Mirkarimi for advancing this legislation because many in the system lack health care. He asked about the word "designate" in the legislation. Does this mean the Sheriff would be the exclusive entity to do the enrollment or would it expand the enrolling authority to include the Sheriff? Will there be a fiscal impact to the Sheriff's Department for doing this? Sheriff Mirkarimi answered that designating the Sheriff to do enrollment adds the department to the list of those able to sign people up. Chief Nance recommended modifying the language to read "grant authority" to the Sheriff, to allow individuals to sign up through the Sheriff's Department or through other agencies. Sheriff Mirkarimi explained that that is already the case. Sheriff Mirkarimi answered the question regarding costs, stating that there are some staff costs to doing the enrollment, and that the federal government provides \$58 for signing an individual up, so this would offset some of the costs. However, he said, there are outstanding questions about where that money will go, and that it will likely go to the General Fund.

Stanley Goff asked if Sheriff Mirkarimi is doing this because DPH is not doing its job? Sheriff Mirkarimi explained that no, DPH is doing its job, but it's a very big job.

Jo Robinson added that DPH welcomes the Sheriff's Department to do this, as it advances the overall goal of the city to enroll more people in healthcare.

Sheriff Mirkarimi then turned to discussing the electronic monitoring (EM) legislation. He explained that EM has been in practice in San Francisco. Per the penal code, the Sheriff is authorized to oversee EM, which it has been doing for a significant amount of time. In 2013, the county had its highest participation in EM with a robust success rate of 93% compliance. This legislation attempts to straighten out what has been historically a clumsy process. Now, if the courts, DA or other says that someone can be on EM, the Sheriff can deny the individual EM, per State law. Sometimes the Sheriff does this. However, the converse is not true – if someone is in custody, a low level nonviolent offender, for example, and the Sheriff receives information that this person could be put on EM, the Sheriff must make a case to the DA and/or courts that this person could qualify for EM. This comports with Penal Code section 1203.018. This legislation would allow the Sheriff to work in tandem with the courts and the DA to re-present information that we believe they don't have that would allow someone to be put on EM who was

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not initially offered EM. State law allows sheriffs or probation departments to put people on EM. What we don't want to see is that another agency puts someone on EM when the Sheriff says no, in which case the individual has to self-pay to an outside EM provider, in conflict with City contracting rules. Sheriff Mirkarimi, in response to Penal Code 1203.018, met with the Adult Probation Department, the courts, and the DA about this. There has been criticism recently that the Sheriff's department may be let out the wrong people on EM. Sheriff Mirkarimi takes offense to this, stating that they will not do that, and that they have processes in place to determine who is appropriate for EM and who is not. Those who would qualify for EM who were originally not eligible could be non-violent offenders, misdemeanants, etc. There may have been good reason not to put them on EM but if new information comes up, there is no process by which their eligibility can be reconsidered. Those with stay away orders cannot be on EM and several offenses are also excluded. In the Board of Supervisors committee hearing on this legislation, we paused the process due to questions that came up. Sheriff Mirkarimi invited the DA, APD, and others to bring up any questions and concerns so we can move this forward. In his opinion, this legislation is in line with what the County is currently doing.

Deputy Shinn asked about language. Line 5 says that individuals "can be involuntarily placed on EM." Mark Nicco, attorney with Sheriff's Department, responded. Penal Code 1203.016 changed in 2012. The original language reflects that, allowing sheriffs to put people on EM voluntarily. In 2012 this changed to allow sheriffs to involuntarily place individuals on EM, as a strategy to deal with overcrowding. Overcrowding is not an issue here, but the intention is to make the language reflect the State's current code.

Deputy Shinn stated that it is a concern that someone could be put on EM involuntarily. Mark Nicco stated that the language is to reflect State Penal Code, due to overcrowding. Overcrowding is not an issue here. If someone is on EM and not in compliance, he/she will be taken off of EM. Shamji added that the statute allows certain conditions to be put on those on EM involuntarily. Mark Nicco added that is true, as it is for all on EM.

Sheriff Mirkarimi added that the outcome of this legislation will be rules and guidelines, but those are not included in the legislation, as per common practice. This is something that will be developed with the DA and the Courts.

Armel Farnsworth asked whether this legislation is allowing the Sheriff to reverse the process to allow them to initiate the request for EM. Sheriff Mirkarimi answered that is true. If the overall goal is to thoroughly evaluate eligibility for alternatives to incarceration, this allows us to do that. Armel Farnsworth asked for clarification. Currently, if you have new information, you cannot come back to the DA and ask for EM? Sheriff Mirkarimi says he could, nothing prevents that, but this legislation is intended to further collaboration and be inclusive.

Chief Nance asked whether those currently able to bond out of jail are those of means. He is impressed by the component of this legislation that allows those who could be eligible for bail to be released on EM, adding that there are issues with our current bail system. This is moving in the right direction.

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Shamji added that currently determining those who can be released on bail does not take risk into account, but is a purely monetary determination. This is one approach to leveling the playing field. She added that the statute specifically says that public safety considerations must be made before Sheriff does this.

Deputy Shinn asked if someone doesn't want to be on EM, can the Sheriff still place him/her on EM? Sheriff Mirkarimi responded that they would never do that but that this legislation shows current law and prospective law. He added that if anyone has suggestions for cleaning up the language, he is open to hearing them.

Chief Deputy Krizay commented on behalf of Chief Still. While not in opposition to the legislation, in light of our JRI Phase II application, is it premature to move this forward? Sheriff Mirkarimi responded that he doesn't think so, but that this legislation will help to further the goals of JRI. The JRI strategy is considering pretrial release on EM without saying who would administer it. This would further those aims.

Shamji asked for other comments. There were none.

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).

Chief Nance provided an update on the Juvenile Justice Coordinating Council (JJCC). He stated that the Council has not convened since the last Reentry Council meeting. Chief Nance explained that he has had discussions with the Mayor's Office and the Department of Children, Youth, and their Families about reconvening the JJCC. He looks forward to revising and updating the JJCC's plan in the coming year, in recognition of fact that the funding for Community-Based Organizations continues through this fiscal year. JJCC will be reconvened in the coming weeks.

There was no update on the Sentencing Commission.

Chief Deputy Krizay provided an update on the Community Corrections Partnership (CCP), which last met on January 23rd. At that meeting, the CCP heard updates on the Budget and Legislative Analyst's Jail Needs Assessment Report for the replacement of County Jails #3 and #4, discussed the creation of a Criminal Justice Master Plan, heard a presentation on Victims Services, including presentations of victims' services programs in Alameda and Contra Costa counties, and reviewed and adopted the Realignment Implementation Plan for 2013/14 and the Two Year Realignment Report. The next CCP meeting will be held on May 22nd.

The Workforce Investment Community Advisory Committee is meeting right now. An update from WICAC will be provided at the next Reentry Council meeting.

Shamji asked for questions. There were none.

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

Reentry Council

City & County of San Francisco

Deputy Chief Krizay provided an update on Realignment Implementation:

The CCP released its Two Year Realignment Report on January 23rd. The report discusses trends in Realignment populations in San Francisco, inter-department collaborative initiatives to respond to Realignment, department-specific initiatives, and outcomes from the first two years.

In the first two years of Realignment, through September 2013, 75 percent of those completing a PRCS or Mandatory Supervision term completed successfully. The number of parolees serving revocation terms in County Jail has dropped dramatically since July 2013, when parole revocation hearings were transferred to the county courts.

We are still in the process of working with the California Department of Corrections and Rehabilitation (CDCR) to transfer PRCS clients to the Reentry Pod 60 days prior to their release from state prison. The County's contract with CDCR to implement this process will be heard by the Budget and Finance Committee on Feb 26th

Criminal justice partners are continuing to build on successful collaborations to build on this initial success and anticipate continuing to see positive outcomes for the Realigned populations in San Francisco.

Anyone interested in receiving a copy of the Two Year Realignment report can contact the Reentry Division by phone or email or find the report on APD's website. As a reflection of the collaborations we are undertaking here, this report is a source of pride.

Deputy Chief Krizay also provided an overview of the Community Assessment and Services Center, which has been up and running since June 2013. APD has received many requests for tours, including all of the bay area probation departments, legislators, and Board of Supervisors members from other counties. Anyone who wants to come see what's happening there, we welcome you.

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

Shamji asked members for questions, comments, requests for future agenda items.

Joseph Calderon commented about mentorship programs. He stated that they have launched a mentorship program with long-term inmates. He plans to propose a mentorship program with the Sheriff and the Reentry Pod. He read the description of the New Path program, a mentorship program with those who have successfully reentered the community. Mentoring will be in a group atmosphere and as case management in follow up. He is currently a facilitator with Criminal and Gang Members Anonymous. Omoredé Rico Hamilton added that he is going to the county jail twice a week and has been discussing with Joseph Calderon how to build this mentorship curriculum. He also has a listening program where they just listen to what people are saying, making sure their exit plans are realistic. He also is involved with mental health education, to help people understand about mental health, as well as belief system groups, and a mentor speaker series. He is working on expanding this to a mentorship panel to expose people to different careers.

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Stanley Goff added that the mentorship proposal is a very good one. He had also started working on a similar program, trying to get a stipend for those providing mentorship services. People deserve to be compensated for helping to pull people up. He has been in conversation with Sara Felicia Moore-Jordan about trying to secure funding for this. Jennifer Scaife added that she can follow up about this and that the Reentry Council staff can provide technical assistance around these programs including around evidence-based practices and the City contracting process.

Sheriff Mirkarimi added that the City's contracting process can be a sobering process. However, since it directly affects the work we are trying to do with CDCR for the Reentry Pod, he encourages all to come to the Board of Supervisors committee meeting to see how the process works.

Armel Farnsworth added that the reason the Council exists is to provide feedback to the Board of Supervisors about how to help those reentering the community. One thing he'd like to see is something similar to the downtown City ambassadors. It would be nice to see the Council put forward an effort to start programs like that and the mentorship programs mentioned. We have the resources in the community and people with good ideas who are providing outreach. We need a collaborative effort with the subcommittees to address these issues in the community.

Chief Nance added a comment about the jail overcrowding concerns statewide. Yesterday the three judge panel gave the State a two year extension to reduce overcrowding. San Francisco can anticipate that some of the people being let out of state prison will be coming to our community and so our strategies around reentry become that much more of a priority. The court ordered that a compliance officer be assigned to monitor the State's compliance and that the State report on incremental progress. The number of those who will be released have fluctuated from 5,000 to 8,000. This reaffirms for the Council that our strategies for effective reentry are as important as ever. It is critical that we remain focused on our capacity to serve this population.

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

Shamji invited the public to comment.

Ali Riker, director of programs for the Sheriff's Department, introduced herself. Ali Riker spoke about Strategy B of the JRI presentation. She understands the limitations of the data but is hopeful that a successful JRI application will allow work with the Pre-Trial Diversion Program to drill down on who can be released, and to work on how we can more assertively work with the courts to allow those previously denied release on EM.

12. Adjournment.

Simin Shamji thanked everyone and reminded members and the public of next meeting. She asked for a motion to adjourn. Paul Henderson made motion. Christine DeBerry seconded. The meeting adjourned at 12:04.

Reentry Council

of the City & County of San Francisco

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For more information about the Reentry
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Regular Update on Reentry-Related Funding

Reentry Council

April 29, 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 April 25, 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 (JMHCP)
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

The following grants are those for which San Francisco agencies had applied as of April 25, 2014.

Funding Source:	US Department of Justice
Funding Program:	Second Chance Act Reentry Program for Adult Offenders with Co-Occurring Substance Abuse and Mental Health Disorders
Lead Applicant:	San Francisco Department of Public Health
Total Possible Award:	\$600,000 for up to two years.
Program Goals and Allowable Activities:	The Reentry Program for Adult Offenders with Co-Occurring Substance Abuse and Mental Health Disorders is designed to improve outcomes for adults with co-occurring substance abuse and mental health disorders through the provision of appropriate evidence-based services and treatment during and after incarceration in prison or jail.
Population to be Served:	Older adults in County Jail
Reentry Area Addressed:	Health & Wellbeing of Currently & Formerly Incarcerated People; Self-Sufficiency of Currently & Formerly Incarcerated People

Funding Source:	US Department of Justice
Funding Program:	Smart Supervision: Reducing Prison Populations, Saving Money, and Creating Safer Communities
Lead Applicant:	San Francisco Adult Probation Department
Total Possible Award:	\$750,000 for up to three years.
Program Goals and Allowable Activities:	The FY 2014 Smart Supervision Program (SSP) seeks to improve probation and parole success rates, which would in turn improve public safety, reduce admissions to prisons and jails, and save taxpayer dollars.
Population to be Served:	High risk, high need clients of the Adult Probation Department with a history of homelessness and behavioral health disorders
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:	Second Chance Act Technology Careers Training Demonstration Projects for Incarcerated Adults and Juveniles
Lead Applicant:	San Francisco Sheriff's Department
Total Possible Award:	\$750,000 for 12 months.
Program Goals and Allowable Activities:	The goal of this program is to increase the post-release employability of the incarcerated population in related technology-based jobs and career fields. The objective of the program is to establish and provide technology career training programs for incarcerated adults and juveniles during the 6-18 month period before release from a prison, jail, or juvenile facility. □
Population to be Served:	Individuals in County Jail
Reentry Area Addressed:	Self-Sufficiency of Currently & Formerly Incarcerated People

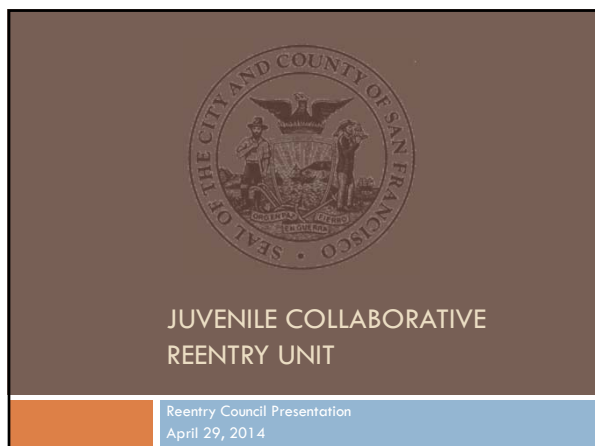
Funding Source:	Substance Abuse and Mental Health Services Administration (SAMHSA)
Funding Program:	Grants to Develop and Expand Behavioral Health Treatment Court Collaboratives
Lead Applicant:	San Francisco Department of Public Health
Total Possible Award:	\$348,142 per year for up to three years.
Program Goals and Allowable Activities:	The purpose of this program is to allow local courts more flexibility to collaborate with multiple criminal justice system components and local community treatment and recovery providers to address the behavioral health needs of adults who are involved with the criminal justice system and provide the opportunity to divert them from the criminal justice system.
Population to be Served:	Behavioral Health Court clients
Reentry Area Addressed:	Community Justice & Alternatives to Incarceration; Health & Wellbeing of Currently & Formerly Incarcerated People; Self-Sufficiency of Currently & Formerly Incarcerated People

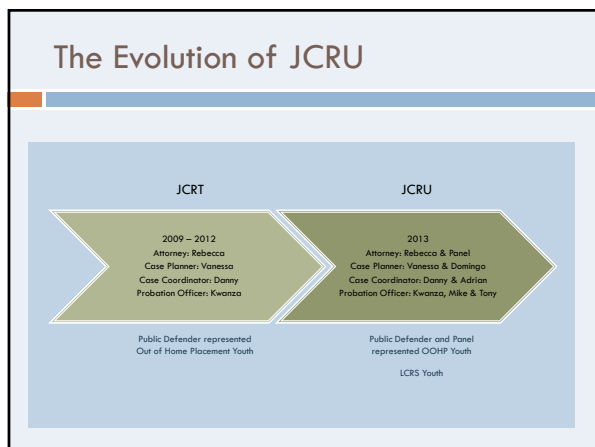
III. Reentry Issue Areas and Components

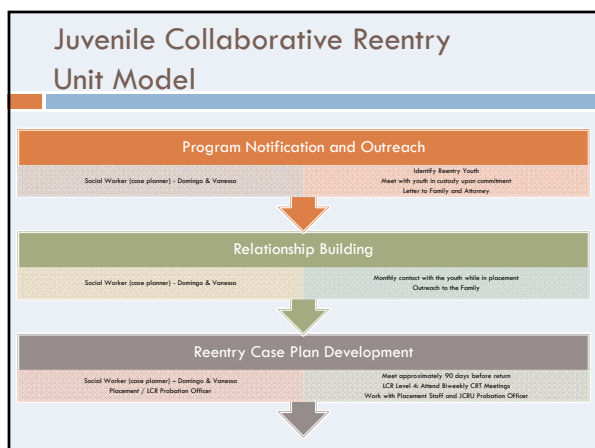
The chart below presents the “Reentry Areas” referenced in the tables above and the components of each.

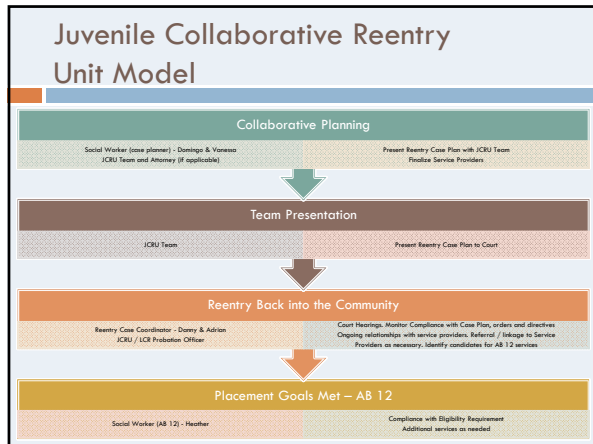
Areas	Components
Community Justice & Alternatives to Incarceration	Diversion & Collaborative Courts Sentencing & Release Alternatives Probation & Parole
Civil Rights & Civic Engagement of Formerly Incarcerated People	Identification & Voting Collateral Consequences of Criminal Records Public Education & 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

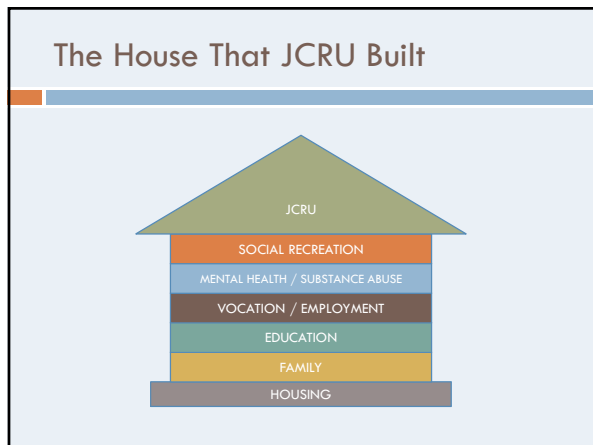
For questions, comments, or to provide updated information to this memo, please contact Jennifer Scaife, Acting Reentry Division Director, at reentry.council@sfgov.org or (415) 553-1593.

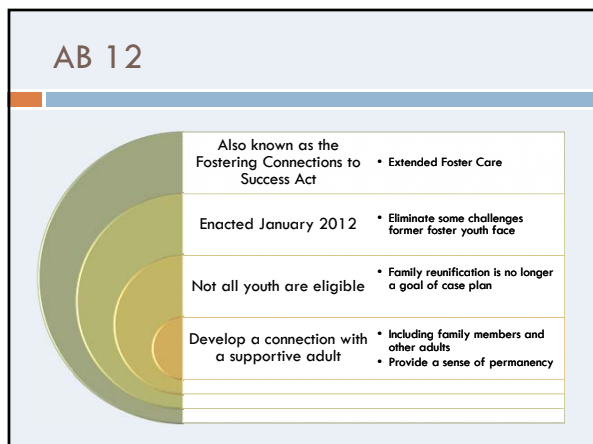


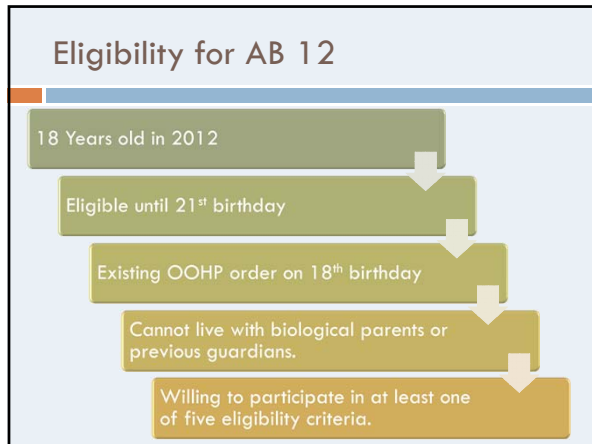


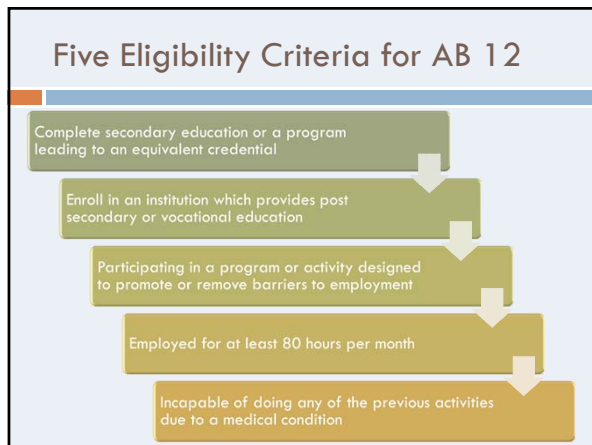












**Legislative and Policy Update
Reentry Council
April 29, 2014**

I. Statewide Legislation and/or Policy to Watch

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

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

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.

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

Proposed State Legislation:	AB 2106 (Quirk): Inmates: alternative custody
Background:	This bill would provide that an existing psychiatric or medical condition that requires ongoing care is not a basis for excluding an inmate from eligibility for the program under which female inmates who are committed to state prison may be allowed to participate in a voluntary alternative custody program in lieu of confinement in state prison. The bill would provide more specific timeframes for participation in the alternative custody program. The bill would require the Secretary of the Department of Corrections and Rehabilitation or his or her designee to respond to an applicant within two weeks of his or her application to inform the inmate that the application was received, and to notify the inmate of any exclusionary criteria and case-by-case criteria. The bill would require an individualized treatment and rehabilitation plan to be developed during the two weeks following the notice of receipt of the application, in consultation with the inmate, during which time the decision of whether to accept the inmate into the program would be made, and during which time the secretary or his or her designee would provide a written notice to the inmate of acceptance or denial of participation in the program. The bill would require an inmate to be released to the program no later than 5 business days following notice of acceptance into the program.
Status:	Referred to the Committee on Public Safety March 6, 2014.

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

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

Proposed State Legislation:	AB 2308 (Stone): Prisoners: identification cards
Background:	This bill would require the Department of Corrections to ensure that all inmates released from state prisons have valid identification cards.
Status:	Passed the Public Safety Committee on April 2, 2014 and referred to the Committee on Appropriations.

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

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

II. Local Legislation and/or Policy to Watch

Proposed City/County Legislation:	Home Detention Program Sponsor: Sheriff's Department
Background:	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.
Status:	Heard in Neighborhood Services and Safety Committee February 6, 2014. Continued to the call of the chair.

Proposed City/County Legislation:	Jail Inmate Health Insurance Enrollment Ordinance Sponsor: Sheriff's Department
Background:	This ordinance amends the Administrative Code to designate the Sheriff as the entity to assist county jail inmates with submitting an application for a health insurance affordability program, consistent with federal requirements.
Status:	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. Recommended by NSSC on March 20, 2014. Passed on the first reading by the Board of Supervisors on April 1, 2014; finally passed by the Board of April 8, 2013. Signed into law by the Mayor on April 18, 2014.

Proposed City/County Legislation:	<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>
Background:	<p>The proposal is an extension of existing San Francisco law, which since 2006 has prohibited public employers from asking about someone's arrest or conviction record right away. Under both the existing and pending laws, employers and housing providers may conduct a background check, but not until later in the application process. This ordinance will make employment practices more consistent with the Equal Employment Opportunity Commission's recommended best practices on hiring people with arrest and conviction records and standardize the practices for nonprofit affordable housing providers city-wide. The ordinance would apply to:</p> <ul style="list-style-type: none"> • Employers: Employers with 20 or more employees regardless of location, but would only apply to employment situations located in whole or in substantial part in San Francisco. The ordinance would not apply to the City government or to other governmental entities, local, state, or federal. • Housing: Entities that own, master lease, or develop affordable housing (as defined in ordinance) in the City. • Contractors: A contractor's operations to the extent they are in furtherance of performing a contract or property contract. Certain types of contracts (for example, for a cumulative amount of \$5,000 or less in a fiscal year) and property contracts (for example, for a duration of less than 30 days) are not covered by the ordinance. <p>Office of Labor Standards Enforcement shall be responsible for administrative enforcement and tracking complaints of employment portions of the ordinance. The Human Rights Commission (HRC), in consultation with the Mayor's Office of Housing and Community Development, shall be responsible for administrative enforcement of the housing portions of the ordinance, and HRC shall be responsible for tracking complaints.</p>
Status:	<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. Finally passed by the Board on February 11, 2014 and signed into law by the Mayor on February 14, 2014.</p>

Proposed City/County Legislation:	Secure Reentry Program Facility Resolution Sponsor: Sheriff's Department
Background:	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.
Status:	Submitted to Clerk of the Board on December 10, 2013. Recommended by the Budget and Finance Committee on February 26, 2014. Adopted by the Board of Supervisors on March 4, 2014 and approved by the Mayor on March 12, 2014.

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.

NOTICE TO TENANTS, HOUSING APPLICANTS, AND HOUSING PROVIDERS

CITY AND COUNTY OF SAN FRANCISCO



San Francisco Fair Chance Ordinance for People with a Prior Arrest or Conviction Record

Under the Fair Chance Ordinance, you have the right to:

- 1) Have your qualifications for housing determined **BEFORE** your prior arrest or conviction record is considered.
- 2) Not be asked about your prior record through a rental application form. After the housing provider determines you are qualified for the housing, the provider may inquire about your conviction record.¹
- 3) Not have any of the following six “**off-limits**” categories considered:
 - arrests that did not result in conviction
 - participation in a diversion or deferral judgment program
 - expunged, judicially dismissed, invalidated or otherwise inoperative convictions
 - juvenile record
 - a conviction more than 7 years old
 - an infraction
- 4) Have your record assessed individually, in which only the “**directly-related**”² convictions and unresolved arrests in your record are considered.
- 5) Be provided with a **copy of the background report** and told which conviction or unresolved arrest is the basis for the potential denial. You have **14 days** to **respond orally or in writing to show that you shouldn’t be denied**.
You can respond by:
 - ✓ **Pointing out any inaccuracies** in the report.
 - ✓ **Providing evidence of rehabilitation.** Evidence of rehabilitation include satisfying parole/probation, receiving education/training, participating in alcohol/drug treatment programs, letters of recommendation, age you were convicted.
 - ✓ **Explaining any mitigating factors about the circumstances of the conviction.** Mitigating factors include physical or emotional abuse, coercion, untreated abuse/mental illness that led to the conviction.
- 6) Be provided with a **copy of this notice before** your housing provider runs your background report.
- 7) **File a complaint (within 60 days of violation) or speak with the Human Rights Commission** about your rights without any negative action or **retaliation** taken against you by your Housing Provider.

Under the Fair Chance Ordinance, a housing provider must:

- 1) **Post this notice** prominently on a website and any location frequently visited by tenants or housing applicants.
- 2) **State in all advertisements** that the provider will consider qualified applicants with criminal histories.
- 3) Conduct an **individualized assessment** and consider only “directly-related” convictions and unresolved arrests in light of time elapsed, any evidence of rehabilitation, mitigating factors, or inaccuracy in the report.
- 4) Before taking a negative action such as A) Eviction, B) Failing or refusing to rent or lease property to an individual, C) Failing or refusing to add a household member to an existing lease, or D) Reducing any tenant subsidy, the housing provider **MUST** give the individual a **copy of the background report and identify** the particular convictions or unresolved arrests on which the negative action is based.
- 5) **Give** the individual **14 days** to respond orally or in writing to provide evidence of rehabilitation, mitigating factors, or inaccuracy in the report, **delay any negative action** for a reasonable time, and **reconsider** in light of the applicant’s response. Notify the individual of any final negative action.
- 6) **Retain tenant applications** and pertinent data and records relating to this Ordinance for 3 years.

For more information, contact the Human Rights Commission at (415) 252-2517 or email zoe.polk@sfgov.org

¹ A provider may run a criminal history report at the same time as a rental or credit history but may not look at it prior to determining the applicant is qualified.

² In considering whether a conviction/unresolved arrest is directly-related, the provider shall look at whether the conduct has a direct and specific negative bearing on the safety of persons or property, given the nature of the housing, whether the housing offers the opportunity for the same/similar offense to occur, whether circumstances leading to the conduct will recur in the housing, and whether supportive services that might reduce the likelihood of a recurrence are available on-site.

Justice Reinvestment Initiative

Phase II Preparation Interviews

Reentry Council of San Francisco April 2014

Overview

In March and April of 2014, Lore Joplin, Crime and Justice Institute consultant, conducted interviews with members of the Reentry Council of San Francisco. At the time of these interviews, the Reentry Council had submitted its Phase II proposal to the Bureau of Justice Assistance's (BJA) Justice Reinvestment Initiative (JRI) and was awaiting response. The purpose of these interviews was to prepare for completion of BJA's JRI Phase II Checklist (Attachment A) in anticipation of BJA approving San Francisco's Phase II proposal. The themes extracted from the interview data will be used to develop a comprehensive implementation plan, which in accordance with BJA requirements, will:

- ✓ Identify the specific activities and sub-tasks that need to be completed in order to implement the larger policy or program options;
- ✓ Indicate how key agencies and criminal justice stakeholders will be engaged in the implementation process;
- ✓ Set these activities and tasks to a timeline complete with milestones and deliverables;
- ✓ Detail 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;
- ✓ Articulate how new policies and program changes will be sustained after the completion of JRI Phase II; and
- ✓ Incorporate the JRI Task Force's reinvestment strategy.

San Francisco has identified three strategies in its Phase II proposal (attachment B):

- Strategy A. Eliminate disproportionality of people of color in the San Francisco criminal justice system
- Strategy B: Shorten the standard length of probation sentences
- Strategy C: Maintain and expand pretrial alternatives to detention

The Interviews

These interviews were designed to collect data regarding related strengths and challenges, as well as policy and operational mechanisms for implementing these strategies. Interviews were conducted with 16 people (individually and in groups), averaged 60 minutes each, and were conducted both in person and by phone. Interviews were comprised of the following questions, which were directed at each of the above strategies:

1. What are your hopes that SF could accomplish in this area?
2. Strengths in this area?

3. Barriers/challenges in this area?
4. Other thoughts/comments?

Many thanks to those who participated in the interviews, including:

Noel Belton, Asst Deputy, US Probation Officer
United States Probation Office

Allen Nance, Chief
San Francisco Juvenile Probation Department

Jasmine Dawson, Policy & Planning Manager
Department of Children, Youth & Their Families

Tara Regan Anderson, Policy & Grants Manager
San Francisco District Attorney's Office

Armel Farnsworth, Parole Supervisor
California Dept of Corrections and Rehabilitation

Ali Riker, Director of Programs
San Francisco Sheriff's Department

Rico Hamilton
Board of Supervisors Appointee

Jennifer Scaife, Acting Director, Reentry Division
San Francisco Adult Probation Department

Martin Krizay, Deputy Chief
San Francisco Adult Probation Department

Sylvia Selinger, Chief Clerk
San Francisco Adult Probation Department
Simin Shamji, Director, Specialty Courts & Reentry
Programs
San Francisco Public Defender's Office

Will Leong, CEO
San Francisco Pretrial Diversion Project

Leslie Levitas
Mayoral Appointee

David Shinn, Deputy Chief
San Francisco Police Department

Ross Mirkarimi, Sheriff
San Francisco Sheriff's Department

Wendy Still, Chief
San Francisco Adult Probation Department

Interview Themes

Interview data has been aggregated and summarized by strategy area.¹

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

Racial and Ethnicity Data Availability

- Strengths
 - Collection of racial data has improved since 2012 (police began to record ethnicity) and is available through Comstat
 - The Mayor's office is working to develop increased consistency across agencies
 - Data improves as individuals move through the system, i.e., arrest to booking to pretrial to probation.
- Challenges
 - Data remains difficult to access in some areas of the system.

¹ This information has not been verified or fact checked and is simply a summary of verbal information provided by the interviewees.

- There is a lack of consistency in definitions, confidence in quality, and use of racial/ethnicity categories in San Francisco's various criminal justice data systems
- Considering a third party system to merge data, e.g., data warehouse, dashboard system

Changing Crime Characteristics

- Property crimes and robberies, particularly of electronic devices have increased, while violent crime has decreased
- There has been a substantial decrease in drug arrests

The Status of the Conversation

- There is clear consensus that African Americans are overrepresented in both the juvenile and adult systems.
- Strengths: San Francisco--
 - has the political will, intellect, and resources to do something about this
 - has a history of strong collaboration
 - can do a good job with this. We have a relatively small number of incarcerated people
 - recognizes that race, ethnicity and culture matter in the system
- Challenges: San Francisco needs to--
 - engage in open conversation. People get uncomfortable when we start talking about bias. It's important to recognize that it's often more about institutional bias than conscious personal bias
 - raise awareness and implement wise policy in this area
 - have a larger conversation around mental health, housing, and education (primary risk factors)
 - develop a comprehensive approach to addressing disproportionality

Confounding Issues

- San Francisco is experiencing outmigration of African Americans.
- Much of San Francisco's crime is committed by individuals who commute to the city from other jurisdictions (1 in 5 jail inmates is not a San Francisco resident).

Potential Programmatic Strategies

- Law Enforcement Assisted Diversion (LEAD)² <http://leadkingcounty.org/>
 - Law enforcement officers have discretion (except for certain ineligible offenses) to refer individuals (social contact or arrest referral) to a LEAD case manager at the precinct
 - For arrestees, the arrest record is sent to the city attorney's or prosecutor's office (depending on offense), but it is assumed that charges will not be filed as long as the individual completes both an initial screening and a full intake assessment with LEAD case managers within 30 days of the referral.
 - LEAD case managers conduct intake assessments, develop case plans and follow a "harm reduction approach."
- Develop a gatekeeper system/assessment on the front end that determines whether or not someone should be arrested or detained, e.g., a pre-booking or law enforcement officer conducted risk assessment³

² Beckett, K. *Seattle's Law Enforcement Assisted Diversion Program: Lessons Learned from the First Two Years*. University of Washington. Accessed at: <http://leadkingcounty.org/storage/2014-Lead-Process-Evaluation.pdf>

- Enhance the use of alternatives to custody, such as:
 - Reporting centers
 - Receiving/assessment centers
 - Electronic monitoring
 - Community Assessment and Referral Center (CARC)
- Develop a pre/post booking diversion program for the mentally ill
<http://www.ct.gov/dmhas/LIB/dmhas/publications/jaildiversion.pdf>⁴
 - While the numbers of mentally ill in jail have not increased, the acuity of their illness and the corresponding units of service required to manage this population has increased.
- The DA's office is partnering with Vera to participate in the Prosecution and Racial Justice project (PRJ) <http://www.vera.org/centers/prosecution-and-racial-justice-program>
 - Data extraction and case file review to determine where are we contributing to disproportionality / decision-point analysis
 - Launch meeting is scheduled for the end of April
- Focus more on primary and secondary prevention
 - We need to target programs to and for minority populations at much younger ages.
 - We should target our efforts through and in partnership with the school system.
 - We have access to large corporations that should be leveraged for internships, etc. providing exposure to corporate culture, employment opportunities, etc.

Strategy B: Shorten the standard length of probation sentences

- General Conversation
 - There is support for reducing standard probation sentences from three to two years
 - Exclusionary criteria has been agreed to and includes domestic violence and sex offenses
 - Probation has done a good job of developing infrastructure to support improved practice
 - Need to begin implementation as soon as possible/develop a sense of urgency
 - Will begin with piloting for all new cases that meet the inclusion criteria, review data on a six-month basis
- Important Considerations
 - The length of probation is not as important as what occurs while someone is on probation, i.e., risk-based supervision
 - Determine supervision level based on assessed risk, i.e., low risk are placed on case bank with minimal supervision and moderate to high risk receive active supervision
 - Develop and implement case plan based on assessed criminogenic needs
 - Deliver the appropriate dosage
 - Rewards and sanctions policy
 - The use of jail beds for technical violations can be a system cost driver

³ Decision-making Matrix for Law Enforcement Officers, Evidence-based Decision-Making in Local Criminal Justice Systems Initiative. Accessed at:

<http://ebdmoneless.org/sites/all/documents/PROXY%20DECISION%20making%20matrix.pdf>

⁴ Frisman, L., Sturges, G., Baranoski, M., and Levinson, M. *Connecticut's Criminal Justice Diversion Program: A Comprehensive Community Forensic Mental Health Model*. Accessed at:

<http://www.ct.gov/dmhas/LIB/dmhas/publications/jaildiversion.pdf>

- Probation is using flash incarceration under PRCS, implementing use of progressive discipline
 - How to consider parallel justice for victims?
 - How can the DA's alternative sentencing planning position be integrated into this work?
- Alternatives to across the board reductions
 - Credit for time served
 - Credit for compliance on supervision, i.e., Incentivize the reduction (if you've made extraordinary rehabilitative efforts, your term ends early.)
 - Early termination through judicial approval
 - Place successful cases on administrative supervision/case bank to maintain revocation and search and seizure authority

Strategy C: Maintain & expand pretrial alternatives to detention

General conversation

- Need an in-depth review of the pretrial process, including analysis of the data to determine the actual size of the incarcerated population available for pretrial release
 - System analysis to identify efficiency improvements and cost benefit analysis
 - Evaluation / recommendation from an independent agency
 - Misdemeanors are already cite & release with identification and promise to appear
 - San Francisco releases higher risk people than other jurisdictions
 - We've already released most eligible defendants, potential increase is minimal (10-50 additional cases per year)
- Pretrial services budget has been reduced which has resulted in reduced capacity and efficiency
- Expansion of pretrial services must be paired with drug-free housing and other support services

Diversion

- Programs needs some sanctioning power, e.g., how can we respond when defendants fail to comply with treatment, etc.
- Diverting defendants back to the same neighborhood in which the crime occurred, doesn't help reduce criminal activity
- Diverted defendants should be required to demonstrate how they have changed their behavior, i.e., attending school, etc. within a certain timeframe
- Expansion of alternatives
 - Expand neighborhood courts into all districts (currently 10, including 1 night court – expanding by adding 3 additional courts)
 - Drug court: detained defendants may wait for several weeks while awaiting housing and access to substance abuse assessment

Supervised Pretrial Release

- Releases have increased over the last three years (1500-1600 releases annually)
- Risk assessment tool is in use and pretrial has been gathering data on that tool
 - There is question among the partners about the validity of the tool
- We have the elements in place to increase release, we just need more resources:
 - Risk assessment tool
 - Joint program with court which facilitates the release decision (judges receiving information electronically)
 - Resources (housing, substance abuse, targeted case management)

Electronic Monitoring (EM)

- Current capacity is 300-400
- There is legislation pending to increase the Sheriff's EM release authority (allowing reassessment of individuals initially rejected for EM)
- Need to use a validated assessment tool to determine release to EM
- Develop clear eligibility criteria
- Expand to include pre and post-sentence

Release on Own Recognizance (OR)

- Availability has been reduced (from 24/7 to 12-16 hrs/7)
- Moving to electronic OR, i.e., Judge accesses packet and makes a release decision electronically
- Need to create clear criteria to expand use of OR (non-violent, misdemeanor)

Bail Reform

- Bail reform is the next natural step
- There have been some structured conversations about the potential of doing work in this area
- Research indicates that bail release impacts sentencing results
- We need to triage population to determine who is eligible for release and then analyze those numbers. Those in with bail are there for serious offenses
- The courts need to be involved in the discussion
- Bail reforms are challenging in California

San Francisco

Justice Reinvestment Initiative

Phase II Preparation

Lore Joplin
The Crime & Justice Institute
April 29, 2014

Phase II Process

- Awaiting approval letter from BJA
- Complete checklist, which includes:
 - continued convening of JRI Task Force
 - proposed policy/program options that are appropriate & feasible
 - identified and agreed upon reinvestment strategy
 - implementation plan & budget

Phase II Proposed Strategies

- **Strategy A:** Eliminate disproportionality of people of color in the San Francisco criminal justice system
- **Strategy B:** Shorten the standard length of probation sentences
- **Strategy C:** Maintain and expand pretrial alternatives to detention

Reentry Council Interviews

- Interviews conducted in March and April
- 16 participants (group & individual)
- Averaged 60 minutes
- For each strategy, what are your:
 - Hopes?
 - Strengths?
 - Barriers/challenges?
 - Other thoughts/comments?

Interview Results

- Report Structure
 - Reported by strategy
 - Summarized by themes
 - Reflect perceptions of interviewees
- Observations
 - Areas of clear consensus & urgency
 - Other areas of inconsistent understanding and/or support

Strategy A: Disproportionality

Racial and Ethnicity Data

- Collection of racial data has improved
- There are efforts to develop increased consistency
- Data improves as individuals move through the system
- Lack of consistency in definitions, use of consistent racial/ethnicity categories, and confidence in quality

Strategy A: Disproportionality

- **Local Crime Characteristics**
 - Property crimes and robberies, particularly of electronic devices have increased
 - Violent crime has decreased
 - Substantial decrease in drug arrests
- **Confounding Issues**
 - Outmigration
 - In-commuting to commit crimes (1 in 5 jail inmates is not a San Francisco resident).

Strategy A: Disproportionality

- Clear consensus that African Americans are overrepresented in the system.
- **San Francisco--**
 - has the political will, intellect, and resources to do something about this
 - has a history of strong collaboration
 - recognizes that race, ethnicity and culture matter in the system
- **San Francisco needs to--**
 - engage in open conversation
 - recognize institutional bias vs conscious personal bias
 - raise awareness and implement wise policy in this area
 - have a larger conversation around primary risk factors
 - develop a comprehensive approach

Strategy A: Disproportionality

Potential Programmatic Strategies

- Law Enforcement Assisted Diversion (LEAD)
- Gatekeeper system/assessment on the front end to guide arrest and/or detain decisions
- Enhance the use of alternatives to custody
- Pre/post booking MH diversion program
- Prosecution and Racial Justice project (PRJ)
- Focus on primary & secondary prevention

Strategy B: Probation Sentences

Making it Happen

- Support for reduced sentences
- Infrastructure in place
- Begin implementation ASAP
- Implementation Plan
 - Pilot for all new cases that meet the inclusion criteria
 - Review data on a six-month basis

Strategy B: Probation Sentences

Considerations

- The length of probation is not as important as what occurs during supervision
- Consider parallel justice for victims?
- How can the DA's alternative sentencing planning position be integrated into this work?
- Alternatives to across the board reductions?

Strategy C: Expand Pretrial

Pretrial Capacity

- Need an in-depth review of the pretrial process and detainees
- Pretrial services budget has been reduced which has resulted in reduced capacity and efficiency
- Expansion of pretrial services must be paired with drug-free housing and other support services

Strategy C: Expand Pretrial

Diversion

- Programs need some sanctioning power
- Sending defendants back to the same neighborhood in which the crime occurred, doesn't help reduce criminal activity
- Defendants should be required to demonstrate how they have changed their behavior
- Expansion Ideas
 - Neighborhood courts
 - Drug court: wait in jail for housing & assessment

Strategy C: Expand Pretrial

Supervised Pretrial Release

- Releases have increased over the last three year
- Risk assessment tool is in use and pretrial has been gathering data for validation
- The elements are in place to increase releases with additional resources

Strategy C: Expand Pretrial

Electronic Monitoring (EM)

- Legislation pending to increase the Sheriff's EM release authority
- Need to use a validated assessment tool to determine release to EM
- Develop clear eligibility criteria
- Expand to include pre and post-sentence

Strategy C: Expand Pretrial

Release on Own Recognizance (OR)

- Availability has been reduced
- Moving to electronic OR
- Need to create clear criteria to expand use of OR

Strategy C: Expand Pretrial

Bail Reform

- The next natural step
- There have been some structured conversations
- Bail release impacts sentencing results
- Need to triage & analyze the population data to determine who is eligible for release
- The courts need to be involved in the discussion
- Bail reforms are challenging in California

Next Steps

- Review Interview Results
- Develop implementation plan proposal
- Develop corresponding budget proposal
- Reconvene at August Reentry Council Meeting



San Francisco Adult Probation Department

Protecting the Community, Serving Justice, and Saving Lives

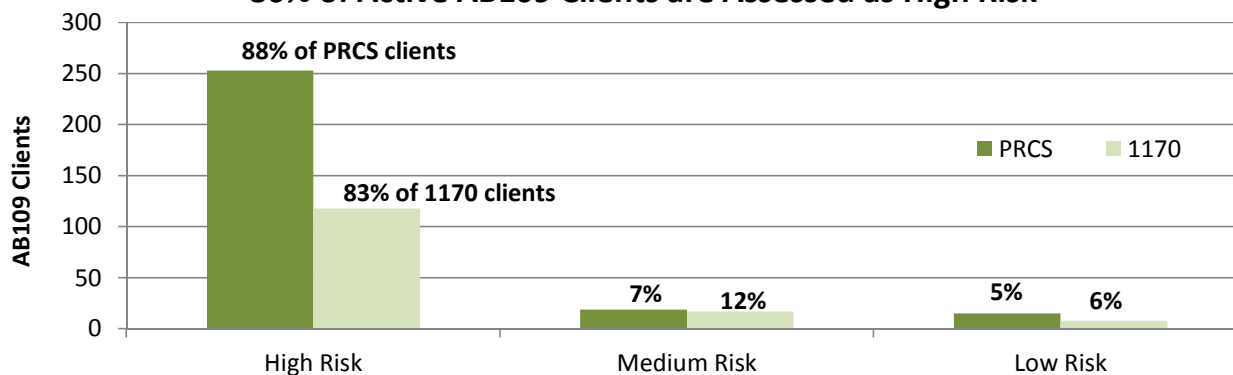
As of April 17, 2014

Profile of San Francisco's AB109 Clients on Community Supervision

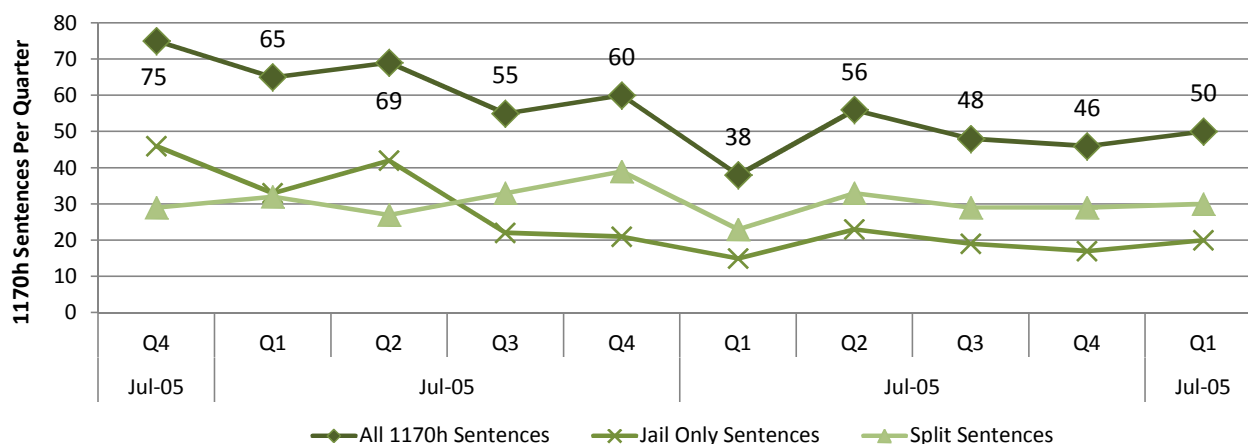
	PRCS	1170h / Mandatory Supervision	Total	% of Total
AB109 Clients to Date¹:	686	294	980	
Completions to Date:	345	113	458	47%
Successful Completions	280	28	308	67%
Unsuccessful Completions	57	42	99	22%
Other (transfers, death)	8	43	51	11%
Active AB109 Clients:	341	181	522	

¹ Includes those with holds from other jurisdictions

86% of Active AB109 Clients are Assessed as High Risk



54% of 1170h Sentences Have Been Split Sentences



Prepared by the San Francisco Adult Probation Department

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April 17, 2014

Using Research to Promote Racial Equity in Prosecution



Reentry Council, City and County of San Francisco, CA
April 2014

50 YEARS OF
VERA
INSTITUTE OF JUSTICE

Presentation Outline

- Introduction of Vera
- Need for research to advance racial equity
- PRJ, an innovative approach
- Mission and methodology
- Questions

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The Vera Institute of Justice


The Vera Institute of Justice is an independent, nonpartisan, nonprofit center for justice policy and practice, with offices in New York City, Washington, DC, New Orleans and Los Angeles. Our projects and initiatives, typically conducted in partnership with local, state, or national government, are located across the United States and around the world.

Vera combines expertise in research, demonstration projects, and technical assistance to help leaders in government and civil society improve the systems people rely on for justice and safety.

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Racial Equity: A Growing Concern Among the Nation's Prosecutors



Need for Research to Advance Racial Equity in Prosecution

- Most prosecutors lack the research capacity with which to understand the aggregate racial impacts of their policies and everyday decisions.
- Limited external guidance, as data on prosecution and race is scarce
- Researchers have limited access to prosecutorial data and limited experience working in prosecutors' offices

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An Innovative Approach: The Prosecution and Racial Justice Program



PRJ Mission

To promote racial fairness by:

1. Partnering with prosecutors to analyze the impact of their decisions and develop policies to address unwarranted racial and ethnic disparities;
2. Serving as a resource for research, technical assistance, innovation, and policy development in the areas of prosecution and racial justice; and
3. Engaging communities in improving prosecutorial accountability and enhancing public safety.

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PRJ Mission

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PRJ Methodology

We work collaboratively with prosecutors to:

- Analyze data about the aggregate racial impacts of their policies and practices;
- Assist in developing policies and practices that promote racial fairness; and
- Provide technical assistance to help prosecutors implement those measures.

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Our Partners


- Mecklenburg County, NC
- San Diego, CA
- Milwaukee, WI
- New York County, NY
- Lincoln, NE
- San Francisco, CA

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Example: Research Methodology
in New York County



Research Methodology

- Examine various discretion points
- Analyze specific offense categories
- Use multivariate statistical techniques

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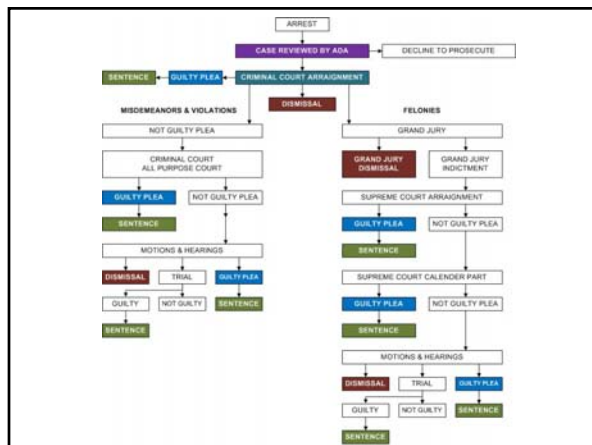
Population Data (all cases)

- 222,542 cases disposed of in 2010-2011
 - 31,716 Whites
 - 103,892 Blacks
 - 74,625 Latinos
 - 9,111 Asians
 - 371 Other
- Gender: 83% Male
- Age: average = 34 years old
- All misdemeanors and a selection of felonies
- Excluded defendants under 16 years of age

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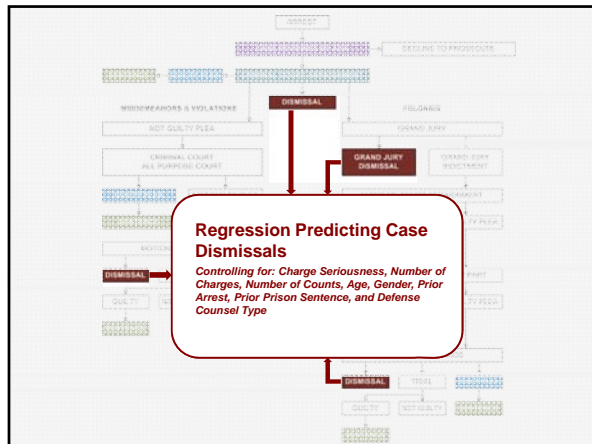
MIRA

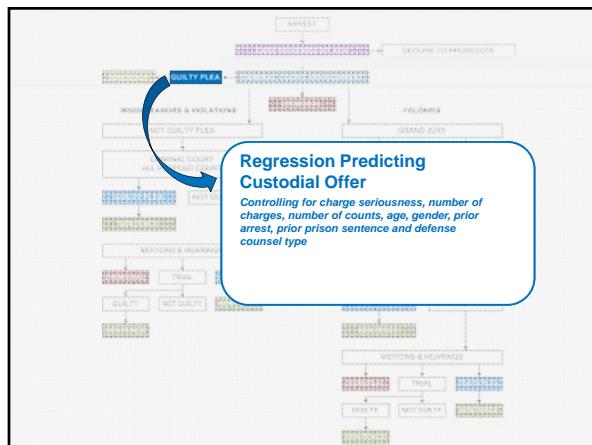
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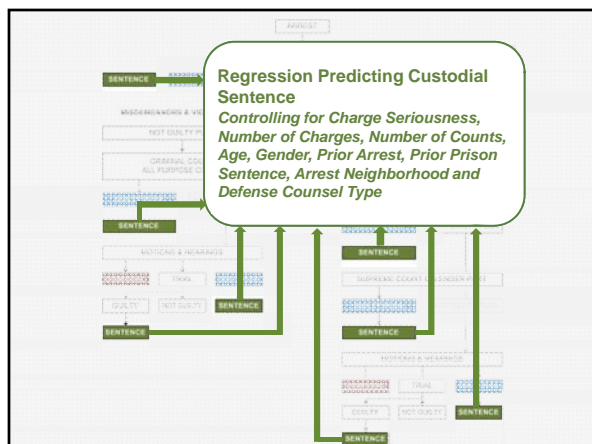


Regression Predicting Detention After Arraignment

Controlling for Charge Seriousness, Number of Charges, Number of Counts, Age, Gender, Prior Arrest, Prior Prison Sentence, and Defense Counsel Type









Closing Comments

- The intersection of prosecutorial discretion and racial justice is a growing concern among prosecutors
- Effective approaches to ensuring equitable, accountable prosecution start with research and data.
- Remedies vary and can include addressing office policy, individual exercises of discretion, and relationships among community and criminal justice stakeholders.

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Questions



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April 30, 2014
